

Springwell Solar Farm

Written Summary of Oral Submissions
at Issue Specific Hearings 2, 3 and 4

EN010149/APP/8.22
Revision 1
Deadline 3
August 2025
Springwell Energyfarm Ltd

Planning Act 2008
Infrastructure Planning (Examination
Procedure) Rules 2010



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1. Introduction

- 1.1.1. This note summarises the oral submissions made by Springwell Energyfarm Limited (the **Applicant**) at Issue Specific Hearing 2 (**ISH2**) held on 15 July 2025, Issue Specific Hearing 3 (**ISH3**) held on 16 July and Issue Specific Hearing 4 (**ISH4**) held on 17 July in relation to the application for development consent (**Application**) for the Springwell Solar Farm (the **Proposed Development**).
- 1.1.2. Where the Examining Authority (the **ExA**) requested further information from the Applicant on specified matters, or the Applicant undertook to provide further information during the course of ISH2, that further information is either set out in this document in the appended Response to Action Points, or provided as part of the Applicant's Deadline 3 submissions.
- 1.1.3. This note does not purport to summarise the oral submissions of other parties, and summaries of submissions made by other parties are only included where necessary to give context to the Applicant's submissions, or where the Applicant agreed with the submission(s) made and so made no further submissions (this is noted within the document where relevant).
- 1.1.4. The structure of this note follows the order of the items listed in the detailed agenda published by the ExA on 4 July 2025 (the **Agenda**). Numbered agenda items referred to are references to the numbered items in the Agenda. The Applicant's substantive oral submissions commenced at Item 3 of the Agenda. Therefore, this note does not address Items 1 and 2 on the Agenda as these were procedural and administrative in nature.
- 1.1.5. This note is structured as follows:
- **Section 2** provides the summary of oral submissions made at ISH2;
 - **Section 3** provides the summary of oral submissions made at ISH3;
 - **Section 4** provides the summary of oral submissions made at ISH4;
 - **Appendix 1** provides the Applicant's responses to Action Points raised in the ISHs.
 - **Appendix 2** provides an updated set of plans from the Response to First Written Questions (ExQ1) to address an Action Point from ISH 2;
 - **Appendix 3** provides a cumulative transport note to address an Action Point from ISH 3.

2. Written Summary of the Applicant's Oral Submissions at ISH 2

The table below sets out the written summary of the Applicant's Oral Submissions at ISH 2 held on 15 July 2025.

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
3	Landscape and Visual	<p><i>Landscape impacts</i></p> <p>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.</p> <p>The ExA asked the Applicant whether a similar percentage area (to the land cover of above ground structures combined with the National Grid Navenby Substation (Navenby) relative to the National Character Area (NCA) 47, at 1.15%) could be provided for above ground areas relative to central plateau landscape character type and the Landscape Character Areas (LCA) 7 and 11. Mr Richard Griffiths, Partner at Pinsent Masons LLP, on behalf of the Applicant explained the Applicant had already completed these calculations which are:</p> <ul style="list-style-type: none"> • Landscape Character Type (LCT) Central Plateau is 1.38% • LCA 7 Springwell West and Springwell Central is 2.48% • LCA 11 Springwell East is 0.8%. <p>Mr Griffiths confirmed these figures are for the Proposed Development plus Navenby, but not including any other solar development in these areas. The Applicant is to provide an overall equivalent percentage of area solar development at Deadline 3.</p> <p>Post hearing note: This is set out within the Applicants Response to Action Points – ISH2, ISH3 and ISH4 (Action Point 1) appended to this document.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>The ExA highlighted that Plan 3 of Appendix 2 of the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071] do not show Deepdale Solar Farm, Branston and Ermine Solar Farms in LCA 7, Gorse Lane, White Cross Lane and North Rauceby Heath in LCA 11. The Applicant should add on the map if the solar farms on the map show existing or proposed Town and Country Planning Act or Nationally Significant Infrastructure Projects (NSIP). Mr John Ingham, Landscape Planning Director at RSK, confirmed the Applicant will update this plan at Deadline 3.</p> <p>Post hearing note: An updated plan has been provided as an Appendix to the Applicants Response to Action Points – ISH2, ISH3 and ISH4.</p> <p>In response to a question from the ExA to Lincolnshire County Council (LCC) about if large scale solar will become a defining characteristic of the area, Mr Griffiths responded that the impact of the Proposed Development is a localised impact, rather than an impact on the wider area.</p> <p>The ExA asked the Applicant if large scale solar were to be viewed in a similar manner to RAF installations, would it become a key characteristic of the National Character Area (NCA) and change the landscape character. Mr Ingham responded that Springwell will become a local characteristic feature. He continued that the southern Lincolnshire edge character description prepared by Natural England was prepared before any solar farms in the NCA were constructed, so solar farms have subsequently become a feature of the NCA. The Applicant agrees that solar farms would become a locally characteristic feature of the NCA, but they are not a defining characteristic of the NCA. Agricultural land use will remain by a considerable margin the defining land use of all character levels.</p> <p>In response to LCC's concerns about the extent of solar development across North Kesteven and across Lincolnshire, Plan 1: Cumulative Solar Development and National Character Area 47, Appendix 2 in the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071] was shown on screen and Mr Griffiths explained that no large-scale solar projects will be sited and visible within the NCA47 other than the Proposed Development. Mr Ingham clarified that even though the order limits of Fosse Green Energy and Leoda Solar Farm extend to within the NCA boundary, the areas of the projects on Plan 1: Cumulative Solar Development and National Character Area 47, Appendix 2 of the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071] that are bereft of colour demonstrate that these are underground</p>

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		<p>components for the cable route and will not be visible in the NCA. Other NSIP scale projects sit outside of the NCA.</p> <p>The ExA asked the Applicant about LCC's concerns, which are wider than the NCA. Mr Ingham explained that NCAs follow prominent topographical / geographical features in the landscape, the western boundary follows the Lincoln cliff, for example. He continued that there is no real visual connection between the health above the cliff and the lower lying land to the west. The ExA asked about effects when travelling through the NCAs. Mr Ingham explained that when referring to LCAs, it is typically effects on landscape character rather than visual impact that are considered.</p> <p>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.</p> <p>The ExA asked about the conclusion on the impact around Springwell East that it is not significant in Year 10. Mr Griffiths, on behalf of the Applicant, stated it would be helpful to look at how the Proposed Development has been carefully designed because the Proposed Development starting with the project principles. Mr Alex Van der Nelson, Director at LDA Design, for the Applicant explained that the approach to design is set out in the Design Approach Document (DAD) [EN010149/APP/7.3.2] [REP1-056] which demonstrates how the Proposed Development will fulfil requirements for good design, adherence to the mitigation hierarchy in EN-1 and EN-3 and how it will respond to the National Infrastructure Commission's Design Principles for National Infrastructure Projects guidance (NIC Guidance). He continued and explained that good design has been embedded into the project from the outset through a clear design framework and the application of design principles (called project principles in the DAD) which is set out in the NIC Guidance. He explained that the application of the project principles has guided the decision-making process. This has been an iterative process comprising multiple stages of design and informed by extensive environmental assessment, surveys, technical information, consultation and engagement with stakeholders. In terms of landscape, the key design principles are project principles 2.1 to 2.5, although others are relevant. In terms of how the design process has impacted LCA 11 in Springwell East, this has included the omission of Solar PV development from sensitive areas, breaking up Solar PV development along footpath routes and the creation of green</p>

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		<p>infrastructure corridors aligned to them, limiting locations where Solar PV development would be located either side of a footpath, extensive proposals for new planting including the replication of existing landscape features, and the incorporation of minimum offsets to the design commitments that are secured in the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>Mr Ingham explained that ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050] finds that there is a significant adverse effect at Year 1 and a moderate adverse effect at Year 10 that is not significant. Mr Ingham explained that this is because of the mitigation that has been proposed which is a considerable amount of new planting in Springwell East which would firstly limit the extent of effects – there would still be an effect – but beyond a certain distance, the extent they would be visible would be reduced and extent of effects on the LCA would be reduced. Secondly, it would also notably soften the external appearance of the Proposed Development, which reduces the scale of landscape change. He noted that the magnitude of effects considers three elements: scale of change, extent of change and duration of change. The proposed mitigation achieves a reduction in extent and scale of effects and is designed to complement LCA 11. Some of the characteristic features within LCA 11 such as Trundle Lane, for example, would be replicated by the increased height of hedgerows in that area.</p> <p>The ExA asked the Applicant about the experience that will be had in year 10 compared to the baseline and if this is enough to remain a major moderate effect. Mr Van der Nelson, for the Applicant, explained that the design principles (i.e. project principles), particularly 5.2 and 5.3, guide how the design responds to Public Rights of Way (PRoW) and there are relatively few sections of PRoW with Solar PV development on both sides. He continued that the Applicant is seeking to retain an approach where one side is open or, where that's not possible, a 'Trundle Lane approach' of screening views has been taken. He explained that on all PRoWs the design has embedded an offset to solar PV development of at least 15 metres to create a wide walking corridor, which can be seen in Section 6 of the DAD [EN010149/APP/7.3.2] [REP1-056] in further detail.</p> <p>Mr Ingham for the Applicant explained that ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050] described that there would be a moderate adverse effect by Year 10, but large scale change on landscape character would occur no further than 100m from above ground</p>

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		<p>infrastructure and, as one moves further away, the scale of change changes. He noted that ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050] reports that, beyond 500m from above ground infrastructure, there would be no more than a small scale change in landscape character. Mr Ingham explained that the characteristics of landscape character extend beyond just land use, for example, landform and terrain. He described that a lot of the structures in Springwell East will not be above 3m, except for a few up to 3.5m, so the vertical scale of new features is comparable to the vertical scale of the landscape, particularly with the management of hedgerows.</p> <p>The ExA asked about the effect on changing land cover and the effects on landscape character. Mr Ingham responded that a residual moderate adverse effect remains, which has been reported in ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1].</p> <p>Whilst there is an impact on landscape character, Mr Ingham clarified that glimpses through gates etc are visual impacts on users of footpaths rather than a landscape character impact. Mr Griffiths explained that the DAD [EN010149/APP/7.3.2] sets out the mitigation hierarchy on p65, p73, p81 for the stage 1, 2 and 3 designs respectively and in paragraphs 5.10.6 and 5.10.19 the Applicant should consider landscape and visual matters in the early stages, which align with 2.10 of the NPS EN-3 and is shown in the DAD [EN010149/APP/7.3.2]. He continues and explained PRowWs are transient in nature and highlighted 5.10.35 of NPS EN-1: <i>"The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project."</i></p> <p>He continued and highlighted that as per NPS EN-3, the Proposed Development is a time-limited consent and NPS EN-3 confirms that this should be taken into account in paragraph 2.10.150, as should the fact that the Proposed Development is Critical National Priority (CNP) infrastructure that has a presumption in favour of granting consent and a significant weight should be attached to its need (Section 3 of NPS EN-3) in regards to the planning balance.</p>

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	3.3 The Applicant will be asked questions relating to the vegetation removal parameters (Figures 3.11A to 3.11F) [EN010149/APP/6.2.2] [REP1-027] and how landscape and visual impacts will be accounted for in finalising the location of vegetation removal.	<p>The ExA asked the Applicant if the vegetation removal parameters that are included in Schedule 13 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] are outline parameters that will inform detailed parameters. Mr Griffiths explained that the Applicant has applied a reasonable worst case approach in accordance with the Rochdale Envelope including the potential removal for these works.</p> <p>Mr Van der Nelson explained that the vegetation removal locations have been guided by the Project Principles and have included consideration of LVIA impacts as part of the pre-application design process. The vegetation removal parameters presented in the Outline Landscape and Ecological Management Plan (oLEMP) [EN10149/APP/7.9.2] [REP1-064] takes account of highways construction works, internal access tracks, cable routes and the grid connection corridor. He continued and explained that 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 [EN010149/APP/3.1.2]. He added that the LEMP(s), as it could be one or more LEMPs, 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 [EN10149/APP/7.9.2], including the Vegetation Removal Parameters presented in Appendix 2. Mr Van der Nelson explained that the Applicant has designed for a reasonable worst case and the design process means effects should get better. He continued that where future design choices need to be made, these will be guided by the oLEMP [EN10149/APP/7.9.2] [REP1-064], particularly the management objectives in section 4, such as the retention of existing vegetation wherever reasonably practicable (MO1), consideration of local landscape character (MO2) and protecting the amenity of PROW (MO9). The Design Commitments [EN010149/APP/7.4] [APP-0138] provide further controls regarding vegetation removal, for example, 'Internal access tracks and cable routes will use existing access tracks, crossings and/or gaps in the hedgerows where practicable' (D1) that the Applicant will need to demonstrate compliance with when the detailed design is submitted to the relevant planning authority under Requirement 5 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p>

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		<p>The ExA asked the Applicant if the vegetation removal areas are to be in different areas to the vegetation removal plan or if will it be within refined areas of the parameter areas, and how will LVIA impacts be taken into account in finalising the vegetation removal. Mr Griffiths on behalf of the Applicant explained that there will be refinement in the vegetation removal plan as the Applicant has made a reasonable worst case assessment. As is established in case law, there is no obligation on a developer to assess every permutation that could arise on any scheme. In any event, Schedule 16 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] provides a safeguard because when approving the LEMP the Applicant will need to provide the relevant planning authority with a statement setting out if there are any new environmental effects, which the relevant planning authority will consider and confirm if they agree. If there is a difference that the Applicant could not predict e.g. because the baseline has changed, the Applicant would include that in its statement and the relevant planning authority can assess the difference through that mechanism and determine whether to approve the discharge of the requirement.</p> <p><i>Visual Impact and Design</i></p> <p>3.4 The Applicant will be asked about the design process that is secured in the draft Development Consent Order and control documents.</p> <p>The ExA asked the Applicant if there has been a design process to date that shows that the colour commitments in design commitment D17 are appropriate, such as a landscape colour study or a study of local buildings that have informed the issues. Mr Van der Nelson stated that the Applicant will come back in writing on this point, but in accordance with the requirement 5 in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] the Applicant must have detailed design approved by the relevant planning authority.</p> <p>The ExA noted that Requirement 5 lists in accordance with the Design Commitments [EN010149/APP/7.4] [APP-0138], but wanted further information on how the colours in the Design Commitments [EN010149/APP/7.4] [APP-0138] had been identified. Mr Griffiths explained design commitment D17 states that the colours must be sensitive to the local environment, so when the Applicant submits the detailed design to the relevant planning authority that is the security mechanism. He also noted that the Applicant considers</p>

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		<p>these colours appropriate and that consultation with the relevant planning authorities has been carried out, including on the project's design-led approach as set out in the oLEMP [EN010149/APP/7.3.2] [REP1-056]. He added that the colours are also not restricted to grey or dark green but could include other finishes to suit local building styles. Mr Van der Nelson explained the LVIA has fed into this design process too. The ExA clarified that the principle of the query about colour choice in the Design Commitments [EN010149/APP/7.4] [APP-0138] applies to all of the larger components of the Proposed Development, including Work Numbers 2, 3 and 4.</p> <p>Mr Samuel Sheikh, Counsel for North Kesteven District Council (NKDC) raised a concern about the flexibility at the discharge of requirements stage, as the Design Commitments [EN010149/APP/7.4] [APP-0138] specifies specific colours. NKDC will put their views in writing. The ExA asked the Applicant if any consultation had been held on these colours. Mr Griffiths confirmed there had been consultation on the Project Principles (which are the design principles considered as part of the DAD). The Applicant will respond in writing if it considers it appropriate to provide any more flexibility to amend the design principles.</p> <p>Post hearing note: The Applicant has provided a written response to address the points raised in this section in Action Point 2 and Action Point 3 of the Response to Action Points, which is appended to this document.</p> <p>3.5 North Kesteven District Council will be asked to expand on its concerns relating to the visual impact of highways components.</p> <p>Mr Oliver Brown for NKDC confirmed that the Applicant has clarified what was included in the vegetation works. There has been a meeting with the Applicant and they have clarified how the process will work – including the vegetation removal plans within the oLEMP [EN010149/APP/7.9.2] [REP1-064] and how it is secured within the Draft DCO [EN010149/APP/3.1.2] [REP1-006]. He added that NKDC is happy in terms of the information that has been presented in the vegetation removal plans and the information presented in the LVIA.</p>

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		<p><i>Glint and Glare</i></p> <p>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.</p> <p>The ExA asked the Applicant about the mitigation required for a 700m section of the A15 until planting had grown and if it would be a 3m high solid plywood hoarding typical of construction sites.</p> <p>Mr Ingham, for the Applicant, explained that whilst the hoarding itself was not specifically mentioned in the LVIA chapter, the type of mitigation is not yet confirmed and it could be a timber close board fence similar to acoustic barriers, which would be solid and cover gaps in hedgerows. The ExA asked if it would be confirmed in the detailed design or during examination. Mr Griffiths confirmed the need for the mitigation is confirmed in the oLEMP [EN010149/APP/7.9.2] [REP1-064], but the precise detail of the type of mitigation is not secured so that there is flexibility as to what form this takes. The detail of the nature and type of mitigation will be set out in the detailed LEMP that will be approved by the relevant planning authority pursuant to Requirement 8 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] and the approval of the detailed design under Requirement 5 of the Draft DCO must accord with any details approved as part of the detailed LEMP.</p> <p>The ExA asked how the visual appearance was factored into the ES. Mr Griffiths explained that the oLEMP [EN010149/APP/7.9.2] [REP1-064] secures the temporary mitigation and Requirement 5 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] secures detailed design requirements. Mr Ingham explained that although the temporary screening is not explicitly mentioned in ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050] the chapter was prepared with regard with all of the other project documents including ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1.2] [REP1-022], and ES Volume 3, Appendix 5.4: Glint and Glare Study [EN010149/APP/6.3.2] [REP1-028], where the temporary screening was included as mitigation. He explained that it is recognised that this structure would fall within the operational height parameters of the Proposed Development, as in Year 1 the hoarding would be visible by transient users of the A15 and the effects of the hoarding have been taken into account as</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>an operational effect up until year 10, even though it would not be in effect for this length of time. He clarified the hoarding is included in the year 1 assessment but not the year 10 assessment.</p> <p>Post hearing note: The Applicant has included a new Design Commitment, set out in a revised version of the Design Commitments submitted at Deadline 3, <i>"D26: The colour and materials of temporary barriers to reduce glint and glare impacts upon road users will be designed to be sensitive to its context"</i>, which was agreed in discussion with LCC and NKDC. The Applicant has provided a further written response raised in this section in Action Point 3 of the Response to Action Points from ISH 2, 3 and 4.</p> <p>Mr Abdul Wadud, Technical Analyst at Pager Power, confirmed that the mitigation would be as close to the solar panels as possible. The ExA asked whether photomontage Viewpoint 28b in ES Volume 4, Landscape Visualisations Part 6 [EN010149/APP/6.4] [APP-132] should show this at year 1, which Mr Ingham confirmed the Applicant will update for Deadline 3.</p> <p>Post hearing note: The new photomontage is provided in ES Volume 4, Landscape Visualisations Part 6 [EN010149/APP/6.4.2] at Deadline 3.</p> <p>The ExA asked if the approximately three year length of time for the hoarding is a worst-case scenario, or if it could be longer than this time period. Mr Ingham explained that the assessment is not based on a particular length of time, it is until the mitigation planting is established to the necessary height. The ExA asked which mitigation planting height is correct, as there are two heights given in the Draft Statement of Common Ground – North Kesteven District Council [EN010149/APP/8.2] [REP1-077]. Mr Ingham responded that the Applicant will respond in writing on this point.</p> <p>Post hearing note: This has been clarified in the NKDC SoCG submitted at Deadline 3. It is anticipated that the advanced planting would be approximately 1.8m high at the start of construction and 2.6m at the start of operation of the Proposed Development. This is based on the assumption that in year 1 of the early planting (planted in early 2025) the planting stock would typically be at 0.6m to 0.8m high and would not put much growth on during the first planting season and then put on an average of 0.4m growth each subsequent year.</p> <p>Mr Griffiths clarified that no temporary hoarding to mitigate glint and glare is proposed elsewhere. The ExA asked the Applicant how glint and glare effects prior to the establishment of planting being accounted for if</p>

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		<p>temporary mitigation is not provided. Mr Wadud explained that there will be no significant effects due to other relevant mitigating factors, such as reflecting panels coinciding with views of the sun. . For receptors where planting provides screening, it provides screening further than is what is required to mitigate the effects.</p> <p>In response to points raised by Interested Parties, Mr Griffiths, on behalf of the Applicant, explained in response to Mr Williams that government policy is not an issue to be discussed in examination but that 2.10.66 of NPS of EN-3 allows for a time limited consent <i>"Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed."</i></p> <p>In response to points from Mr Frost, Mr Van der Nelson explained that solar panels have been excluded entirely from the west of the Spires and Steeples trail and from the majority of the fields directly east of the trail (within the Order Limits). On this basis, solar panels are only proposed directly adjacent to the trail for approximately 250m, mainly in two fields. He continued that a 15m offset and mitigation planting is being provided. He clarified that the satellite collector compound is not adjacent to the Spires and Steeples trail as it is located in field BY22, but a construction compound could be adjacent to the trail as a temporary effect. The Applicant is taking measures to improve the Spires and Steeples trail and improve the cycling connection up to Metherringham where it sits within the Order Limits. Mr Van der Nelson also explained that perimeter fencing to the proposed solar panels would be offset from the A15 by 25m and located adjacent to the proposed areas of Solar PV development.</p> <p>Mr Ingham added that there would be no view of the Proposed Development from the Viking Way on Figure 10.3 as part of ES Volume 2, Figures Chapter 10: Landscape and Visual [EN010149/APP/6.2] [APP-066] which has been agreed with the local authority.</p> <p>Mr Ingham clarified a point from Councillor Overton about 5% of the land area, which is an aggregation of the National Character Area, the landscape character type and the LCA – as these three areas overlap this would be double counting.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>Mr Ingham also explained that although there would be significant adverse effects in parts of the landscape the Applicant strongly refutes that the landscape would be destroyed as any effects are localised; the landscape can be enjoyed and it would predominantly be in agricultural use.</p> <p>The ExA asked if there is any visibility of the satellite collector compounds from the Spires and Steeples. Mr Ingham explained that there would be a very small view prior to the establishment of mitigation planting from the western boundary of the of field C8 just to the South of Brickyard Plantation; it would not be visible from field C9 due to an existing hedgerow.</p> <p>The ExA asked the Applicant about Councillor Overton's concern that impacts are not necessarily bounded by character area boundaries. Mr Ingham responded that ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050] defines the area in which there will be a visual impact and it is only in LCA 7 or LCA 11.</p>
4	Cultural Heritage	<p><i>Archaeology</i></p> <p>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 in ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038].</p> <p>The ExA asked the Applicant for an update on discussions since Deadline 2 and whether there is agreement on further work for the archaeological desk-based assessment. Ms Alexis Coleman, Legal Director at Pinsent Masons LLP, for the Applicant explained that there has been meetings and further active engagement. Mrs Jennifer Richards, Principal Archaeology and Built Heritage Consultant, Headland Archaeology (part of the RSK group), for the Applicant explained that as agreed with the local authorities at Deadline 1 ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] has been updated with a new figure (at Annex 13) showing the heritage assets and the zone of theoretical visibility. Mrs Richards added the Applicant has had further engagement with the local authorities about further synthesis of the desk-based research and geophysical survey results which are being incorporated into the updated Outline Written Scheme of Investigation (oWSI)</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>[EN010149/APP/7.15] [APP-0148] – the Applicant has shared a draft of this synthesis with Historic England and the Local Authorities. Mrs Richards continued that the principles of a targeted and question-led approach to the post-consent evaluation have been agreed and the Applicant is preparing the documentation to secure that through the Draft DCO [EN010149/APP/3.1.2] [REP1-006], in the form of the updated oWSI which will include a draft Archaeological Mitigation Strategy. Mrs Richards confirmed that the Applicant will submit the updated desk-based assessment and oWSI at Deadline 3. LCC and Historic England will provide commentary on these documents after they are submitted at Deadline 4.</p> <p>Post hearing note: A draft of the updated oWSI has been shared with LCC and Historic England for comment ahead of Deadline 3 and the updated oWSI [EN010149/APP/7.15.2] and ES Volume 3, Appendix 9.1: Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] will be issued at Deadline 3. Further engagement regarding the draft updated oWSI will take place between Deadline 3 and Deadline 4 and a further update can be provided at Deadline 4 to respond to any further comments.</p> <p>4.2 The Applicant, Local Authorities and Historic England will be asked questions relating to the wording of Requirement 11 in the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>The ExA noted that Requirement 11 was updated at in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 1 and LCC provided comments on this at Deadline 2. Mr John Hunter, Counsel from LCC, noted there was a further draft that has been shared between the parties which says “No part of the authorised development may commence” which addresses some of the previous comments made by LCC. LCC is considering whether it can agree the term “substantially in accordance with” and will confirm its position at Deadline 3. The ExA clarified if that effectively now includes Work Numbers 8 and 9 within the Requirement. Ms Coleman for the Applicant confirmed that this is the case and Requirement 11 will be updated at Deadline 3.</p> <p>Post hearing note: Requirement 11 has been updated in the updated version of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3 to read as follows:</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>“Archaeology</p> <p>11.—(1) <i>No part of the authorised development may commence until for that part:</i></p> <p><i>(a) a written scheme of investigation for that part has been submitted to and approved by the relevant planning authority in consultation with Historic England;</i></p> <p><i>(b) any archaeological evaluation as required pursuant to the approved written scheme of investigation to inform the approach to mitigation has been carried out in accordance with the approved written scheme of investigation;</i></p> <p><i>(c) updates are made to the draft archaeological mitigation strategy to account for the results of the additional archaeological evaluation carried out and such updated draft archaeological mitigation strategy has been submitted to and approved by the relevant planning authority in consultation with Historic England (at which time, such document shall become the archaeological mitigation strategy);</i></p> <p><i>(2) The written scheme of investigation under sub-paragraph (1)(a) must be substantially in accordance with the outline written scheme of investigation.</i></p> <p><i>(3) For the purposes of sub-paragraph (1), “commence” includes parts (a) to (h) inclusive of the permitted preliminary works.</i></p> <p><i>(4) Any approved written scheme of investigation or archaeological mitigation strategy must be implemented as approved and maintained throughout the construction of the authorised development and any archaeological works or watching brief must be carried out in accordance with the approved scheme.”</i></p> <p>Mr Tim Allen, on behalf of Historic England, confirmed that Historic England had no objection to Requirement 11 in its current form (meaning the version included in the Draft DCO at Deadline 3) subject to LCC and the Applicant's legal advice on the “substantially” point.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p><i>Above Ground Heritage Assets</i></p> <p>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:</p> <p>- Whether the surrounding landscape contributes to the setting of the Scopwick and Blankney Conservation Areas.</p> <p>The ExA asked the Applicant if offsets along the footpath described in the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023] are shown on the Works Plans [EN010149/APP/2.3] [APP-007] or if there is a further offset proposed. Mrs Richards confirmed that it refers to the offsets on the Works Plans [EN010149/APP/2.3] [APP-007].</p> <p>Mr Hunter from LCC explained that LCC considers that there is not enough information in the Environmental Statement (ES) under Regulation 14(3) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and NPS EN-1 to enable the Secretary of State to reach a conclusion on the likely significant effects on designated heritage assets (the Scopwick and Blankney Conservation Areas) and that its assessment should have been included in the ES. Ms Coleman explained that the Applicant maintains its position in terms of the impact on the Scopwick and Blankney Conservation Areas but can add some clarificatory detail to address LCC's concern about the Applicant meeting the requirements of the EIA Regulations, particularly Requirement 14, and NPS EN-1 in respect of the Scopwick and Blankney Conservation Areas. She added this is because no significant effects are predicted, so it is not required to be in the ES, so the ES is compliant with the EIA Regulations. The Applicant will provide details in writing at Deadline 3.</p> <p>Post hearing note: Clarifying detail regarding the effects on Scopwick and Blankney Conservation Areas has been included within the updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] submitted at Deadline 3 as Annex 14: Detailed setting assessment.</p> <p>The ExA asked if there is agreement on the extent to which landscape contributes to the setting of the Conservation Areas. Mrs Richards on behalf of the Applicant responded that there is agreement on how the</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>setting of the Conservation Areas contributes to significance and the remaining disagreement is the level of impact that would occur to be significant. The Applicant will provide an explanation of how it has reached the conclusions of the impact on the setting of the Conservation Areas. LCC will provide commentary on this. Mr Hunter recommended the update should be put forward as part of the ES. Ms Coleman explained that the ES is required to confirm the likely significant effects of a development, which this does not fall into, and the Applicant will confirm where the update will be, including within the cover letter.</p> <p>Post hearing note: The updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] includes a detailed setting assessment of these assets at Annex 14.</p> <p>- Effects on listed farmhouses and Scopwick Mill.</p> <p>NKDC and LCC described their position on these assets. In response to a point raised by Mr Hunter from LCC the ExA asked the Applicant if it can explain how significant landscape and visual effects do not translate to significant effects on the setting of cultural heritage assets. Mrs Richards for the Applicant explained that the magnitude of change within the setting of a heritage asset is not directly equivalent to the magnitude of impact on heritage significance, Historic England's Good Practice Advice Note 2 and the IEMA/CIFA/IHBC Principles of Cultural Heritage Impact Assessment which are the appropriate guidance both set out that assessment of impacts starts from understanding the heritage significance of an asset and the contribution that setting makes to this significance before considering what impact the development will have on this significance. Mrs Richards continued that an impact on residential amenity or landscape are different from an impact on heritage significance because heritage assets have a much longer life span than residential receptors and the approach to assessment is therefore different. The ExA asked the Applicant for an explanation of why the impacts that are causing a significant effect on landscape and visual are not relevant to considering the setting of the assessment, particularly for Scopwick Mill and Thompson's Bottom farmhouse. Mrs Richards explained that the Applicant will provide this in writing at Deadline 3.</p> <p>Post hearing note: The updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] includes a detailed setting assessment of these assets at Annex 14.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>- Effects on non-designated farmsteads both individually and in relation to their collective value.</p> <p>The ExA asked the Applicant to respond to LCC's position on the value of non-designated farmsteads and summarise how they have been taken into account. Mrs Richards explained that there is no accepted methodology available to assess the collective value of the farmsteads, there are ongoing discussions about how to address this, however it is currently addressed under the landscape character assessment in ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1] [APP-050], particularly section 1.4 of ES Volume 3, Appendix 10.2: Baseline Landscape Character Appraisal [EN010149/APP/6.3] [APP-108] in the landscape character baseline. There are ongoing discussions with LCC about how the Applicant may address the impact of the non-designated farmsteads collectively. The ExA asked the Applicant that if the landscape character assessment determines there are likely significant effects during all stages of the Proposed Development does this also mean there is a significant effect on the collective value of the farmstead. Mrs Richards confirmed the Applicant will respond in writing at Deadline 3.</p> <p>Post hearing note: The updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] includes a detailed setting assessment of these assets at Annex 14. This includes details of the collective value of the farmsteads and an assessment of the impacts on this collective value.</p> <p>The ExA referred to LCC's Local Impact Report, which referred to the Greater Lincolnshire Farmstead Character Statement. The Applicant to explain how the guidance in the Greater Lincolnshire Farmstead Character Statement has been applied in reaching its conclusions and it will respond in writing at Deadline 3.</p> <p>Post hearing note: Annex 14 of the updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] includes a consideration of the guidance contained in the Greater Lincolnshire Farmstead Character Statement.</p>
5	Noise and Vibration	<p>5.1 The Applicant will be asked questions relating to impacts associated with Horizontal Directional Drilling in the construction phase.</p> <p>The ExA raised with the Applicant that there are discrepancies in the baseline noise data in Table 12.14 of ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1] [APP-052] and Table 1 of ES Volume 3,</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>Appendix 12.1: Baseline Noise Survey Results [EN010149/APP/6.3] [APP-120]. The ExA asked the Applicant which is the correct data and what was used in the assessment of impacts at Scopwick Low Field Farm. Daniel Clare, Managing Director at RSK Acoustics, on behalf of the Applicant explained this is a typographical mismatch within ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1] [APP-052] and the assessment does not need updating. The Applicant will confirm in writing which table has been updated.</p> <p>Post hearing note: The Applicant has updated Table 12.14 of ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1] [APP-052] to reflect the use of the 22 baseline noise positions for assessment purposes and has submitted a revised version of this chapter at Deadline 3. Additional text has been added to Section 12.4.11 for clarity. Table 12.14 now aligns with the details within Table 12.5 and ES Volume 3, Appendix 12.1: Baseline Noise Survey Results [EN010149/APP/6.3] [APP-120] which are unchanged. The amendments made to Table 12.14 do not change the original outcomes of the assessment.</p> <p>The ExA noted that the Applicant has not undertaken an assessment of Horizontal Directional Drilling (HDD) out of hours and queried if this would be a worst case assessment. Mr Clare explained that HDD is not unique or bespoke to solar, as it is a well-established construction methodology and the works proposed are day time hours, which is the basis of the worst case assessment. He explained that if the Applicant works outside of the hours provided in ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1], then there is a mechanism in the Outline Construction Environmental Management Plan (oCEMP) [EN010149/APP/7.7.3] [REP2-015] to allow for that. This includes consulting with the relevant planning authority and there is potential for further assessment. Mr Griffiths explained that paragraph 2.8.5 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] (Control of noise), states that if HDD is outside of the agreed hours, HDD drilling plant will be installed so that noise levels do not exceed 45dB at closest noise sensitive locations. This provides certainty about maximum noise levels to be experienced at sensitive locations.</p> <p>The ExA asked for an example where mitigation at a sensitive receptor will be achieved and the distance from HDD to achieve a 45dB reading. Mr Clare explained that day time dB levels of HDD are unmitigated and that HDD has a fixed location of entry and exit. Around these locations, it is preferential to apply the noise control</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>hierarchy and mitigation at the source through measures such as barriers or enclosures, which can provide a decibel reduction if needed.</p> <p>Mr Clare explained that section 2.8 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] outlines the process of mitigation and section 4 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] outlines the consultation with the relevant planning authority. He continued that when there is a change in construction methodology, there would be an update and that would be communicated with the relevant planning authority for approval. Mr Griffiths clarified that paragraph 2.8.4 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] states that where HDD could be required outside of the agreed construction hours, this would be agreed with the relevant planning authority prior to those works being undertaken.</p> <p>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.</p> <p>The ExA asked if the Applicant has considered that a circular walk could keep users of PRowS in close proximity to noise impacts for a longer period of time. Mr Clare explained that regardless of whether it is a circular or linear walk, using a PRow is transient in nature and the works themselves are also transient, as most works are mobile and not fixed in one location (except for HDD). He continued and explained that the Applicant has undertaken a worst case scenario for construction and assumed an activity with a set number of plant of items happening at once in one location. He explained that relevant noise guidelines do not identify users of PRowS as a highly sensitive receptor and thus the Applicant does not consider them to be in the noise assessment methodology in accordance with the guidance.</p> <p>The ExA asked about the fixed noise sources, such as construction compounds. Mr Clare explained that the construction compounds are fixed on a short term basis, the construction of the actual compound is of a higher impact than the operation of the compound and, even during this, the construction compounds are still compliant with the construction limits. Mr Griffiths clarified that Table 9 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] advises a commitment from the Applicant that it will report information to local residents in respect of noise and PRow.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>The ExA asked the Applicant about Table 12.12 of ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1] [APP-052] and the differences in sensitivity of the users of PRow between the noise and the LVIA assessment. Mr Clare responded that Table 12.12 are criteria for fixed residential receptors and not outdoor spaces. He continued and explained that the only noise guidance that could be applied is the World Health Organisation 1999 '<i>Guidelines for community noise</i>' for outdoor fixed spaces (such as a garden or a balcony) which contains an upper level of 55dB – on this basis a garden would be the closest analogy to a PRow and during operation on PRow a 55dB limit would apply. Mr Clare noted that the Proposed Development is expected to be below 55dB during operation on all PRow.</p> <p>In response to points raised by Interested Parties, Mr Griffiths noted that the Applicant has submitted a Health and Wellbeing Summary Statement [EN010149/APP/8.10] [REP1-067] and an Equality Impact Assessment [EN010149/APP/7.18] [APP-0151] which explains the potential impacts of the Proposed Development on the older population following a concern being raised about the Proposed Development's impact on this demographic.</p> <p>In response to points raised by Interested Parties, Mr Clare explained the character of some of the noise that could occur. For example, the noise from a dump truck is similar in magnitude to a combine harvester. The ExA asked if the character is different in terms of perception. Mr Clare noted that they are similar and in terms of explaining further, 50-60dB is similar to speaking in the hearing, and he noted a distinction between audibility and significance in EIA terms. Mr Clare also explained that construction hours are different from office hours (a 9-5 day), as other items happen during the construction hours, such as toolbox talks and health and safety briefings. The longer construction hours help to deliver the Proposed Development in a shorter overall timeframe than if constructed in just office hours.</p> <p>In response to comments about health concerns, Mr Clare explained that the British Standards used on the project for noise are based on World Health Organisation guidelines, which take into account wellbeing.</p> <p>In response to Councillor Overton's comments about the HDD and how the geology could affect the noise level, Mr Clare explained how HDD generates noise and continued that because the interaction with the geology takes place below the ground this is not sufficient to change the noise level on the surface. In response to comments from Mr Williams, Mr Clare explained that HDD will be used primarily for road</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
		<p>crossings (nine areas) as it is quieter, quicker and less intrusive (than open trenching) for other sensitive areas, such as heritage. Any changes to the locations, activities and durations would need to be made through the mechanisms in the oCEMP [EN010149/APP/7.7.3] [REP2-015]. The ExA asked when night time HDD could be required. Mr Clare explained that he understands this would be in case of safety reasons (e.g. an accident) that would have to be reported to the relevant planning authority.</p> <p>In response to comments from Councillor Overton about vibration, Mr Clare explained that vibration has been scoped out from the assessment in ES Volume 3, Appendix 5.2: Scoping Opinion [EN010149/APP/6.3] [APP-076], with agreement from NKDC, as there is no construction source that can generate enough vibration to be of significance to a sensitive receptor.</p> <p>In response to Mr Crampton, Mr Clare explained that piling has been assessed for the foundations of solar panels and has shown non-significant effects.</p> <p>In response to Mr Williams and his concern about damaging pipes, Mr Clare explained that there is nothing identified of concern in terms of pipes etc., but that detailed micro-siting will take place at a later point during the design process. Therefore, the Applicant would not dig before knowing where pipes and other apparatus are located.</p> <p>In response to points raised by Mr Crampton and Mr Frost about land drainage and potential damage, Mr Griffiths explained there is a commitment in Table 8 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] that if there was any damage the Applicant would divert (if needed) and reinstate it and there is also an obligation in Section 5 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] to regularly monitor the site during construction to identify areas that may need remedial work.</p> <p>Post hearing note: The Applicant has responded to this point in Issue Specific Hearing 4, held on 17 July 2025, and the Applicant has summarised their submission in section 5.4 of the Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22].</p>
6	Procedural Decisions,	The ExA listed the actions from the hearing. The Applicant has provided a response to all actions allocated to it in the Responses to Action Points which is appended to this document.

#	Agenda item	Written summary of Applicant's oral submissions at ISH 2
	Review of Actions and Next Steps	

3. Written Summary of the Applicant's Oral Submissions at ISH 3

The table below sets out the written summary of the Applicant's Oral Submissions at ISH 3 held on 16 July 2025.

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
3	Cumulative Effects	<p>3.1. The Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068] and its adequacy will be discussed, having regard to the concerns raised by Lincolnshire County Council (LCC).</p> <p>Ms Alexis Coleman, Legal Director at Pinsent Masons LLP, in responding to submissions made by Ms Justine Foster, Infrastructure Manager at Lincolnshire County Council (LCC) on the Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068], highlighting the distinctions and similarities when considering Springwell Solar Farm and the projects connecting into the Navenby Substation as against the Gainsborough projects (Cottam, West Burton, Gate Burton and Tillbridge). Ms Coleman noted that there is more of a physical overlap with the Gainsborough projects, where they deliberately shared a cable corridor as mitigation to minimise impacts in that area. Ms Coleman explained that at least three of the Gainsborough projects shared more of an overlap in terms of timing of the applications and examinations, which fed into the need for a cooperation agreement for those projects, which covered how those parties would each participate in the examination of the other applications, as well as negotiation of protective provisions. By contrast, Ms Coleman noted that in this case there was only some potential for overlap of Order limits around the connection into the National Grid Navenby Substation, and that Springwell was the most advanced of those projects, with the Fosse Green application shortly to be submitted and Leoda not having yet done statutory consultation. Ms Coleman confirmed that the Applicant understood the need to consider the effects, and to make commitments to explore opportunities with other developers, should there be an overlap in construction programming. However, she noted that the Applicant's assessment did not identify significant cumulative effects with these projects, and also noted that the Applicant could only undertake its cumulative assessments based on the information currently available.</p> <p>Ms Coleman confirmed that the Applicant was speaking to the developers of Fosse Green and Leoda Solar Farms, and that she anticipated updates to the Inter-Relationship Report throughout this examination and that</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>it would then be passed between other projects so that the report could pick up more information as it became available, for example, in the examination of applications for Fosse Green and Leoda (in line with the approach elsewhere in Lincolnshire, including for the Gainsborough projects).</p> <p>Ms Coleman stated that where the Order limits overlap, the Applicant may need protective provisions with the other parties and expected the Applicant to be able to update the Inter-Relationship Report with confirmation from those other parties that they were open to that approach. She observed that it was slightly premature to be discussing protective provisions at this stage given the order limits of the other projects were not set. Ms Coleman noted that the first cooperation agreement for the Gainsborough projects addressed their participation in the examination and how they would work together and share information, which was more to do with the overlap of timing. She observed that the Applicant was aware that they had commitments for subsequent cooperation agreements which led into the construction phase, and noted that as the need for that arose here, the Applicant would pick it up.</p> <p>Ms Coleman confirmed that when the Applicant updated the Outline Construction Traffic Management Plan (oCTMP) [EN010149/APP/7.8.2] [REP1-062] and the Outline Construction Environmental Management Plan (oCEMP) [EN010149/APP/7.7.3] [REP2-015] at Deadline 3, the Applicant would include an acknowledgement that, even though presently the Applicant did not anticipate an interaction with some of those schemes and in most cases did not anticipate cumulative significant effects, should circumstances (including the construction periods) change, the Applicant would explore opportunities for shared or joint mitigation measures with those other parties. She noted that it was difficult to commit much beyond that because it was reliant on the Applicant reaching agreement with those other parties, but confirmed the Applicant was already in discussions with several other developers.</p> <p>In response to the ExA's question about when the next iteration of the Interrelationship Report would be updated, Ms Coleman confirmed that the intention was for Deadline 3, however, if the process would be more efficient in terms of discussions with LCC and picking up on comments, it may be the subsequent deadline.</p> <p>Post-hearing note: An additional section at 2.19 has been added into the oCEMP [EN010149/APP/7.7.3] [REP2-015] to be submitted at Deadline 3 to set out the commitment for the Applicant to seek to work with developers of other proposed developments, as set out in the Interrelationship report. The Applicant will share</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>the updated Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068] with both LCC and NKDC, before submitting the updated report at Deadline 4. An additional section at 6.3.1 has been added to the oCTMP [EN010149/APP/7.8] to be submitted at Deadline 3 to set out the commitment for the Applicant to seek to work with developers of other proposed developments, as set out in the Interrelationship report.</p> <p>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?</p> <p>In response to the ExA's request for updates from the Applicant in terms of discussions with Leoda and Navenby BESS projects, Ms Emma-Jane Hayward, Associate Director at DWD, appeared on behalf of the Applicant. Ms Hayward confirmed that the Applicant had been engaged with the developers of Navenby BESS, who had undertaken statutory consultation and were reviewing the feedback from statutory bodies. She confirmed that their planning application had been submitted and that according to the planning website a decision was due to be made by 8 August 2025, though this date was subject to extension. Ms Hayward confirmed that ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] was updated as part of Deadline 2 to address this.</p> <p>Ms Hayward confirmed that the Applicant had also been engaging with Leoda Solar Farm, who was in the process of refining its cable route and doing more design work. She noted that this information would be put forward as part of their consultation at the end of this year/start of next year, and that the Applicant had asked for additional information about Leoda's assessment in order to include that information in the Applicant's assessment.</p> <p>Ms Hayward noted that the Applicant had also been in conversation with Fosse Green Solar Farm, who intended to submit its application by the end of the week.</p> <p>In terms of discussions with National Grid, National Grid had submitted their EIA Scoping Report, and so the Applicant was waiting for additional information to be made public.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
	<p>3.3. The Local Authorities will be asked whether they have any general comments on the revised ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] provided by the Applicant at Deadline 2.</p>	<p>Ms Coleman, responding to comments from Councillor Overton on the scope of the cumulative assessment and the projects included, noted that the Applicant only had access to publicly available information. Ms Coleman confirmed that the assessment approach had been taken in line with guidance produced by the Planning Inspectorate. Ms Coleman noted that all schemes had to consider cumulative effects as a requirement of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), and that those schemes which did not presently have enough information and are at an earlier stage in the application process, would have to have regard to cumulative effects with Springwell and all other schemes that fell within the guidance in terms of the list of developments to be considered.</p> <p>Ms Coleman introduced Ms Jade Garner, Principal Environmental Consultant at RSK, for the Applicant, to talk through the approach in terms of identifying the developments that the Applicant had assessed. Ms Garner thanked people for their contributions and confirmed that where sufficient information was available, updates had been made to ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] at Deadline 2, including in response to the list of projects Cllr Overton had provided. Ms Garner explained that to undertake the assessment, a Zone of Influence (Zol) was established which was the largest area where it was determined that significant effects could occur; for this assessment, the Zol was 10 km. She confirmed that the Applicant created a short list of developments within those 10 km whereby the Applicant had sufficient environmental information to understand where those effects could be, however, that there were other developments where they did not have sufficient information at that time to undertake the cumulative effects assessment – including some of those developments on the TEC Register (the Transmission Entry Capacity register, administered by the National Energy System Operator, and as referenced by Cllr Overton). However, Ms Garner referred to the Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068] as a document which the Applicant was committed to updating for the purposes of seeking engagement with those developers, and to facilitate any mitigation which may be required once the Applicant had received further information from future</p>

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		developments. Ms Garner noted that the Applicant had carried out a wider cumulative effects assessment on a regional scale for best and most versatile (BMV) agricultural land in discussion with LCC, noting the number of large-scale solar schemes in Lincolnshire. Ms Garner further referred to an assessment done on population factors, based on tourism and construction workers, to be discussed in further detail in response to other agenda items today.
4	Air Quality, inc BESS	<p>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 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.</p> <p>The ExA referred to the revised Outline Battery Safety Management Plan (oBSMP) [EN010149/APP/7.14.2] [REP1-048] and that it states that the Applicant and the UK Health Security Agency (UK HSA) concur that at the detailed design stage after battery system selection, a plume assessment will be commissioned based on atmospheric dispersion modelling. The ExA queried whether, on that basis, the current position was that the UK HSA was not content with the existing BESS Plume Assessment, and considered that a revised one should be taken post-consent?</p> <p>Mr Richard Griffiths, Partner at Pinsent Masons LLP, for the Applicant, deferred to Mr Paul Gregory who is the Applicant's Battery Safety and Testing Consultant and has led the person in discussion with the UK HSA. Mr Gregory confirmed that, following Issue Specific Hearing 1 (ISH1), the parties agreed to share the workings behind the original plume study so that the UK HSA could be confident that it was a rigorous assessment to assess on-site emissions and safety risks. He explained that a template had been agreed for the detailed design stage which would give an understanding of what will be emitted and the impact on sensitive receptors, in comparison with air quality standards; this is secured in section 3.2.1 and 4.5.7 of the revised oBSMP [EN010149/APP/7.14.2] [REP1-048] and the agreed Statement of Common Ground (SoCG) with the UK HSA which will be submitted at Deadline 3.</p>

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		<p>Mr Gregory referred to section 6.1.2 of the revised oBSMP [EN010149/APP/7.14.2] [REP1-048] which defines the scope of the plume study for detailed design, where the scope follows draft NFCC Guidelines for Plume Study (anticipated final publication later in 2025). The specific BESS system and final site design plume analysis study would be conducted to assess the environmental impact of a site incident to sensitive receptors within a 1km radius of the BESS area. Mr Gregory noted that toxic gas emissions to sensitive receptors must be below relevant public health exposure levels when the battery system of the BESS is fully burnt out. In addition to toxic gas emissions, production of particulate matter in a BESS fire will also be included in the assessment, and the plume study will also include a visibility impact of any transport links within a 1 km radius of the BESS area which is aligned with the draft NFCC Guidelines.</p> <p>The ExA asked for confirmation as to why the UK HSA is content for the plume study to be carried out post-consent.</p> <p>Mr Gregory responded for the Applicant, noting that typically this is always secured through the oBSMP [EN010149/APP/7.14.2] [REP1-048]; bearing in mind that any plume study at the DCO stage is based on a generic system, so does not involve the final site design or the actual battery system. Mr Gregory noted that this field of consequence modelling is not defined; typically, only Hydrogen Fluoride (HF) emissions are modelled. He stated that the UK HSA has asked for particulate matter to be considered, which is typically part of their Air Emissions Guidelines where UK air quality will be evaluated. Mr Gregory confirmed that the plume study that was submitted, and the commitments from the detailed design stage, are in line with every DCO project.</p> <p>Mr Griffiths, for the Applicant, noted for clarity that all matters had been agreed with the UK HSA and that the UK HSA were satisfied that the Applicant had done all it could at this stage of the process. He confirmed that the Draft Statement of Common Ground – UK Health Security Agency [EN010149/APP/8.6] [REP1-081] had been submitted into examination, and that paragraph 4.1.1 of the SoCG was where this confirmation of agreement of all matters was recorded.</p> <p>The ExA noted that a statutory consultee had raised concerns about the methodology in terms of not using atmospheric dispersion modelling and its emission of particulate matter, and that while the UK HSA was happy for that revised assessment to be done post-consent, there was an outstanding question over the assessment</p>

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	<p>in front of the ExA in terms of whether it was able to recommend to the Secretary of State (SoS) in the absence of that assessment that there is unlikely to be any significant effects on human health.</p> <p>Mr Griffiths deferred to Dr Srinivas Srimath, Air Quality Director at RSK, for the Applicant, to give background as to why the SoS could be confident that there would be no significant adverse effects to human health. Dr Srimath briefly explained the current conditions of the air quality, noting that there were no declared air quality management areas by the Council. He noted that the latest report of 2024 showed that the pollutants assessed and monitored are less than 40% of the limits, meaning that there is no air quality concern in the area. Dr Srimath confirmed the Applicant had consulted with the UK HSA where it had been agreed that detailed atmospheric dispersion monitoring would be undertaken when the relevant design details are available. He noted that the BESS Plume Assessment [EN010149/APP/7.19.2] [REP1-052] had been undertaken in the meantime, and that he was able to answer any questions about current air quality conditions.</p> <p>The ExA acknowledged the Applicant's view on air quality management areas, but observed that the concern here was more about sensitive receptors and local residents. For example, if there was a thermal runaway incident, what kind of assessment ensured that there would not be a significant impact on human health?</p> <p>Dr Srimath confirmed that the Applicant would be undertaking atmospheric dispersion modelling to understand the impact on human receptors at the detailed design stage. However, based on the publicly available data, Dr Srimath has seen that the impacts are not that significant but that it did not have a particular report prepared for now other than the BESS Plume Assessment [EN010149/APP/7.19.2] [REP1-052].</p> <p>Mr Griffiths, for the Applicant, confirmed that the Applicant had been discussing this topic with the UK HSA who had confirmed, as the statutory body, that they could now agree the SoCG because they now had evidence that any toxic gas emissions to sensitive receptors would be below the relevant public health exposure levels given the buffer zones to sensitive receptors. He explained that the Applicant had presented data and evidence to the UK HSA, who had confirmed that all elements of the SoCG were agreed per the letter appended to the SoCG.</p> <p>The ExA responded that the SoCG states that the UK HSA were happy for the plume assessment to be done post-consent, but that it did not explain <i>why</i> - which is what the ExA was keen to understand. The ExA</p>	

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		<p>observed that it could ask them written questions to explain why, but ultimately if that did not address the ExA's concerns, it may be too late for the Applicant to carry out that assessment, which is why the ExA wanted to give the Applicant time to do so before the end of examination.</p> <p>Mr Gregory, for the Applicant, observed that the buffer zone to the nearest residential property is 440m. He noted that he came into the project to peer review the safety documentation for EDF who have an excellent internal engineering team. Mr Gregory confirmed he had been involved with six full-scale burn tests which are fully quantified emissions from current LFP systems, and noted as an example, that the BESS selected at detailed design could have a different chemistry. He reasoned that a plume study at this stage with a 440 m buffer zone to a sensitive receptor, any emission from any BESS system that he had ever reviewed and seen (over 30 reviews of different plume assessments), is that at that distance, any emission would be below 1 part per million (ppm). This equates with any public health levels modelled in any way.</p> <p>Regarding particulate matter (PM), Mr Gregory noted that currently no BESS fire test emission data measured PM because emission testing is focusing on more significant toxic emissions, PM is used as a measure UK air quality emission standards i.e. a measure of traffic pollution or emitted by wood burning stoves. He referred to DNV (a well-established multi-national entity which conducts a lot of full-scale BESS testing) would equate particulate matter for a BESS to be equivalent to a diesel fire. At the fire's peak, that would be about 250ppm, and in plume studies that have been carried out this year considering this type of impact from the fire, levels are below approximately 0.71 ppm within 30 metres of the BESS that was on fire. Mr Gregory stated that toxic plumes disperse very quickly within close proximity to a BESS unit, and that he had never seen a single BESS unit fire of any size where you see levels of any BESS toxic gas emissions – HF being the primary concern for lithium ion batteries - where those levels are above 1 ppm typically with a 70m maximum radius. When considering that the nearest receptor is 440m away, Mr Gregory's expectation is that levels would be below 0.2 ppm. Mr Gregory noted that there were many studies out there which had been submitted for DCOs, and that there were plume studies that were not as comprehensive as the study EDF has conducted, which was based on 86 litres of HF being produced per battery rack which was based on rack level testing for current LFP testing. He confirmed this was a credible level in terms of the HF emissions in the plume study for the Proposed Development.</p>

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		<p><i>Adjournment until 11:15am for fire alarm</i></p> <p>Mr Griffiths, for the Applicant, summarised the position in the UK HSA SoCG to seek to give the ExA comfort to report to the SoS that the ExA was comfortable there are no significant adverse effects on human health. He referred to paragraph 4.2.11 of the oBSMP [EN010149/APP/7.14.2] [REP1-048], which states that another plume assessment will be completed once the battery modules for post-development have been selected at detailed design to demonstrate that the risk of thermal runaway, and impacts from such thermal runaway, will be no worse than as assessed in the plume assessment submitted with the application. That assessment demonstrates that there were no significant adverse effects on sensitive receptors. The Plume Assessment submitted with the application was carried out with 'Aloha modelling' (Area Locations of Hazardous Atmospheres) which is US Environment Protection Agency approved modelling which is accepted in the UK. That is a type of atmospheric modelling, as well as PHAST modelling (globally adopted solution for modelling discharge, dispersion, fires, explosions and toxic effects of a wide range of loss of containment scenarios), which was all presented to the UK HSA as outlined in the SoCG. That is why the UK HSA is comfortable that the Applicant has done all it can until detailed design. Mr Griffiths noted that if the Applicant did another plume assessment now, that would not remove the need for one at detailed design.</p> <p>The ExA appreciated that it would not stop another plume assessment from being done, rather that it would give the ExA confidence that when it is done at the final stages, significant effects would not crop up. The ExA confirmed it would be asking the UK HSA further written questions, and until this, this would remain an area of concern for the ExA.</p> <p>Mr Griffiths confirmed that the Applicant's position was that a further plume assessment was not needed at this stage, however, the Applicant accepted the ExA's concern and confirmed that the Applicant would produce another plume assessment as soon as possible. He noted this would take about 6 weeks to complete (i.e. from today to approximately the 27 of August), and that the Applicant would share the results with the UK HSA as well. Mr Griffiths noted that this would take us to the end of August, and that the next formal deadline after that time would be Deadline 4 on 23 September. He suggested that as soon as the assessment was complete, the Applicant would submit it and ask the ExA to exercise its discretion to accept it.</p>

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		<p>The ExA queried whether that would be before the ExA published its second round of written questions on 2 September 2025, which would allow the ExA to factor it into their written questions to allow interested parties to comment.</p> <p>Mr Griffiths noted that the Applicant would try its best to submit the assessment about a week before the ExA published its second round of written questions, but that it was not in a position to commit to that timeframe because modelling had to be carried out.</p> <p>Post-hearing note: The Applicant has concluded the additional Plume Assessment focusing on air quality, using atmospheric dispersion modelling in line with the agreements with the UKHSA; please see [EN010149/APP/8.24]. This has also been provided to the UKHSA for their review.</p> <p>The ExA turned to the existing plume assessment which stated at paragraph 3.4.6 that the analysis does not consider the effects of smoke or particles created by fire, nor does it consider the effects of projectiles or other debris released by an explosion. The ExA asked the Applicant to explain why that had not been included and whether it should be assessed.</p> <p>Mr Paul Gregory, for the Applicant, responded that it was agreed with the UK HSA that particulate matter and smoke plume effects on visibility would be included in the final study in line with the revised NFCC Guidelines. He noted that, more importantly, the effects of projectiles or explosive debris are not considered in the plume study because there are a number of explosion risk assessments which are conducted at detailed design to consider all explosion risks. Mr Gregory explained that the risks are BESS-design specific, i.e. the battery system and the BESS enclosure design play a large part in that explosion risk. He noted that NFPA855 (the global standard for BESS safety) already defines the explosion risk of 30.5m from the BESS enclosure, and that this was based on real world incidents where explosions have occurred and that there was a study of any shrapnel or debris that was generated within those incidents. Mr Gregory explained how third-party fire and explosion test results (NFPA855 the 2026 revision) now mandates full scale fire testing for every BESS design; therefore, any BESS design selected for the scheme will have been through full-scale burn testing and destruction testing to again assess any risks. There is also a number of reports which are offered by the BESS suppliers which are examples of the explosion risk studies that are conducted at detailed design, such as: NFPA68 Deflagration Analysis Report, Explosion Risk Analysis Report, the DSEAR Report for UK Explosion</p>

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	<p>and Atmospheric Regulations 2002, an NFPA69 Explosion Prevention Compliance Report, a Deflagration Analysis Report and Gas Ventilation Consequence Modelling Report.</p> <p>The ExA noted that Mr Gregory mentioned that the revised assessment would consider those studies, and queried whether that was the one that would be provided in 6 weeks?</p> <p>Mr Gregory confirmed that the updated assessment (for 6 weeks' time) would look at visibility impacts and particulate matter, but that it would not look at explosion risk for the reasons described.</p> <p>4.2 Whether the Emergency Response Plan can be drafted before detailed design will be discussed with the Applicant and Local Authorities. Further, the Protective Provisions for Lincolnshire Fire and Rescue Service and the financial contribution sought will also be discussed with the Applicant and LCC.</p> <p>The ExA noted that Protective Provisions with Lincolnshire Fire and Rescue Service had been included in the most recent draft DCO, including to secure a financial contribution to ensure that the fire service is able to support the Proposed Development. The ExA queried whether the sum requested, being £76,335, had been agreed to by the Applicant and whether it would be included in the next draft of the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>Mr Griffiths confirmed that the Applicant had agreed to that figure, and that paragraph 28(a) of the Protective Provisions would be updated to state that £16,665 would be paid to the Fire Service in the first year, and that paragraph 28(b) would be updated to state that £1,335 would be paid to them annually and that comes to a total of £76,335 over the 40-year lifespan of the project and that total will be index linked. He confirmed that these amendments would be made in the next version of the Draft DCO submitted at Deadline 3.</p> <p>The ExA queried why the sum is included in protective provisions, rather than being secured through a section 106 agreement which is more typical?</p> <p>Mr Griffiths, for the Applicant, observed that the approach had evolved from a commitment to cover the costs of the Fire and Rescue Service, to including the amount of such costs, and that these had recently been typically</p>	

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		<p>recorded in protective provisions rather than in section 106 agreements. He referred to The Heckington Fen Solar Park Order 2025 which was made recently and has the same obligation to cover costs as agreed with the local authority, and The Cottam Park Solar Park Order 2024 which had the same in its protective provisions.</p> <p>Post-hearing note: The Draft DCO [EN010149/APP/3.1.2] [REP1-006] has been updated at Deadline 3 to include the amount of the payments requested by the Lincolnshire Fire and Rescue Service.</p> <p>The ExA referred to an interested party's comment at the Open Floor Hearing 2 (OFH2) the previous evening, about an early warning system for local residents in the event of a thermal runaway at the BESS. The ExA queried whether that is something that would be factored into the Emergency Response Plan when it was to be finalised.</p> <p>Mr Paul Gregory, for the Applicant, by reference to the BESS Plume Assessment [EN010149/APP/7.19.2] [REP1-052], confirmed that there would be no significant offsite impacts to sensitive receptors within a 1km radius from a single BESS unit fire. He observed that typically, the Fire Service or Council would put together the procedures or the protocols with regards to local community warnings. Mr Gregory reminded the ExA that there had been no off-site injury or significant injury witnessed in the UK or around the world, and that sadly, any fatalities or injuries had occurred to firefighters as the first responders. Mr Gregory said conclusively that, with the current site design and distance to sensitive receptors, there would be provision for alerting local community, and that ultimately as an independent testing and safety consultant the realistic concern was to site operatives. He noted that the Applicant was very mindful of that, and that was primarily who the Emergency Response Plan would be aimed at.</p> <p>Mr Griffiths referred to paragraph 5.3.1 of the oBSMP [EN010149/APP/7.14.2] [REP1-048] which sets out the minimum contents for the Emergency Response Plan, and states at the first bullet point 'how the fire service will be alerted and incident communications and monitoring capabilities'. He noted that it was quite broad, but that the content of the Emergency Response plan will be discussed with the fire service when the plan is being prepared, and that it would take into account the relevant fire regulations and guidance at that time.</p> <p>In response to North Kesteven District Council's (NKDC) request at paragraph 25.18 of NKDC's Local Impact Report [REP1-102] in respect of battery choice, Mr Griffiths, for the Applicant, confirmed that NKDC would be</p>

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		<p>added as a consultee at Requirement 7 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] that will be submitted at Deadline 3.</p> <p>Post-hearing note: Pursuant to Action Item 3, the draft DCO has been updated at Deadline 3 with an amendment to requirement 7(3) to include as NKDC as an authority to be consult on the BSMP.</p> <p>The Applicant made the following responsive submissions to comments of interested parties:</p> <p>Mr Paul Frost, resident of Scopwick and member of Scopwick Parish Council and a member of the Springwell Solar Action Group, requested that the Emergency Response Plan is brought forward to be part of the examination phase for public scrutiny, and queried what training had been given to fire staff to cope with this kind of installation. Mr Griffiths, for the Applicant, noted that the Emergency Response Plan had been discussed earlier in this hearing, and referred Mr Frost to section 5.3 of the updated oBSMP [EN010149/APP/7.14.2] [REP1-048] which gives more detail in respect of what the Emergency Response Plan would contain. With regards to firefighter training, Mr Griffiths referred to the Protective Provisions where the Applicant committed to assist firefighters familiarise themselves with the site annually.</p> <p>Mr Marc Williams, of Scopwick Parish Council and Springwell Solar Action Group, commented that so much of this was consequential modelling and sought to know where the real world examples of this were (e.g. if there was a catastrophic event with 10 containers were on fire), further, he noted that the Applicant talks about the new NFC Guidelines (sic.) when it should be referring to the current NFC Guidelines (sic.) which are available today, and require 6m spacing. In response to Mr Williams' first point, Mr Griffiths, for the Applicant, responded that Mr Paul Gregory sighted his credentials at the last Issue Specific Hearing which did include real world experience. Mr Griffiths noted that the other point was for Lincolnshire County Council to respond to. Mr Gregory, for the Applicant, subsequently added that the existing NFCC Guidance shows that spacing can be decided on an evidence-based approach. He referred to his earlier comments, that the revised NFPA 855 mandates that every BESS system sold globally now must go through full-scale burn testing, which establishes that a fire will not propagate to adjacent equipment. During that test program, the facility carrying out the test must have located BESS enclosures containing live battery systems at the supplier's minimum equipment spacing distances which they are recommending can be incorporated at BESS sites and show that fire does not propagate to that adjacent equipment. Mr Gregory noted, in response to the concerns raised about</p>

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		<p>consequence modelling, that if it is based on site-specific wind conditions, for example, amendments will be made to extend equipment spacing to account for stronger wind conditions than recorded during testing, then the Applicant can be fully confident that the BESS selected through the scheme will have demonstrated that the spacing is both system and site specific. Mr Gregory confirmed that this was a very sophisticated approach, whereas the guidance referring to 6 m was based on the 2017 FM 5-33 datasheet where this sort of large-scale fire testing data was not available. He noted that BESS by definition are non-combustible structures with high levels of thermal installation, and that every BESS design now integrates significant exposure prevention and protection systems, and that current models which have been through this testing typically are spaced between 50 – 200 mm apart, which can be contrasted against the current 6m guidance.</p> <p>Mr David Crampton, resident of North Kesteven, referred to paragraph 2.3 of the NSIP Advice Note 9: Rochdale Envelope and queried whether the Applicant's approach of carrying out risk assessments in the detailed design, comply with those requirements of the guidance note on the Rochdale Envelope. Mr Griffiths, for the Applicant, confirmed that the Applicant's approach does comply with the likely worst-case scenario approach of a 'Rochdale Envelope'.</p> <p>Mr Philip Heard, resident of Navenby and chartered engineer, following confirmation from the NFCC policy team, the current NFCC Guidelines should be applied (not the draft), and a statement from the Applicant that the extant guidance at the time will be put in place and any UK legislation or guidance will take precedence. Mr Griffiths, for the Applicant, referred the ExA to paragraph 2.2.2 of the oBSMP [EN010149/APP/7.14.2] [REP1-048] that said that "The Applicant would develop the BESS in accordance with all relevant legislation and good practice in force at the time". Mr Griffiths confirmed that this was one of the reasons why the Applicant had the "substantially in accordance with" wording for the requirement, as the Applicant has developed this plan now based on current good practice, however, it needs flexibility in the future to finalise the plan and for it to be up to date and marry up with latest legislation.</p> <p>Mr Simon Mountjoy, fellow of the British Institute of Agricultural Consultants, fellow of the Institute of Agricultural Management and associate of the British Society of Soil Science, raised concerns about where contaminated fire water would go, and the risk it would go into the aquifer; Mr Mountjoy was concerned that the</p>

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		<p>sighting of batteries had an unclear control and containment on the limestone of such porosity such that contamination would seek wide and far.</p> <p>Mr Griffiths noted that the Applicant would address the points raised by Councillor Overton and Mr Mountjoy with respect to firewater and the aquifer, later in the agenda in response to the firewater item (see agenda item 6.6).</p>
5	Climate Change	<p>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.</p> <p>The ExA asked the Applicant whether, given the assumption about 5% panel replacement in the Environmental Statement (ES), a requirement should be included in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] that restricts replacement of panels to a maximum of 5% to ensure that effects that have not been assessed in the ES do not occur.</p> <p>Mr Griffiths, for the Applicant, stated it would be inappropriate to include such a requirement. He noted that the Applicant had assessed the 40-year scheme on the likely worst-case scenario based on the best available knowledge, which is for no replacement of solar PV panels during the lifetime of the scheme apart from potential repair work. Mr Griffiths noted that given this is a NSIP, and noting the benefits this kind of project gives, it would be against policy for a requirement to restrict the Applicant on how much it can repair the project as it is important that it continues to be fully operable and deliver the much-needed renewable energy throughout its lifetime.</p> <p>The ExA queried whether there was a scenario where the panels ‘gave up’ after 25 years and would all need changing, which would be akin to potentially similar effects to the construction phase?</p> <p>Mr Griffiths responded that such a scenario could not happen. He referred to the definition of ‘maintain’ in the Draft DCO [EN010149/APP/3.1.2] [REP1-006], which includes “inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development”. This clearly states that the Applicant cannot replace the whole of the authorised</p>

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		<p>development. Secondly, he referred to Article 5(3) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] which states that “This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement.” Therefore, the Applicant must comply with that as anything over and above that would be in breach of the Order.</p> <p>The ExA responded to confirm that the Applicant would have to have panels that lasted the full duration of the operational phase, so would a requirement do anything different. Mr Griffiths confirmed that the Applicant would make legal submissions on this point (see post-hearing note below), as having such a requirement would not meet the reasonableness tests in circumstances where the Proposed Development is a NSIP delivering urgent need renewable energy, and Article 5(3) provides the necessary restriction.</p> <p>In terms of waste management, the ExA referred to the Applicant's view that the current solar panel waste generation is currently low, however, its expectation that the facilities which reuse, recycle, or recover will develop as the quantities in this waste stream increase – and consider the WEEE Regulations (The Waste Electrical and Electronic Equipment Regulations 2013) requirements. The ExA noted that it understood that the Applicant is of the view that the assumptions made around travel to waste facilities are appropriate, and sought the Applicant's comment.</p> <p>Mr Griffiths, for the Applicant, confirmed that the Secretary of State had accepted that solar PV and BESS waste is in its infancy given many projects are being built now and therefore will not reach end of life for another 40 years or so. In the Applicant's view, it is not surprising that the facilities are not yet in place in the UK, however, as with any new technology, industry will respond to the need. Mr Griffiths submitted that because it was unknown where the waste facilities would be located, the Applicant could only assess distances based on guidance it had.</p> <p>Mr Griffiths deferred to Dr Libby Robinson, Principal Consultant at Nature Positive, for the Applicant, to explain why using the environmental product declarations (EPDs) is an acceptable approach to address this point. Dr Robinson explained that she could only speak with regards to the Greenhouse Gas (GHG) Assessment [ES Volume 1, Chapter 8: Climate [APP-048]] and with regards to the associated emissions with waste management. She confirmed that, in the absence of knowledge as to where waste facilities would be located,</p>

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	<p>Written summary of Applicant's oral submissions at ISH 3</p> <p>the Applicant has taken the end-of-life emissions from EPDs. EPDs are standardised documents that transparently communicate the environmental impact of a product or service throughout its entire lifecycle. The EPDs are based on lifecycle assessment, and provide objective, comparable and verified information about a product's environmental performance and are the standard approach of assessing GHG emissions for products and components. Dr Robinson confirmed that a number of these had been sourced to understand the emissions associated with the solar PV, and other components, and the total end of life emissions - which include the transport to disposal facilities - have been taken from the EPDs, in this instance it has been based upon the emissions per metre square of solar PV in the project. A similar approach has been taken to the BESS.</p> <p>Post hearing note: In response to Action Point 4, the Applicant submits that there is a range of controls which operate to restrict the Applicant's ability to realistically 'maintain' (rather than whole scale replace) the development, and that its approach accords with policy, good practice and other recent solar DCOs.</p> <p>Firstly, the definition of 'maintain' in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] is not too extensive and widely drawn; it accords with paragraph 5.4.18 of the Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders where the definition as drafted does not authorise development which may result in significant environmental effects not already assessed in the ES. The definition has been drafted to directly reflect the nature and context of the Proposed Development, which will need to be properly maintained, managed and protected throughout its operational lifetime. The drafting, therefore, reflects this operational period and likely framework of maintenance that will be required while enabling technological and practice advancement and improvements within identified environmental performance standards. Accordingly, the Applicant's view is that it would not be appropriate to set an upper limit on any works needed to reconstruct the Proposed Development, save for it doesn't include reconstruction of the whole Proposed Development, so that the Applicant can properly maintain the scheme and it can continue to meet the identified need throughout its operational lifetime. Therefore, the definition of "maintain" already contains limits. This approach is consistent with the structure of the maintenance power in all recent NSIP DCOs. The approach is also aligned with the Advice Note as the control on "maintain" is by reference to its environmental impacts, rather than an arbitrary restriction on a specific activity.</p>

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		<p>Secondly, Article 5 (power to maintain the authorised development) at sub-paragraph (3) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] only authorises maintenance to be carried out where there are no materially new or materially different environmental effects that have not been assessed in the environmental statement, therefore limiting the actions the Applicant can undertake, by reference to the impacts that maintenance activities would have.</p> <p>Thirdly, the updated Outline Operational Environment Management Plan (oOEMP) [EN010149/APP/7.10.3] [REP2-018] submitted at Deadline 3 introduces an additional control by inserting Section 2.10 “Replacement Schedule”. This section sets out how the Applicant is committing to an ‘annual planning maintenance schedule’ which is a report provided to the relevant planning authority on activities in the upcoming twelve months, which must include (at a minimum) details which confirm that “the environmental effects that are likely to arise as a result of such maintenance and the environmental controls to be implemented are not materially worse than those reported in the ES”.</p> <p>Finally, Schedule 16 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] provides an ultimate control through the procedure for discharge of requirements. Paragraph 3 of Schedule 16 requires that any application seeking to discharge a requirement made by the undertaker to the relevant planning authority must “include a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then it must be accompanied by information setting out what those effects are”. The undertaker must also confirm that the relevant consultees have been provided with the relevant information forming part of the discharge application, where mandated by the requirement. It is then at the discretion of the relevant planning authority to determine whether the requirement has been successfully discharged.</p> <p>In conclusion, any form of requirement further narrowing the Applicant’s capacity to maintain the Proposed Development would be wholly unreasonable as there is no justification for a further restriction; the Applicant has proposed appropriate checks and balances to ensure that the environmental impacts of the Proposed Development – including maintaining it during the operational phase - have been assessed and secured appropriately.</p>

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		<p>5.2. Matters associated with the Applicant's Climate Technical Note and comparison against other technologies rather than 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.</p> <p>The ExA observed that the Applicant had referred to the East Yorkshire Solar Farm (EYSF) which was granted development consent recently on 9 May 2025. EYSF used Combined Cycle Gas Turbine (CCGT) as the comparison and so the ExA queried with the local authorities whether this changed their views on what the most appropriate baseline comparator should be; the local authorities confirmed they would return in writing on that point.</p> <p>The ExA asked the Applicant whether the comparison to CCGT of 354 g of CO₂ equivalent to kilowatt hours, that there would be a saving of 9.6million tonnes of CO₂. Based on the UK grid electricity figure of 2024 of 252.9, the ExA queried what the actual savings would be in the figure, and whether it would be 6.8 million tonnes. Dr Robinson, for the Applicant, confirmed that the Applicant would come back on this query in writing.</p> <p>Post-hearing note: As set out in Appendix 1: Response to Action Points at the response to Action Point 8, the Applicant confirms that based on a comparison with a UK Grid electricity emissions factor of 252.95 gCO₂e/kWh, the total carbon savings of the Proposed Development would be 6,034,691 tCO₂e when considering the entire project lifecycle, and 8,085,013 tCO₂e if only considering the operational phase.</p> <p>The Applicant responded to the following Interested Party queries as follows:</p> <p>Mr Williams suggested that the Applicant's cumulative assessment should take into account the need to build a significant recycling facility, given it will need to be constructed at some point somewhere. Mr Williams further queried in relation to the statistics around CO₂, what level of the 0.004% tonnes would [the Proposed Development] help reduce. In response, Mr Griffiths on behalf of the Applicant, confirmed that in its GHG Assessment the Applicant had carried out a whole life cycle assessment of GHG emissions (including the BESS waste and recycling) in accordance with the EPDs.</p> <p>Councillor Overton raised concerns regarding the lifetime of panels and that a realistic assessment would be assuming the replacement of panels, and perhaps cables, at least twice. Ms Overton's second point was in</p>

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		<p>respect of the Applicant's use of CCGT as the comparator for carbon savings, where she stated that it was an out of date baseline because the current sources of energy are not all gas. In response, Mr Griffiths on behalf of the Applicant, confirmed that the Applicant, as an experienced developer, was confident that the panels it would procure would last the 40 years due to new technology. He confirmed that was what informed the assessment and was the reason for the Article 5(3) restriction in the Draft DCO [EN010149/APP/3.1.2] [REP1-006]. Mr Griffiths clarified that the panels could not be replaced at year 25 because that was not what had been assessed, and that the drafted definition of 'maintain' was in accordance with paragraph 5.4.18 of the guidance, which had been accepted in other solar farm decisions. He noted that the Applicant's Site Waste Management Plans would form part of each of the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP). He confirmed that the Applicant would ensure drafting was in the oCEMP [EN010149/APP/7.7.3] [REP2-015] and oOEMP [EN010149/APP/7.10.3] [REP2-018] to state that the Applicant would provide regular updates to the local authorities to show what the Applicant's future maintenance regime would look like (e.g. looking ahead to the next 18 months, the Applicant would give an indication of the planned maintenance regime). Mr Griffiths assured that adding this flexibility into the outline Site Waste Management Plan would give a future projection of both the waste arisings but also to monitor what the Applicant is doing.</p> <p>Post-hearing note: Since the hearing, the Applicant has reviewed where this commitment to monitor waste is best secured in the context of other maintenance and replacement updates. The Applicant has determined it appropriate to update the oOEMP [EN010149/APP/7.10.3] [REP2-018] to include the planned maintenance schedule (see new Section 2.10 of the oOEMP), rather than in the outline Site Waste Management Plan. In the updated oOEMP [EN010149/APP/7.10.3] [REP2-018] submitted at Deadline 3, the Applicant proposes that the planned maintenance schedule will be submitted annually from the date of final commissioning to the local planning authority, and will include (among other details) the extent and nature of the scheduled maintenance (including anticipated amount of waste anticipated that would be recycled / landfilled).</p> <p>Mr Heard submitted that the Applicant's use of CCGT was an inappropriate baseline because of the Government's targets for Net Zero, and that the target only allows 50% fossil fuel for the first 20 years, i.e. 25% of the total 40 years (and that the remaining 75% had to be with other green energy). As a result, it was his</p>

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		<p>view that the Applicant's carbon savings were grossly inflated. Mr Heard further claimed that the Applicant had grossly underestimated the emissions attributed to component replacement in respect of panels, BESS and transformers. Mr Heard's view was that the Proposed Development would result in a negligible carbon saving at best, and was far more polluting than other renewables such as nuclear.</p> <p>In response, Mr Griffiths for the Applicant confirmed, that ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1.2] [REP1-022] made clear that there would be battery replacement at approximately 17.5 years into the operational period, and that both the EIA and GHG Assessment included this. Mr Griffiths deferred to Dr Robinson, for the Applicant, who paraphrased Mr Heard's question as, given the GHG emissions, what is the point of the Proposed Development? In response, Dr Robinson said that this was a much wider question of global cooperation which is aligned with the goals of the Paris Agreement. The UK's commitment to Net Zero by 2050 is aligned to these science-based goals, as supported by the National Policy Statements for Energy, which support decarbonisation of the UK's electricity supply. That is part of UK policy to answer that question. Dr Robinson confirmed that the purpose of renewable energy is to replace fossil fuel energy, and that the saving in the GHG Assessment is based on the direct replacement. She agreed that in reality, the amount of renewables would 'ramp up' as aligned with UK Government policy between 2030 - 2050. Therefore, it was appropriate to compare the Proposed Development to other renewable technologies which was an assessment carried out and presented in the Applicant's Climate Technical Note (see Appendix 2 of the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023]). Dr Robinson described how the Climate Technical Note confirmed that the Proposed Development is comparable with the emissions of other technologies because it is within the same magnitude as the other studies (which are based on averages based on a number of academic studies and showcased by the Intergovernmental Panel of Climate Change (IPCC)). She did note that it was very difficult to compare exactly 'like for like' because the exact methodologies of the other assessments, and the specific emissions sources, are unknown. The Applicant's approach is the 'confirmed' approach aligned with IEMA and GHG Protocol Standard.</p>
6	Land, Soil and Groundwater	<p>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 BMV land to green infrastructure; and soil handling.</p>

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		<p>Given Natural England was not in attendance at ISH3, the ExA confirmed it would ask its questions of Natural England and the Applicant as written questions. Ms Coleman, for the Applicant, noted that the Applicant had participated in positive discussions with Natural England, and was largely agreed in principle. She confirmed the Applicant would provide a statement of common ground with Natural England at Deadline 3.</p> <p>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.</p> <p>The ExA referred to NKDC's concerns expressed in its Local Impact Report [REP1-102] regarding the impact of temporary uses resulting in 'sealed over land', and the temporary green infrastructure in Field Tb2 and the community growing area. The ExA noted the Applicant's response that these uses would be considered temporary as they would be removed during the decommissioning phase and returned to the original agricultural grade of land, and asked for NKDC's response.</p> <p>Mr Shemuel Sheikh of Counsel instructed on behalf of NKDC, introduced Mr Sam Franklin, Director from Landscape Land and Property Ltd and engaged on behalf of both LCC and NKDC. Mr Franklin confirmed that NKDC's submission referred to the 77 Ha of BMV land, which is a large area of land (when considering the Natural England threshold of 20 Ha) and because of the nature of the Proposed Development, would not be returned to agriculture. He referred to paragraph 11.7.23 of ES Volume 1, Chapter 11: Land, Soil and Groundwater [EN010149/APP/6.1.2] [REP1-014].</p> <p>Ms Coleman, for the Applicant, explained that the 77 Ha of BMV land represented the permanent loss of land for green infrastructure as a worst case, to ensure that the worst case had been assessed. Ms Coleman deferred to Ms Jay Ryan, Soil Consultant at ADAS, for the Applicant. Ms Ryan confirmed that while this land would be taken out of agricultural production, these areas would provide positive offset for biodiversity mitigation enhancement areas, and provide an opportunity for soil improvement. She noted that while the intention was for the land to return to agricultural use, the Applicant did not have the right to enforce this because that was the landowner's prerogative. Therefore, the worst-case scenario has been used to assess</p>

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		<p>the green infrastructure as permanent. Ms Ryan noted that, given the nature of the land quality within the Order Limits and the nature of land classifications both locally and more widely in Lincolnshire, it was not possible for the Applicant to avoid BMV land entirely when creating green infrastructure. She confirmed that some permanent loss would result which would approximate to 4 Ha of BMV land at strategic locations within the Order Limits, with structural planting required to mitigate the Proposed Development's impacts (this relates to established habitats, which the Applicant has assumed would remain in place when the land is returned to landowners upon decommissioning, and forms part of the 77 Ha worst case, however, a more realistically assessment would identify just the 4 Ha as being permanently lost to planting). Ms Ryan noted that in some instances, temporary Green Infrastructure is located on BMV land within the Order Limits, and that where this occurred, it had been carefully considered in balance with other environmental factors. Ms Coleman added that this was largely set out in the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071], question 1.93.</p> <p>The ExA sought to clarify what Mr Franklin's / NKDC's concern was about what the Applicant classed as 'temporary' areas (including the bigger bits of infrastructure), and whether that should be considered a permanent loss rather than a temporary one. Mr Franklin, on behalf of the local authorities, accepted that there was a distinction between the stated temporary use, but noted the key concern that some of the land would be effectively sealed under hard standing. He said that would be considered a permanent loss as opposed to being more temporary nature. That was the same concern about the community growing area, allotments and orchards. He noted that there was a total of 166 Ha of agricultural land involved, and that in sum it was a significant quantity of land. Mr Franklin sought clarification and distinction between the more permanent sealing and the temporary use.</p> <p>The ExA referred to NKDC's Local Impact Report [REP1-102], where it was stated that some examining authorities on other schemes has viewed this loss as permanent as it is virtually impossible to mitigate. The ExA asked NKDC to provide the references to such decisions as Action Point 9.</p> <p>Ms Coleman, for the Applicant, confirmed that NKDC's reference list would be helpful given that the Secretary of State decisions on solar DCO decisions to date had confirmed that it was to be treated as a reversible and (albeit appreciated long-term) temporary effect. Ms Coleman referred the ExA to the following examples:</p>

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		<p>paragraph 4.273 of the West Burton Solar Farm Secretary of State decision and similarly at paragraph 4.74 of the Secretary of State's decision in Cottam Solar Farm. Ms Coleman confirmed that each of those schemes were for 60 years and that the type of infrastructure referred to (e.g. substations, satellite compounds and BESS) has been treated as reversible and temporary. Ms Coleman confirmed that it would also be reliant on the management measures in place to protect the soil during operation, and to ensure that the ALC grade is ensured at the time of decommissioning.</p> <p>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 consideration in the planning balance will also be discussed with the Applicant and Local Authorities.</p> <p>In response to NKDC's concerns about the use of sheep grazing, the ExA queried whether there had been further discussions on sheep grazing in relation to soil management and mitigation.</p> <p>Ms Coleman, for the Applicant, noted that the Applicant was not aware of such discussions, but that was in a position to provide an overview of what the proposal was in terms of sheep grazing. She confirmed that the Outline Landscape and Ecology Management Plan (oLEMP) [EN10149/APP/7.9.2] [REP1-064] set out the intention to provide conservation grazing as a way of grassland management, which is not the same intensity as usual sheep grazing. Ms Coleman confirmed that the Applicant did not rely upon grazing as an ongoing agricultural use in terms of mitigating the impact on BMV land, because the Applicant was not able to commit to it.</p> <p>Mr Franklin, on behalf of the local authorities, made various submissions about the Applicant's commitment to sheep grazing.</p> <p>Ms Coleman, for the Applicant, referred to paragraphs 6.1.21 – 6.1.24 of the oLEMP [EN10149/APP/7.9.2] [REP1-064] which sets out the Applicant's intention. However, she explained that it was dependent on graziers or people taking up the opportunity to graze the land. Ms Coleman noted that the Applicant had deliberately not overcommitted to grazing given there was not complete certainty in its deliverability. Ms Ryan, for the Applicant, added that the Applicant's assessment did not require grazing in order to increase the soil quality,</p>

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		<p>because, by having it under a permanent grass, the organic matter within the soil would still increase. Ms Ryan clarified that this would happen with or without grazing, but that grazing would assist to amplify the effects especially with nutrient retention, however, grazing was not a requirement of the Applicant's assessment to see those outcomes.</p> <p>Mr Franklin raised further that the Outline Soil Management Plan (oSMP) [EN010149/APP/7.11.2] [REP1-042] seemed to be there to prevent damage from the scheme, and that the Council's position is that it would prefer to see the land grazed if that were possible, or to see a condition that sets out how the Applicant would introduce and manage the grazing albeit at the lower density envisaged. Mr Sheikh, for NKDC, summarised the position that, in accordance with NKDC's Local Impact Report [REP1-102], insofar as grazing is being relied on then NKDC requests a requirement to secure grazing as it is otherwise only an aspiration in the oLEMP [EN010149/APP/7.9.2] [REP1-064] which does not actually secure grazing.</p> <p>Ms Coleman, for the Applicant, confirmed that the Applicant does not rely on grazing as mitigation. She referred to paragraph 6.1.21 of the oLEMP [EN010149/APP/7.9.2] [REP1-064] where it states: "<i>Opportunities for grazing will be considered where practicable and is viable with details such as timings and stocking densities to be provided in the LEMP(s) at the detailed design stage.</i>" Ms Coleman propounded that there is therefore no justification for a requirement, and queried the extent to which it would be enforceable. She clarified that the Soil Management Plan is there to prevent damage from the scheme, and that there is the potential for improvements to soil health by virtue of not being farmed during the period of the scheme. Ms Coleman further noted that the oSMP [EN010149/APP/7.11.2] [REP1-042], subject to one point about Winter working, is agreed by Natural England and that will be confirmed at Deadline 3.</p> <p><i>Food production</i></p> <p>Mr John Hunter, Counsel on behalf of LCC, submitted that LCC did not accept the Applicant's position that, following the changes to the National Planning Policy Framework in December 2024, there was no longer a need to consider food production in land use planning terms. Mr Hunter stated that the LCC was of the view that food production remained a material planning consideration having regard to the various planning statements, in particular, NPS EN-1 paragraph 5.11.34, which requires the Secretary of State take into account the economic and other benefits of BMV land where it is being used for a development. According to Mr</p>

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		<p>Hunter, the economic and other benefits are clearly referable to the use of the land for food production, and that there was a similar policy in the NPPF in paragraph 187B. Mr Hunter acknowledged footnote 62 was removed, however, it was clear that the government's response on the consultation to that change that their policy regarding food security and its importance remains the same. Mr Hunter observed that the Written Ministerial Statement from 2024 had not been revoked; that statement said it was particularly important to consider cumulative impacts in areas such as this including food security. Mr Hunter summarised that there was no evolution of national policy to say that food security had ceased to be an important, material planning consideration to be weighed in the planning balance.</p> <p>Ms Coleman, for the Applicant, addressed the Written Ministerial Statement 2024 (WMS 2024) first, where she noted it was referenced in most Secretary of State decisions to date (including West Burton, Cottam, Gate Burton and Heckington Fen) described by the Secretary of State as a statement that "<i>emphasised certain aspects of the policy in the 2024 NPSs</i>" (paragraph 4.227 of the Secretary of State's decision in West Burton). Therefore, it does not introduce any new policy over and above what the NPSs cover.</p> <p>Ms Coleman explained that, while there is a reference in the WMS 2024 to food production, it is quoting the footnote from the NPPF that was subsequently deleted. She confirmed that the Applicant had addressed questions in terms of economic benefits and assessed the impacts of that, especially in terms of impacts to agricultural businesses. The decisions that were before the NPPF change have considered the impact on BMV land and food production in Lincolnshire for schemes including this scheme and found the impact to be small in any event and should be given limited weight, therefore even if the ExA and Secretary of State considers food production to be a material planning consideration, the cumulative impact in this respect is small (see for example the Secretary of State's decision on West Burton, paragraphs 4.268 – 4.273).</p> <p>Mr Hunter, for LCC, referred to the Applicant's statement about other decisions, and noted that there was an incremental issue in Lincolnshire, and given the other schemes that have been referred to the effect becomes greater over time. Therefore, while it appears small in percentage terms, its significance in planning terms is large.</p> <p>Ms Coleman, for the Applicant, again referenced the decisions to date, which have included Springwell as part of that cumulative assessment, and found the impact on BMV land to be small. In response to the ExA's query</p>

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		<p>about the Applicant's view of the updated list which the local authorities had compiled in order to carry out an updated cumulative assessment to calculate the loss of BMV land across the district to reach the figure of 1.4% cited in paragraph 15.22 of LCC's Local Impact Report [REP1-088], Ms Coleman for the Applicant confirmed the Applicant would respond at Deadline 3.</p> <p>Post-hearing note: The Applicant has reviewed the further work that was undertaken by LCC related to the cumulative effects on Best and Most Versatile (BMV) Agricultural Land specifically related to NSIPs that are located within Lincolnshire. The results of their further work which remove developments in Nottinghamshire and using updated NSIP BMV information equates to 1.4% of BMV land in Lincolnshire which is proposed to be or is currently used by solar farms.</p> <p>The Applicant issued an updated ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] at Deadline 2 which included updated NSIP BMV figures including the inclusion of Leoda Solar Farm. The Applicant has undertaken a worst-case assessment which accounts for projects within 1km of the Lincolnshire and Nottinghamshire border and this concluded that there would be approximately 2.02% on BMV land in Lincolnshire which is proposed to be or is currently used by solar farms. The Applicant considers this assessment to be robust as this considers the worst-case cumulative effect on BMV agricultural land in the local region (including projects within the border of Nottinghamshire).</p> <p>6.4. The Applicant and the Environment Agency will be asked questions about the approach to unexpected contamination and whether changes made to the oCEMP [EN010149/APP/7.7.3] [REP2-015] by the Applicant at Deadline 1 should form a new requirement within the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>The ExA asked the Applicant to justify the location of the unexpected contamination procedures in the oCEMP [EN010149/APP/7.7.3] [REP2-015] rather than in a requirement itself.</p> <p>Ms Coleman, for the Applicant, explained that where the commitment to the unexpected contamination procedure sits (i.e. how it is secured) was the only outstanding point with the Environment Agency (EA), as the Applicant had otherwise accepted all of the measures the EA proposed. While the EA and the Applicant had</p>

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	<p>sought to resolve where the commitment should be secured, Ms Coleman anticipated that the parties may not reach agreement.</p> <p>Ms Coleman stated the Applicant's position was that it should sit in the oCEMP [EN010149/APP/7.7.3] [REP2-015], because it reflects best and standard drafting practice, and is allowed for and anticipated by the Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders which records that "Mitigation may include adherence with control measures established through relevant management plans". Ms Coleman clarified that there was no specific contamination risk here, and that this was purely a precautionary process put in place for unexpected finds. She explained that there is a clear requirement to comply with the CEMP, and that it is enforced by the DCO requirement requiring ongoing compliance with the approved CEMP.</p> <p>In response to the concerns from the EA that the process requires further approval, Ms Coleman noted that this process of further approval for contamination finds can be secured via the process set out in the CEMP. She noted the process was set out in the oCEMP [EN010149/APP/7.7.3] [REP2-015], and the Applicant envisaged that when it submitted the detailed CEMP for approval, more detail could be added to the current process which again lent itself to being in the CEMP. Ms Coleman confirmed that the EA is a consultee to the CEMP requirement, so would be able to review the CEMP at that time and be comfortable that the procedure for unexpected contamination was adequately included. Lastly, Ms Coleman noted that the Applicant's approach reflected that of most made solar DCOs on the face of the Order; and that the examples of an unexpected contamination requirement in orders tended to be for projects in more industrialised, non-rural areas, which were of a different nature to what we have here (for example, Net Zero Teesside, Thames Tideway, various Orders in relation to existing ports areas).</p> <p>Ms Annette Hewitson, Principal Planning Adviser for the EA, confirmed that the EA welcomed the procedure in the CEMP; however, given the Proposed Development is in a rather sensitive area for groundwater resources that provide significant quantities of drinking water, that while the risk of contamination was low, it was because of that sensitivity that the EA sought for it to be very clear that should the Applicant come across contamination, it must be dealt with appropriately. Ms Hewitson explained that the EA sees that the CEMP would be approved prior to the works starting, but having it in a requirement would be to make it very clear that</p>	

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		<p>once those works had started, if contamination is discovered that work should stop in that area and for the EA to then have a role to play as a consultee in terms of what is found and how it is remediated. She noted that there is the added complication in terms of how the DCO is drafted, where remediation is carved out as a permitted preliminary work (see requirement 12), however, the EA remains of the view that it remain on the face of the DCO to ensure it is clear to all parties what is required. Ms Hewitson rejected the Applicant's statement that these kinds of requirements were only in DCOs in rural areas, and gave the example of the recent Viking Carbon Capture Storage Pipeline DCO where this was for a pipeline which goes through some rather rural areas.</p> <p>Ms Coleman, for the Applicant, agreed to discuss the draft wording around the unexpected contamination procedure in the oCEMP [EN010149/APP/7.7.3] [REP2-015] with the EA further, to have regard to the EA's views that the current wording was potentially too restrictive and more onerous than what the EA had suggested for the requirement. Ms Coleman also clarified in Requirement 12(5) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006], the Applicant has ensured that remedial works trigger that requirement; they are not permitted preliminary works that mean that they can be done before the CEMP is in place. She further explained that Requirement 12(4) requires that once the detailed CEMP is approved, the authorised development must be undertaken in accordance with that CEMP, so that any procedures and any further approvals that the approved CEMP contains must be complied with.</p> <p>Post-hearing note: The Applicant has updated the oCEMP [EN010149/APP/7.7.3] [REP2-015] at Deadline 3 to ensure the procedure for unexpected contamination responds to the comments made by the EA (in terms of only needing to stop work in one area if contamination is found). The parties had a call on 4 August 2025, and the point as to where the unexpected contamination find is to be secured remains unresolved, so the parties have agreed to leave this point for determination by the Secretary of State.</p> <p>6.5. The Environment Agency and Local Authorities will be asked whether they consider leaving cables in the ground during decommissioning an acceptable approach.</p>

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	<p>Ms Hewitson, for the EA, noted that the EA would review the situation at the time of decommissioning and make comments in the context of the current environmental guidance policy and good practice in force at that time. Mr Sheikh, NKDC, set out that NKDC were quite happy with the general approach to leave the cables in the ground, and then deferred to Mr Franklin who responded on behalf of both LCC and NKDC that that would be concerned about unnecessary agricultural disruption to the land caused by cable removal in circumstances where the cables were considered safe and buried permanently.</p> <p>Following responses by the other parties, Ms Coleman confirmed the Applicant's view that from an agricultural perspective (and having regard to other environmental impacts) it is preferable to leave the cables in the ground, however, she noted that - in agreement with the EA - this would be dependent upon the legislation and industry standards at the time of decommissioning per paragraph 2.3.4 of the Outline Decommissioning Environmental Management Plan (oDEMP) [EN010149/APP/7.13.3] [REP2-021] as updated at Deadline 2. Ms Coleman confirmed that at that time, when the DEMP is approved, it is also consulted upon with LCC, the EA and Natural England as part of the approval by the relevant planning authority.</p> <p>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.</p> <p>The ExA referred to the Applicant's response to question 1.9.9 of its Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071] where the Applicant stated that "The drainage system is designed to capture this water during a thermal runaway event, where it can be tested and released or, if necessary, removed by tanker and treated offsite (in consultation with the relevant consultees at the time)." The ExA then referred to the oOEMP [EN010149/APP/7.10.3] [REP2-018] which stated that "To manage the potential impact of firewater associated with the BESS, a tanker will remove firewater from Site, preventing accidental release to the surrounding environment." The ExA then queried whether the oOEMP [EN010149/APP/7.10.3] [REP2-018] should be amended to include reference to the drainage system capturing all fire water.</p>	

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		<p>In response, Ms Coleman, for the Applicant, stated that the broader point about consistency of drafting between management plans the Applicant would take away, but otherwise deferred to the Applicant's battery expert: Mr Paul Gregory.</p> <p>Post hearing note: The outline OEMP is updated at Deadline 3 in response to the point raised.</p> <p>Mr Gregory, for the Applicant, confirmed the overall approach with regard to firefighting water runoff for BESS incidents, being to: manage issues and avoid the risks by identifying and assessing them, followed by tailored mitigation to capture, contain, test and appropriately dispose of surface water runoff. Additionally, Mr Gregory noted that aligning with UK Regulations for firefighting water runoff, also stopped a pathway to potential source of contamination and receptors. He confirmed that the Applicant and the EA first met in June 2023, and have continued discussions with the latest meeting on 3 July 2025. He confirmed that all matters related to the BESS and firefighting water had been agreed with the EA: section 2.8 of the Draft Statement of Common Ground – Environment Agency [EN010149/APP/8.5] [REP1-080] captured key agreements which was surface and fire water drainage, section 2.10 was mitigation measures, and section 2.11 confirmed that the EA was a consultee on the oBSMP [EN010149/APP/7.14.2] [REP1-048]. Mr Gregory referred to the EA's relevant representations at 7.7 and 12.1 which reflected that the EA is pleased with the plans for the future Emergency Response Plan (ERP) and the EA's intended participation, including the management of firefighting water.</p> <p>Mr Gregory directed the ExA to Sections 5.6.5 – 5.6.10 of the oBSMP [EN010149/APP/7.14.2] [REP1-048], which clarify how firefighting water would be managed: in essence, that the site and BESS design principles and the ERP content will ensure that Lincolnshire Fire Rescue are expected to employ a defensive strategy. Mr Gregory explained that this means only boundary cooling should be employed for the cooling of adjacent BESS or associated supporting equipment. He noted that this ensures that environmental pollution risks are minimised, so boundary cooling typically involves firefighting, directing water fog or spray pattern discharge, to ensure that the incident does not spread to adjacent BESS enclosures.</p> <p>Mr Gregory reiterated, further to his earlier submissions, that large, full scale fire tests are mandated for each BESS design, and that those tests must be completed without any intervention even for boundary cooling requirements. He referred to the NFCC Guidance which states, that if it could be confirmed that the recommended firefighting tactics for BESS is to defensively firefight and boundary cool whilst allowing the</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>BESS to consume itself, this reduces the water requirements and thus the drainage environment protection requirements significantly. Mr Gregory explained that the firefighting water runoff may contain particulates from a fire, but that runoff must be contained and tested before being allowed to discharge to water courses. The water contained by the valves will be tested and released, or if necessary, removed by tanker and treated offsite, in consultation with the relevant consultees at the time. Mr Gregory confirmed that pollution analysis will always be conducted before removing the firewater from site if polluted, or released into the drainage systems if safe to do so. Mr Gregory explained that the final safety element associated with boundary cooling is the ingress protection (IP) rating of the adjacent BESS enclosures, which would be shared at the detailed design stage with Lincolnshire Fire and Rescue so that the risks associated with boundary cooling are understood and implemented in the ERP. Mr Gregory confirmed that the water ingress points such as the HVAC unit and deflagration vents would be considered as part of the incident response strategy. He assured that the protected provisions with Lincolnshire Fire and Rescue in the Draft Development Consent Order [REP1-006] include ongoing site familiarisation and ensure that first responders know how to deal with a thermal runaway event and BESS failure, should one occur.</p> <p>Interested parties raised the following comments, which the Applicant addressed:</p> <p>Mr Mountjoy confirmed he would provide his submissions in writing at Deadline 3. In summary, Mr Mountjoy made submissions about the use of BMV land, and points on cropping and irrigation, including that the availability of irrigation is a factor not considered by the application in soil classification. In terms of the BESS, Mr Mountjoy noted that the porosity of the soil types made him concerned that without a concrete bunded pad under such a battery, he did not know how the water would be contained and removed.</p> <p>In response, Ms Coleman for the Applicant, referred to how many of Mr Mountjoy's comments went to site selection and the design of the scheme. Ms Coleman confirmed that BMV was one of many factors considered as a part of the site selection assessment as provided by EN-3; it will always be a balance of various environmental factors. She confirmed that the Applicant had set out in detail including in the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071], question 1.9.1 and the Design Approach Document [EN010149/APP/7.3.2] [REP1-056] in terms of site selection and design, and the steps taken to minimise the use of BMV land in line with National Policy, and justifying where it had been used. In</p>

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		<p>response to Mr Mountjoy's criticisms about land classification, Ms Coleman noted that the ALC methodology had been agreed with Natural England and the local planning authorities. In respect of all BMV and food security points raised by Interested Parties, Ms Coleman, for the Applicant referred to previous submissions on food security and BMV land, and again noted that the findings of the State in other decisions which considered the cumulative impacts (including of Springwell).</p> <p>Ms Ryan, for the Applicant, in relation to irrigation and ALC methodology, confirmed that the Applicant's team had concluded the same survey results as Mr Mountjoy shared during his submissions. She stated that Grade 2 land is limited by droughtiness, which means that it is a lighter texture soil, which is in fact more resilient to damage at first instance. Ms Ryan noted that this would be improved during operation because the soils will have an increase in organic matter being retired from agricultural use, which would assist the increase of the water retention within the soils. Ms Ryan stated that irrigation had been removed from the ALC assessment to reflect changes in 1997 to the Defra guidance as there shows no difference in land management practice. She stated that irrigation should not be taken into account in an ALC grading given the negative impacts that obstruction can have on local water resources in the areas where water is scarce. Ms Ryan noted that taking irrigation out of ALC helps ensure that cropping is appropriate to local conditions. She further noted that the material used for the underground cables would be similar to what is used for a water pipe and the soil would not be affected in terms of an agricultural practice from the cables as it is below the depths of farming practices. Ms Ryan confirmed that, from a soils perspective, it is better to keep underground cables in situ as it will prevent any further damage to the soil.</p> <p>Mr Frost queried how the concrete remaining at decommissioning could be considered temporary if it was not going to be removed. In response, Ms Coleman, for the Applicant, confirmed that the oDEMP [EN010149/APP/7.13.3] [REP2-021] and Environmental Statement stated that all concrete hard standing areas, foundations for infrastructure and any internal tracks will be removed at decommissioning to a depth of 1 metre so there would not be areas left covered in concrete as Mr Frost.</p> <p>Mr Anderson raised concerns with the plastic electrical cabling that would be left underground. In response, Ms Coleman for the Applicant referred to the measures in place in the oDEMP [EN010149/APP/7.13.3] [REP2-021] so that should legislation and best practice have changed by the time of decommissioning, the cabling</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>could be removed, which was an approach that was acceptable to both local authorities and the EA. She also confirmed that with regards to contamination, there were robust measures in place throughout the Applicant's management plans: oCEMP [EN010149/APP/7.7.3] [REP2-015], oOEMP [EN010149/APP/7.10.3] [REP2-018], and oBSMP [EN010149/APP/7.14.2] [REP1-048] in terms of dealing with that contamination, and those measures were in place to ensure there was no pathway for contamination. Ms Coleman reiterated that all the management plans had to be approved by the relevant planning authority and that that was in consultation with the relevant statutory consultees each time, including the EA.</p> <p>Mr Williams stated that the soil classification had been undermarked and was also concerned that the Applicant had failed to give due regard to irrigation. In response, Ms Coleman referred to previous submissions given in response to the ALC methodology, irrigation and contamination.</p> <p>Mr Heard did not agree with the Applicant that it had sought to avoid and reduce the amount of BMV land used for solar PV and other infrastructure within the Order Limits. In response, Ms Coleman, for the Applicant, referred to her previous comments on site selection, design and layout as balanced with other factors.</p> <p>Councillor Overton emphasised that the aquifer was a very important source of drinking water, and queried the practicality of how that number of adjacent BESS units would be cooled. In response, Ms Coleman, for the Applicant, referred to previous comments and explanation from Mr Gregory.</p> <p>Post-hearing note: The oOEMP [EN010149/APP/7.10.3] [REP2-018] has been updated at Deadline 3 to refer to the capturing of water during a thermal runaway event, where it can be tested and released or, if necessary, removed by tanker and treated offsite (in consultation with the relevant consultees at the time) to align with the Outline Drainage Strategy [EN010149/APP/7.16.3] [REP1-050].</p>
7	Biodiversity	<p>7.1. Following the response from the Applicant to Deadline 1 submissions [REP2-023] North Kesteven District Council (NKDC) 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.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>In response to the ExA's query for the Applicant, Mr Mark Lang, Technical Director at RSK Biocensus Ltd, confirmed that the Applicant was party to ongoing discussions with the local authorities and that an updated oLEMP [EN10149/APP/7.9.2] [REP1-064] would be provided at Deadline 3 to provide further detail on monitoring arrangements. Mr Lang confirmed that the monitoring strategy in the oLEMP [EN10149/APP/7.9.2] [REP1-064] addressed monitoring of all habitats in relation to biodiversity net gain, and noted how that would be clarified with the local authorities and that the parties were seeking to reach agreement in respect of this.</p> <p>Post-hearing note: the oLEMP [EN10149/APP/7.9.2] [REP1-064] has been reviewed and updated at Deadline 3 to ensure all habitats monitored and specific commitment regards arable weeds.</p> <p>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.</p> <p>The ExA referred to the arable survey locations figures (more specifically, Figure 2 of ES Volume 3, Appendix 7.8: Notable Arable Flora Survey [EN010149/APP/6.3] [APP-089] and Appendix A Figure 2 of ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.2] [REP1-032]) and the Applicant's response in the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023], where the Applicant stated its intent to cultivate the 6 metre margins of the fields to enable the notable arable flora to survive. Mr Lang, for the Applicant, confirmed that the 6 metre margins were marked by the purple area on the Green Infrastructure BNG Parameters plans at Figure 2 of ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.2] [REP1-032].</p> <p>The ExA referred specifically to Bcd115 (on Figure 2 page 2 of the Arable Survey Locations in ES Volume 3, Appendix 7.8: Notable Arable Flora Survey [EN010149/APP/6.3] [APP-089]), and queried whether the margin of the purple area should extend to the northeast corner of the field, where Target Note 9 was located on the arable survey location, or even the full perimeter of the field if it is an important area for arable flora. The ExA also noted that the proposed strategic tree belt on the Green Infrastructure BNG Parameters plans at Figure 2 of ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.2]</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>[REP1-032] could clash with the location of Target Note 10. Mr Lang, for the Applicant, confirmed that Applicant would address these points in writing.</p> <p>Post-hearing note: Regarding ISH3 Action Point 12, the Applicant has amended the Green Infrastructure Parameter Plans within the oLEMP [EN10149/APP/7.9.2] [REP1-064] ensuring the locations for mitigation regarding arable weeds and ground nesting birds are clearly demarcated.</p> <p>The ExA asked the Applicant whether there was any guidance that could be followed on preserving or improving conservation status of scarce arable flora, and whether that had been followed. Mr Lang, for the Applicant, confirmed the Applicant had reviewed the 'Conservation Evidence' website which was widely used by the ecology industry to look for evidence of ecological mitigation and its efficacy. Mr Lang observed that because of the arable plant species present here, some of which were Spring and some Autumn germinating, that cultivation without cropping a portion of the margins in the Spring and Autumn, would enable these scarce arable plants to survive and evidence presented within the Conservation Evidence website supported this. Mr Lang also confirmed that Conservation Evidence highlighted injurious weeds, and the Applicant would need to address the control of injurious weeds, particularly things like creeping thistle. He noted that as a result, measures such as spot herbicide treatment may be required. Mr Lang assured that there were monitoring requirements within the oLEMP [EN10149/APP/7.9.2] [REP1-064] and that there was a specific commitment to monitoring the rare arable flora, and another commitment for spot herbicide treatment, if required. He summarised that there was ample evidence within the literature to suggest that uncropped arable margins were a good way of preserving rare arable flora.</p> <p>Mr David Broughton, Ecologist for NKDC, agreed with the Applicant's approach to conserving arable flora. Mr Broughton noted his outstanding concerns were firstly in relation to the Applicant's plans, which were not dissimilar to the ExA's queries in requiring the plans to be checked and be clearer. Secondly, Mr Broughton requested more detail on the management regimes because he was unclear on how most of the field could be managed as grassland and then the margins managed as arable, and whether such regimes were compatible with one another.</p> <p>Mr Lang, for the Applicant, confirmed the Applicant would provide more written evidence in terms of how it was managing the field margins. However, he emphasised that the area being considered in relation to the margins</p>

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		<p>was the area outside of the security fence – between the security fence and the existing field boundary – whereas management of the grassland underneath the panels, if grazing was secured, would be the area inside the security fence. Mr Lang confirmed that there was a natural separation between the two areas, and it was unlikely that stock would be able to access the margins due to the security fence, but again, the Applicant would confirm the same in writing.</p> <p>Lastly, the ExA confirmed with both the ecologists for the NKDC and the Applicant that discussions regarding monitoring measures were underway. Mr Lang, for the Applicant, confirmed the Applicant had made a specific commitment for monitoring arable weeds, and that this would be agreed in due course. Mr Broughton for NKDC confirmed that NKDC was happy with the progress of discussions, and indicated that agreeing monitoring measures before the end of examination was achievable.</p> <p>Post-hearing note: Monitoring commitments for arable weeds are secured in the oLEMP [EN10149/APP/7.9.2] [REP1-064].</p> <p>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.</p> <p>Mr Broughton, for NKDC, responded to the ExA confirming that the mitigation and enhancement measures for ground nesting birds was securable through the oLEMP [EN10149/APP/7.9.2] [REP1-064]; he considered that the ground nesting bird strategy was strongly linked to the habitats strategy. Mr Broughton's concern was exactly which fields and where the 102 Ha would be provided for ground nesting birds, and if there is not currently a plan showing that, suggested a plan locating the land, and showing the land management context of that land, within the oLEMP [EN10149/APP/7.9.2] [REP1-064], would be helpful.</p> <p>Mr Lang, for the Applicant, confirmed that this would be provided at Deadline 3. He noted that ecology enhancement areas were already indicated on the Green Infrastructure plans at the moment, but that this would be clarified and made abundantly clear about which areas of ecological enhancement were specifically</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>earmarked for ground nesting bird mitigation, what the Applicant was proposing and where the management regime would be.</p> <p>Post-hearing note: In reference to ISH3 Action Point 12, changes have been made to the Green Infrastructure Plan forming part of the oLEMP [EN10149/APP/7.9.2] [REP1-064], issued at Deadline 3.</p> <p>7.4. The Biodiversity Net Gain (BNG) assessment and level of BNG secured within the Draft DCO [EN010149/APP/3.1.2] [REP1-006] will be discussed with the Applicant and Local Authorities.</p> <p>The ExA queried whether the planting in the oLEMP [EN10149/APP/7.9.2] [REP1-064] could be delivered and only achieve the minimum of 10% BNG, due to variations in quality and / or condition of habitat provided.</p> <p>Ms Coleman, for the Applicant, confirmed that the Applicant would provide an updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] at Deadline 3 which would include on the face of the requirement the actual percentages which are in the region of, if not exactly: 32% for habitat units, 21% for hedgerow and 14% for watercourse units, in response to the submission. This satisfied the ExA that this would be confirmed at Deadline 3.</p> <p>Post-hearing note: In reference to ISH3 Action Point 13, Requirement 8 has been updated in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3 as indicated in the hearing.</p> <p>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.</p> <p>Ms Coleman, for the Applicant, confirmed that the local authorities had helpfully provided the Applicant with terms of reference of an ecological steering group that had been agreed elsewhere. She noted that the Applicant had indicated it was largely in agreement with those terms, and that it would update the oLEMP [EN10149/APP/7.9.2] [REP1-064] at Deadline 3 to reflect those terms. She noted that there was an outstanding point about the administrative funding of the group, which the parties were still in discussion over.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Ms Coleman deferred to Mr Mark Lang, for the Applicant, who confirmed that the Applicant and the local authority had reached agreement in principle, but not yet in relation to funding contributions. He confirmed that the oLEMP [EN10149/APP/7.9.2] [REP1-064] would set out the terms of reference for the Ecological Steering Group, who would be represented, and the commitment about monitoring and the protocol.</p> <p>The ExA asked for a summary of how it would work and who would be represented. Mr Lang responded that the Applicant envisioned that the steering group would be representatives from the local authority and representatives from Springwell Solar. He confirmed that the duration of the group would be for the entirety of the project through to decommissioning. Mr Lang confirmed that the Applicant would respond in writing in terms of the level of control the group would have over mitigation enhancements and monitoring measures and that this would be addressed within the Terms of Reference (TOR) for the Ecology Steering Group presented in the oLEMP [EN10149/APP/7.9.2] [REP1-064].</p> <p>The ExA also sought clarity on whether the funding measures would be secured via a section 106 agreement. Ms Coleman, for the Applicant, noted that the Applicant was separately in discussion about a 106 agreement for a different contribution the Applicant had agreed in terms of local employment and skills, and so confirmed that if the funding measures were agreed here, it could be included in that.</p> <p>Post-hearing note: TOR for the Ecology Steering Group and a commitment to its funding are included within the oLEMP [EN10149/APP/7.9.2] [REP1-064]. Given the commitment is simply to cover costs of the</p> <p>Councillor Overton queried whether the baseline was taken over a moment in time, or over a couple of years which in her opinion would be more genuine. In response, Mr Mark Lang, for the Applicant, confirmed that the baseline is only ever a point in time, but noted that the Applicant had carried out extensive survey work outlined in ES Volume 1, Chapter 7: Biodiversity [EN10149/APP/6.1.2] [REP1-024], which ensured that the baseline was robust enough for the Applicant to assess the impacts of the Proposed Development. He noted that the main change on-site would be to changes to the fields and the agricultural rotation, and that the species present were adaptive; so significant changes to the baseline were not anticipated.</p> <p>Mr Williams queried whether, given the Applicant was not committing to sheep grazing, what would prevent the grass from growing to the level it would become a significant fire hazard in dry conditions. In response, Ms</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Coleman for the Applicant, referred Mr Williams to paragraph 6.1.21 of the oLEMP [EN10149/APP/7.9.2] [REP1-064] which confirmed that grass cutting would be undertaken by mechanical means if not grazed. Mr Lang, for the Applicant, added that in the event the Applicant could not graze, there would be some kind of cut and collect regime because the Applicant is required to manage the vegetation.</p> <p>The ExA asked the Applicant a follow up question relating to the grazing, in terms of whether the potential for grazing beneath the panels would change the habitat value of the proposed grassland under the panels (i.e. impacts on foraging habitat). Mr Lang, for the Applicant, responded that the value could be changed, but that it would depend on the stocking density and when grazing was undertaken. He gave the example that if the Applicant grazed all year at high stocking density and there was only short mown grass, it would deliver very little ecological value. If the Applicant were to graze at a lower density, and move the stock regularly, then it could deliver biodiversity benefit – not only in controlling the vegetation – but also providing an element of animal dung into the system which is quite important for invertebrates particularly foraging birds and bats. Mr Lang confirmed that the Applicant recognised the importance of grazing at the right time of year, moving the stock regularly at a low stocking density, and that it generally recognised the difficulties in achieving conservation grazing. If the Applicant was unable to find an appropriate grazer, the Applicant would carry out an appropriate hay cut (again, to be carried out at an appropriate time of year).</p> <p>The ExA queried whether the oLEMP [EN10149/APP/7.9.2] [REP1-064] needed to be updated with the details around grazing. Mr Lang, for the Applicant, responded that the oLEMP [EN10149/APP/7.9.2] [REP1-064] included the broad aspirations for habitat management and that once the Applicant had a better understanding of whether grazing would be feasible, it would include the details in the LEMP submitted at detailed design stage.</p>
8	<p>Population, inc Health and Well-being</p>	<p>8.1. The impacts on tourism associated with residual effects on users of the PRow and stepping out network will be discussed with the Applicant and Local Authorities.</p> <p>The ExA queried whether would-be visitors to the Stepping Out network instead visited other parts of Lincolnshire for other walking routes or indoor leisure facilities, then the reduction in visitors locally could</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
	<p>seemingly have an impact on businesses in the immediate area, and asked the Applicant whether this had been factored into the conclusions reached by the Applicant?</p> <p>Mr Richard Griffiths, on behalf of the Applicant, introduced Mr Mike Humphrey, Director at Quod. Mr Humphrey, for the Applicant, sought to clarify the scale and scope of the assessment of tourism effects. He referred to paragraph 13.4.10 of ES Volume 1, Chapter 13: Population [EN010149/APP/6.1.2] [REP1-016] which sets out that the effects on tourism are considered across the district, as is standard practice based on the functional economic market area. He noted that this was an approved scale for the assessment of socio-economic impacts in Planning Practice Guidance. Mr Humphrey confirmed that the focus was on the immediate study area of 3km from the Site to identify sensitive receptors within the tourist economy that attract, or retain, tourists in an area. He acknowledged that while there is likely to be an effect in terms of visual amenity on the users of that part of the Stepping Out network (recognised as a high sensitivity receptor), that was not the only element of the tourist economy to be considered. Mr Humphrey noted that while there may be a reduction in footfall, which itself is subjective and not necessarily evidence-based on the drivers of tourism in the district, if that was displaced elsewhere in the district or county, there would be numerous other tourist receptors that would stand to benefit from that in terms of economic spend. Therefore, while locally there may be a reduction in visitors, the Applicant did not consider it to be a significant effect at the wider tourist economy scale.</p> <p>The ExA clarified that it wanted to understand how the localised impact had been accounted for; and how the decrease in local visitors may impact local businesses.</p> <p>Mr Humphrey, for the Applicant, explained the Applicant's view that there was potential for a decrease in the number of visitors, therefore a decrease in the footfall, therefore a hypothetical decrease in spend in some local facilities. However, he noted that there are many other local facilities and attractors to the area that would not be affected, meaning the visitor draw could be unaffected, or it could be displaced but not significantly so to the point that it would change the business models of local businesses.</p> <p>The ExA queried whether it was possible to quantify the potential reduction in visitors because of the landscape and visual effects.</p>	

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Mr Humphrey responded that it was very difficult to quantify the change in the number of visitors, but that the Applicant could set a very high-level and heavily caveated estimate across the study area (district), which the Applicant had done in response to some of the questions from local authorities at Deadline 1. Mr Humphrey noted that in the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023], the Applicant had identified that if the total number of walkers that are recognised to use the routes that are affected by the change in the visual environment were displaced, then the Applicant could identify that as a proportion of the larger scale of the visitor economy in the district. He caveated that the estimate would be 'worst case' and could not identify with any certainty that that would happen, i.e. the change may not necessitate harm, and that there are several externalities affecting visitor numbers, and that change in visitors may not extend to change in economic value / expenditure. Mr Humphrey noted that the spending of visitors is split across travel, accommodation, recreation, and does not necessarily correlate to the use of Public Rights of Way (PRoW) directly, and cannot be accurately predicted in terms of spend in geographical locations or at certain receptors (businesses).</p> <p>The ExA queried whether it was possible to extend that analysis to include the worst case on expenditure of businesses.</p> <p>Mr Humphrey, for the Applicant, noted that it would build in an additional layer of uncertainty around where and how visitors spend their money in the area, however, that the Applicant could prepare a heavily caveated analysis. He observed that in order to do this, one would have to devise a way of benchmarking spend, both spatially and temporally, for visitors to the area, much of which that is reported in terms of headline economic effect of tourism across the district is not accounted for by spend in situ when walkers are walking routes in that area. Mr Humphrey noted that three quarters of tourist spend in an area is accounted for in accommodation or in travel, which would not necessarily change as a result of dispersion of users of those routes, and would not necessarily be captured locally at present.</p> <p>Mr Griffiths, for the Applicant, noted that Mr Humphreys had highlighted the inherent uncertainty surrounding any form of assessments, and that the guidance about how to carry out an assessment on tourism impacts does not support the type of assessment at the level suggested. Mr Humphrey confirmed that to be the case.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Mr Harry Attrill, Senior Economic Development and Project Officer at NKDC, submitted that NKDC held information to measure the direct impact on certain routes as well as the wider stepping out network, robust baseline data collected regularly to measure the impact of the Proposed Development on the routes in question, and independent STEAM data on visitor numbers, spend and value which is annually collected and reviewed.</p> <p>Mr Humphrey in response, for the Applicant, welcomed this evidence, which NKDC agreed to provide at Deadline 3 and confirmed that the Applicant would review it and respond in writing. Mr Humphrey also cautioned that monitoring tourism impacts is inherently uncertain, and very difficult to quantify and link back to a single intervention. He noted that any monitoring would have to take into account that there is annual, seasonal and other external variations to what is causing the number of changes in visitors, and gave examples of a museum closing in the area, unseasonably poor weather, or other local tourist occupiers closing for completely different reasons distinct from the Proposed Development, and that monitoring would not pick that up. Mr Humphrey cautioned against drawing together multiple data sets and drawing conclusions from them; the STEAM data which is standard and fairly well publicised use of tourist information, is not collected at the granularity that the Applicant would for its projects to give certainty that the Proposed Development is causing the effect.</p> <p>The ExA suggested it would be efficient if the parties could continue discussions.</p> <p>Mr Griffiths, for the Applicant, confirmed that the Applicant would carry on those conversations, and sought to work through the policy tests and draw the ExA's attention to paragraphs 2.10.40 – 2.10.44 of NPS EN-3 which discusses PRow. Mr Griffiths noted that the policy acknowledged that there may be impacts on the provisions of PRow, and advises Applicants to keep as far as practical those PRow safe and open during construction. Therefore, he concluded that the NPS acknowledged that there may be impacts on using those open PRow, noting that the NPS then encouraged good design to ensure continued recreational use of PRow. He assured that the Applicant was not closing any of the PRow, and referred to the Design Approach Document [EN010149/APP/7.3.2] [REP1-056], which set out how the Applicant committed to offsets so that they could be kept open in operation, and other measures that sought to minimise the visual impact. Mr Griffiths explained how paragraph 2.10.44 of EN-3 provided that an applicant should consider opportunities to facilitate</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>enhancements to PRoW; and noted that the Applicant had done so through the provisions of three new PRoW, enhancements and permissive paths.</p> <p>8.2. The impacts on health and well-being and opportunities for enhancement will be discussed with the Applicant and Local Authorities.</p> <p>The ExA asked the Applicant how the provision of new PRoW could be considered an enhancement for recreation when there is an adverse effect on the PRoW network from landscape and visual effects, and which as has been agreed, could reduce the use of PRoW network.</p> <p>In response, Mr Humphrey, for the Applicant, referred to the Health and Wellbeing Summary Statement [EN010149/APP/8.10] [REP1-067] submitted at Deadline 1. He noted that PRoW are special in that they are a single receptor, which have inter-project in-combination effects on them during the construction and operational phases. In most cases, the effects are in terms of connectivity and accessibility, fear and intimidation, user amenity, noise and air quality, are reported as either being negligible or less than significant. Mr Humphrey observed that the only area where there was a significant effect was on landscape and visual effects, which was set out in that summary statement. He stated that when considering improvements or enhancements to the network, the Applicant had designed new routes that were specific in their nature and their requirements and user groups. He gave the example of the route that services the Heath Farm, where that new user group is to significantly benefit from the provision of access to specific facilities to members of community, as explained in the Health and Wellbeing Summary Statement [EN010149/APP/8.10] [REP1-067]. Mr Humphrey cautioned about conflating the single environmental significant effects reported in terms of landscape and visual effects on PRoW with the wider effects on the connectivity and accessibility and length of the network.</p> <p>The ExA clarified their question, which was whether it could be considered an enhancement to health and wellbeing through access to recreation when there is an adverse effect on the PRoW network. The ExA gave the example of the proposed permissive paths, where a large portion of the permissive paths in Springwell Central and Springwell West run up along the solar array without visual screening provided. The ExA queried</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>whether they could be considered beneficial to health and wellbeing and access to recreation if the experience is walking directly alongside the solar development.</p> <p>Mr Mike Humphrey, for the Applicant, stated the Applicant's position is that there was not necessarily a link between the significance assessment of LVIA and the significance assessment of health and wellbeing for all users of those PRoW. He noted that some users may continue to use, or use new enhanced routes, regardless of the significance of the effect on their visual amenity.</p> <p>Mr Griffiths, on behalf of the Applicant, noted that the Secretary of State in the East Yorkshire Solar Farm decision agreed that "access to the countryside is a contributor to good physical and mental health. These concerns while generally held, are difficult to quantify." The assessment that any expert can do, are based on professional judgement. Mr Griffiths noted that while some people might find that walking through the permissive paths through the solar project unappealing, there may be a proportion who find it interesting.</p> <p>The Applicant responded to comments made by Interested Parties:</p> <p>Mr Frost disputed the fact it was difficult to assess, as in his view it was obvious that the Proposed Development was much worse. People walking from the local villages will have no choice but to use the footpaths which make the views worse. Having a better surface to walk on or a different path added, where the view will be the same or worse, is no improvement whatsoever.</p> <p>Mr Williams was very concerned about the impacts of mental wellbeing. He suggested that to assist with quantifying the impact, someone should go to all of the pubs and restaurants and ask them for turnover to create the baseline. Where turnover has declined, the Applicant should reimburse for any loss in turnover. Mr Williams noted that it was disingenuous to state that there would be no impact.</p> <p>Councillor Overton observed that the Lincolnshire website promotes 'rolling hills,' and how valuable the countryside is to tourism, and commented that property in an industrial area does have an impact of tourism. She also made a remark on the impact on property prices.</p> <p>Mr Heard stated that to suggest solar panels would be interesting is belittling the current landscape, and was almost an insult.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>In response to the comments from Interested Parties, Mr Griffiths, for the Applicant, clarified that the Applicant had not stated there would be no impact; the Applicant has recognised that there will be a change in the landscape. He referred to the NPS policy tests he read out earlier, to confirm that the Applicant had sought to minimise that change on the local community through design process as best it could. He confirmed that the socio-economic test had been carried out in accordance with the relevant guidance. In respect of Ms Overton's point about why people come to Lincolnshire and that this application and others will industrialise it, Mr Griffiths referred to evidence yesterday in the LVIA agenda item where the Applicant's case to the ExA is that the arable nature of the countryside would still remain the dominant character of the area. He noted that in respect of property value, it is not a land use point and therefore not a planning consideration in the hearings.</p> <p>Mr Humphrey, for the Applicant, confirmed that it had reviewed all publicly available information on the scope, scale and features of the tourist economy and that the Applicant had represented it fully in ES Volume 1, Chapter 13: Population [EN010149/APP/6.1.2] [REP1-016]. Mr Humphrey noted that some of the activities that came out of the assessment in terms of the promotional activities of the tourism offer in the area are relevant, where he confirmed that the vast majority of the socio-economic benefit accrued from tourism is related to visitors coming to the area for other factors: the Applicant was aware that three and a half times as many people use indoor recreational facilities as use the stepping out network, and that the Applicant was aware that there was a significant promotion of aviation heritage and other cultural heritage that is separate to PRow use and the offer for walkers.</p> <p>Post-hearing note: A meeting has been scheduled between the Applicant and NKDC for Wednesday 13th August to undertake further discussions around tourism effects and the use of monitoring data to understand the effect of potential reduction in use of the PRow network (Stepping Out routes). Following this, as set out above, it is anticipated that NKDC would provide submissions to the examination to which the Applicant will respond.</p>
9	Other matters, inc Waste	<p>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.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Mr Griffiths, for the Applicant, commented that this was a hypothetical question. He confirmed that the Applicant's position is the same position as the Secretary of State's decisions for both the West Burton Solar Project Order 2025 and The East Yorkshire Solar Farm Order 2025. Mr Griffiths referred the ExA to the conclusions in East Yorkshire (noting that Order was made recently in May 2025), at paragraph 3.13.50 of that report that "I see no reason to disagree with the Applicant's view that the system will respond to demand over time. There is nothing to suggest that the type or number of panels involved in the application scheme would lead to particular difficulties in this regard."</p> <p>Mr Griffiths confirmed that as has been seen in respect of other emerging technologies, when they become mature markets are created for re-use and recycle at scale and the industry responds to the demand. There is no evidence that this would not happen again for solar PV, and this is what the Applicant has stated at paragraph 1.7.3 in Appendix 3 of the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023].</p> <p>To build on Ms Foster's comments about LCC's statutory duty as the Waste Planning Authority to review its Minerals and Waste Plan, Mr Griffiths, for the Applicant, referring to his submissions earlier in the day about how the Applicant would make clearer in the Site Waste Management Plan for operation a mechanism that the Applicant will report regularly to the local authorities a programme of what the maintenance regime is looking like over that next period, and throughout the life of the project. He noted that a similar approach was taken in the West Burton Solar Project Order 2025 which the ExA agreed to, as reported in the ExA's report, where the ExA in West Burton concluded "the potential for significant cumulative decommissioning effects weighs a little against the Proposed Development. In this regard, should these solar developments proceed, the solar industry and local minerals and waste planning authorities should continue to engage on this point..." Mr Griffiths confirmed that the Applicant agreed with that, which is why it would put the wording into the Site Waste Management Plan to keep that dialogue going.</p> <p>Post-hearing note: As noted above, the Applicant has updated the oOEMP [EN010149/APP/7.10.3] [REP2-018] submitted at Deadline 3 (rather than the Site Waste Management Plan as anticipated in the hearing) to secure the commitment that the Applicant to provide an annual planned maintenance schedule.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
	<p>9.2. Following the response from the Applicant in the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023] LCC will be asked to comment on whether it has any outstanding concerns relating to mineral resource safeguarding.</p> <p>Ms Foster, for LCC, confirmed that the LCC was happy with the information that had been provided, and that there was sufficient information for it to consider the terms of the policies within the Minerals and Waste Local Plan. The Applicant noted that if the LCC sought any further clarifications from the Applicant, it would respond in writing.</p>	
	<p>9.3. The Applicant and Local Authorities will be asked whether decommissioning and the funding for this is suitably secured in the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>Mr Sheikh, for NKDC, submitted that NKDC was content with the Applicant's updates to the oOEMP [EN010149/APP/7.10.3] [REP2-018] together with the Draft DCO [EN010149/APP/3.1.2] [REP1-006] requirement as the mechanism to secure decommissioning. Mr Sheikh noted that NKDC would support in principle a provision to secure funding for decommissioning, whether that was at an earlier stage or triggered after a 40-year period. He noted that there was some precedent for that in draft requirement 5 of the Helios Renewable Energy's dDCO currently in examination. He also submitted that the Funding Statement [EN010149/APP/4.2.2] [REP1-010] in its current form did not estimate the costs of decommissioning works; so there was not currently evidence before the ExA for funding to also cover decommissioning.</p> <p>Mr Griffiths, for the Applicant, responded to NKDC's concerns by stating the Applicant's position that a funding bond was not required. This is primarily because policy does not require it. The Applicant is aware of its obligations under the DCO with regards to decommissioning. It will need to plan for decommissioning over the life of the operations, and any undertaker that has the benefit of the Order would similarly plan to comply with those obligations in the future. He noted that the requirement itself was enforceable for anyone who holds the benefit of that Order. Mr Griffiths reiterated that it was a criminal offence under the Planning Act 2008 not to comply with that requirement, and that The Proceeds of Crime Act 2002 would act as a further deterrent to such a breach given that the solar infrastructure would represent a valuable asset for the Applicant. He noted</p>	

#	Agenda item
	<p data-bbox="465 271 1344 303">Written summary of Applicant's oral submissions at ISH 3</p> <p data-bbox="465 327 2018 391">that, in the event of liquidation, the asset would be sold off because of the continuing breach if they should not do that under the development consent order.</p> <p data-bbox="465 414 2018 630">In respect of the policy position, NPS EN-3, paragraph 2.10.146 on decommissioning, requires an Applicant to put forward outline plans for decommissioning, which the Applicant has done. Paragraph 2.10.147 provides that where the consent for a solar farm is to be time-limited, there should be a requirement in the DCO setting that time-limit from the date the solar farm starts to generate electricity – which the Applicant had done. Lastly, paragraph 2.10.149 provides that the requirements should secure the actual decommissioning itself, which the Applicant has also done.</p> <p data-bbox="465 654 2018 981">Mr Griffiths noted that this position was upheld recently by the Secretary of State, in its decision letter for The Oaklands Farm Solar Park Order 2025, where at paragraphs 4.44-4.45 of the decision letter the Secretary of State “notes there is no policy requirement for a decommissioning fund to be imposed as paragraphs 2.10.146 to 2.10.151 of NPS EN-3 set out the considerations for the Secretary of State in relation to project lifetime and decommissioning of solar developments. In light of all of these considerations the Secretary of State does not consider that imposing a decommissioning fund requirement is necessary. This is consistent with paragraph 4.1.16 of NPS EN-1 which stipulates that the Secretary of State should only impose requirements that are, amongst other things, necessary, and the requirement in paragraph 4.1.16 of NPS EN-1 that only relevant requirements should be imposed.”</p> <p data-bbox="465 1005 1984 1069">Mr Griffiths confirmed that the Applicant had followed the policy tests, which is why the Applicant's view was that no bond was required for a solar farm.</p> <p data-bbox="465 1093 2029 1300">To respond to NKDC's comments regarding the Funding Statement [EN010149/APP/4.2.2] [REP1-010], Mr Griffiths for the Applicant noted that a Funding Statement was required under Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 for when an Applicant is seeking authorisation for compulsory acquisition of land, and is required to show how the Applicant proposed to fund that acquisition. He stated that it was not required for decommissioning, which explained why the Funding Statement [EN010149/APP/4.2.2] [REP1-010] did not refer to decommissioning.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Mr Sheikh, for NKDC, referred to paragraph 4.22 of the Secretary of State's decision letter for The Oaklands Farm Solar Park Order 2025, where it was confirmed that the Applicant had also demonstrated enough funds to decommission the project in the funding statement. He observed that he was not making a legal point, but rather noted that this had been demonstrated on another solar project.</p> <p>Mr John Hunter, for LCC, sought to understand the situation where the Applicant was in liquidation and how the public were protected in that event where the person proposing the charge is impecunious.</p> <p>In response, Mr Griffiths for the Applicant noted in respect of the Funding Statement [EN010149/APP/4.2.2] [REP1-010] that, if the legislative framework required the Funding Statement to cover decommissioning, the Regulations would have made that clear. In response to LCC, Mr Griffiths further noted that where the assets are a valuable part of the end of the operation of the project – here something like 90% of the kit can be reused – so that could be sold off to fund the decommissioning of the site. He reiterated that the operator of this solar farm would have to make provision for the decommissioning as good project management. Lastly, Mr Griffiths gave examples of where the Secretary of State upheld that EN-3 did not require a decommissioning bond: The Oaklands Farm Solar Park Order 2025, Mallard Pass Solar Farm Order, Sunnica Energy Farm Order 2024, and the Cleve Hill Solar Park Order. Mr Griffiths requested that NKDC send the draft requirement in the Helios draft requirement across to the Applicant.</p> <p>Post Hearing note: the Applicant has considered requirement 5(3) of the draft Helios Renewable Energy Project Order, which is currently in the recommendation stage of the DCO process. Requirement 5(3) states that 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. The Applicant has considered this requirement and it does not change any of its submissions made at ISH3 as to why a decommissioning bond is not required by law or policy. The Helios example has been included in the draft DCO at the discretion of that applicant and so the Applicant's position remains that there is no precedent for the Secretary of State including decommissioning funding security in any of the solar DCO decisions and made Orders.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>(3) 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>The Applicant responded to comments made by Interested Parties:</p> <p>Mr Frost was of the view that the Applicant should sort out its decommissioning programme now during examination. Mr Frost sought a simple explanation for about how the obligation to decommission is passed on, and what happens if the company fails and walks away from its obligations.</p> <p>Mr Williams was of the view that the solar PV would have very little re-sale value after 40 years. He observed that solar farms changed hands, and that real accountability was required. Mr Williams stated that Springwell Solar Farm Ltd is structured in a way so that EDF avoids liability. He raised concerns that the current entity would be sold, possibly to a foreign company who may then liquidate the company and there would be no accountability because they are foreign nationals.</p> <p>Mr Gallagher shared his concerns of the local authorities, and that the assets of the company would not be sufficient to cover the decommissioning and that the bill would be picked up by the public. He suggested that policy direction had to protect the public good. In his view, if no bond was offered, weight and consideration should be given to that.</p> <p>Councillor Overton referred to how housing estates used bonds, and it was an effective means to ensure developers followed through. Ms Overton noted that diligence on the companies had found that the capital value of the companies was very small, and therefore the risks in her mind were very high, therefore making a bond was essential.</p> <p>Mr Griffiths, for the Applicant, responded to the interested parties altogether. He noted that requirement is stronger than a planning condition on a planning permission, and that the two are different. He explained that breaching a requirement was a criminal offence pursuant to section 161 of the Planning Act 2008, whereas the housing estates Ms Overton referred to are under a Town and Country Planning Act regime, and therefore did not have the same level of enforcement action if they are breach as a DCO does as a statutory instrument.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<p>Mr Griffiths clarified that if a DCO project is sold, the incoming operator is under the same obligations as the original Applicant as they operate under the benefit of the Order. He noted that an operator of NSIP that is consented under a DCO can only construct and operate that NSIP by having the benefit of the DCO, and where that is to be transferred to the new operator. Accordingly, the new undertaker under the DCO would have to comply with all of the articles and requirements under that Order. For the avoidance of doubt, he noted that the decommissioning requirement on this Order must be complied with by any other operator of the solar farm.</p> <p>Finally, Mr Griffiths noted that the Applicant held commercially negotiated land agreements with the landowners, which included contractual obligations on the Applicant regarding future restoration.</p>
10	Procedural Decisions, Review of Actions and Next Steps	<p>The ExA listed the actions from the hearing. The Applicant has provided a response to all actions allocated to it.</p> <ol style="list-style-type: none"> 1. Applicant to update cumulative effects interrelationship report and discussions to take place with the local authorities during drafting. 2. Applicant to undertake a further plume assessment to include air dispersion modelling and particulate matter to overcome all concerns raised by the UK HSA. 3. Applicant to add NKDC as a consultee to Requirement 7 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006]. 4. Applicant to provide legal view on its position that it would be unreasonable to include a requirement in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] to restrict the replacement of panels to that assumed in the ES. 5. NKDC/LCC to provide comment on whether it is reasonable to include a requirement in the Draft DCO [EN010149/APP/3.1.2] [REP1-006] to restrict the replacement of panels to that assumed in the ES. 6. NKDC to confirm whether the Applicant's Climate Technical Note at D2 overcomes its concerns regarding the baseline comparison against other technologies.

#	Agenda item	Written summary of Applicant's oral submissions at ISH 3
		<ol style="list-style-type: none"> 7. NKDC / LCC 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. 8. Applicant to confirm total carbon savings figure based on comparison with the UK Grid Electricity (2024) figure of 252.9 (gCO₂e/kWh), as set out in the Applicant's Climate Technical Note at D2. 9. NKDC to provide the details of other solar developments where the ExA have found that D3 No. Party Action Deadline 'sealed over' land has been considered as a permanent impact. 10. Applicant / EA to have further discussions on wording relating to unexpected contamination 11. In relation to scarce arable flora, Applicant to confirm whether the green infrastructure margins in field Bcd115 shown on the green infrastructure BNG parameters should extend to the north-east corner of the field to include target note location 9 and also whether the proposed strategic tree belt clashes with target note location 10. 12. Applicant to provide a map showing location of proposed mitigation works for ground nesting birds. 13. Applicant to provide revised Draft DCO [EN010149/APP/3.1.2] [REP1-006] including anticipated BNG figures in Requirement 8. 14. Applicant / NKDC to further discussions to take place 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.

4. Written Summary of the Applicant's Oral Submissions at ISH 4

The table below sets out the written summary of the Applicant's Oral Submissions at ISH 4 held on 17 July 2025.

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
3	Grid Connection	<p>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.</p> <p>The ExA asked the Local Authorities for their views on the updated Grid Connection Statement [EN010149/APP/7.6.2] [REP1-058], which reflects revised connection dates agreed between the Applicant and National Grid Electricity Transmission (National Grid).</p> <p>Mr Hunter, Counsel for Lincolnshire County Council (LCC), confirmed that the updated grid connection date better aligns with the anticipated completion of the substation. He stated that the change is not materially significant and does not affect the application or its supporting documents. Mr Sheikh, for North Kesteven District Council (NKDC) echoed LCC's position. LCC and NKDC, when referred to jointly, are hereafter the 'Local Authorities'. The ExA then asked the Applicant the same question.</p> <p>Mr Griffiths, Partner at Pinsent Masons LLP, on behalf of the Applicant, explained that the slight change in connection dates does not impact the assumptions in the Environmental Statement. ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1.2] [REP1-022] outlines a 48-month construction period for the Proposed Development, which is anticipated to run from 2027 to 2030 (see Table 3.18). It was assumed that National Grid would construct the proposed Navenby substation concurrently. National Grid's response to the ExA's first written questions (ExQ1 1.1.1) [REP1-092] confirms an anticipated completion date of Q4 2029, aligning with the Applicant's Stage One connection date. The peak construction year for both projects is assumed to be 2028 in the Environmental Statement, and this remains a valid assumption.</p> <p>The ExA asked the Local Authorities whether they accept that Environmental Statements are based on best-available assumptions at the time of production, and that, given most developments have a five-year</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>implementation period, it is common for delivery timescales to shift within that window. The Local Authorities responded following which the ExA asked the Applicant to respond.</p> <p>Mr Griffiths explained that the assumptions in the Environmental Statement remain valid. He referred to Table 3.18 in ES Volume 1, Chapter 3: Proposed Development Description [EN010149/APP/6.1.2] [REP1-022], which visually demonstrates the construction timeline. He emphasised that no developer can assess every possible future scenario, and that a five-year consent period is standard practice.</p> <p>He went on to note Schedule 16, paragraph 2(3)(a) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006], which requires the Applicant to submit a statement to the relevant planning authority each time an application to discharge a requirement is discharged made. This statement must confirm whether the subject matter of the application gives rise to any materially new or different environmental effects compared to those assessed in the Environmental Statement. If such materially new or different effects arise, they must be assessed and considered by the relevant authority, which retains the power to approve or refuse the discharge of the requirement.</p> <p>Post Hearing Note: Following ISH2, National Grid has confirmed that there is a slight delay to the submission of its planning application for the proposed Navenby substation from November 2025 to early 2026. National Grid has confirmed that it is expecting first site access in November 2026 ahead of starting construction and that there is no planned delay to the connection date of 2029 (given contingencies already built into National Grid's programme). The Applicant therefore confirms that its submissions made at ISH2 remain its latest position and that the slight delay to the submission of the planning application does not impact the assumptions made in the Applicant's Environmental Statement and the conclusions reached.</p> <p>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.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>The ExA referred to the NKDC's Deadline 2 submission, which stated that the Applicant had not addressed potential reasons why the National Grid substation application might be refused. The ExA invited the Applicant to respond to NKDC's position.</p> <p>Ms Hayward, Associate Director of DWD, for the Applicant explained that the Applicant had addressed this in Action Point 2 of the Written Summary of Oral Submissions at Issue Specific Hearing 1 [EN010149/APP/8.16] [REP1-073], outlining reasons why refusal is considered unlikely. She explained that the substation application will be determined in accordance with the Central Lincolnshire Local Plan as the starting point, and relevant National Policy Statements (NPS EN-1, EN-3, and EN-5) which are a material consideration to Town and Country Planning Act 1990 decisions.</p> <p>Policy S16 of the Local Plan supports significant investment in energy infrastructure, including substations, as part of the UK's Net Zero strategy. While no specific local allocation exists for the substation site, National Grid is expected to follow established policies on design, setting, and mitigation, including the Horlock Rules, to minimise environmental and community impacts.</p> <p>She further referenced the Connections Action Plan (November 2023), jointly published by the Government and Ofgem, which highlights the need for new substations in areas with renewable energy potential. The proposed Navenby substation is well-connected and resilient, located near existing infrastructure between West Burton and Bicker Fen. This supports the case for its development in line with national policy and the government's Net Zero objectives.</p> <p>The ExA suggested that NKDC's concern may stem from a perception that the Applicant has not fully addressed the potential level of impacts, such as landscape effects, that could arise from the proposed National Grid Navenby substation. The ExA asked whether the Applicant could provide further detail on how such impacts have been considered in the context of a potential future application.</p> <p>Jade Garner, Principal Environmental Consultant at RSK Environment, for the Applicant explained that the Scoping Report for National Grid's proposed Navenby substation is expected in the coming months. Once available, it will inform the Applicant's Cumulative Effects Assessment, which will evaluate potential impacts,</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>such as landscape, and identify any necessary mitigation. The aim is to ensure that any required mitigation is clearly set out in ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009].</p> <p>The ExA asked the Local Authorities whether there were any potential issues that had arisen during the pre-application planning permission process in relation to Navenby Substation NKDC stated that, while significant effects may arise, it is too early to determine whether there are any reasons for refusal.</p> <p>Mr Griffiths then explained that it is common under the Planning Act 2008 regime for grid connection applications to follow generating station applications. He cited Hinkley Point C as an example and referred to NPS EN-1 paragraph 4.7.9, which requires sufficient information to assess cumulative effects. He stated that the Applicant has complied with this requirement and that further updates will follow once the Scoping Opinion for the proposed Navenby substation is received. National Grid's application will also assess cumulative effects, ensuring no gap in the planning process.</p> <p>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.</p> <p>The ExA noted that NKDC has noted that it remains concerned the National Grid substation may not be delivered in time to align with the Proposed Development, <i>and thereby the additional benefits of renewable energy provision by 2030</i>. The Clean Power 2030 Action Plan target may not be achieved and should not be allocated significant weight in the planning balance and enable the critical national priority status of the proposals.</p> <p>Mr Griffiths explained that the evidence presented in the examination clearly shows a grid connection agreement is in place, with Stage One in October 2029 and Stage Two in October 2030, as set out in the updated Grid Connection Statement [EN010149/APP/7.6.2] [REP1-058] and National Grid's own response at ExQ1 1.1.1 [REP1-092]. He reiterated that the Applicant disagrees with the suggestion that the 2030 date should carry less weight and maintains that the planning evidence supports alignment with national policy targets. Mr Griffiths added that there is no difference in planning weight between a project delivered in 2029 or 2031. He emphasised that the legally binding target is Net Zero by 2050, and the Clean Power 2030 Action</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Plan is a supporting mechanism, not a definitive requirement. Mr Griffiths referred to NPS EN-1, which requires substantial weight to be given to the need for renewable energy infrastructure. Paragraph 3.2.8 of the NPS confirms that the Secretary of State is not required to assess the specific contribution of individual projects to meeting that need. Mr Griffiths concluded that any renewable project delivered either side of 2030 remains a critical national priority.</p> <p>Mr Sheikh, Counsel for NKDC, said that their position is not to reduce the substantial weight given to the delivery of renewable energy, which is fully recognised in line with national policy. Mr Sheikh explained that if the project were delivered before 2030, it could attract additional, freestanding weight due to its alignment with the Clean Power Action Plan. However, if delivered after 2030, that additional benefit might not carry the same weight.</p> <p>Mr Griffiths clarified that while the Applicant's position is that the timing of delivery, whether before or after 2030, should not affect the weight given to the Proposed Development, the Applicant would nonetheless welcome additional benefit being afforded if the ExA were to agree with NKDC's view that pre-2030 delivery aligns with the Clean Power Action Plan. This would be considered a bonus, though not essential to the Applicant's case.</p> <p>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.</p> <p>The ExA asked the Applicant when a requirement should apply if the ExA were minded to include a requirement that restricts commencement of the proposed development until there is certainty about the delivery of the Navenby substation.</p> <p>Mr Griffiths explained that the Applicant does not consider such a requirement to be lawful or justified. He said that NPS (NPS EN-1 and EN-5) and the Clean Power 2030 Action Plan all support urgent delivery of renewable infrastructure to meet the legally binding 2050 Net Zero target. He emphasised that NPS EN-1 (paragraph 4.11.8) explicitly allows for grid infrastructure to come forward separately from generating stations. He also referred to the existing grid connection agreement and National Grid's duty to connect (NPS EN-5,</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>paragraph 2.8.5), noting that the Applicant has complied with all relevant EIA and policy requirements. Applying such a requirement broadly would delay renewable energy deployment and pose a serious risk to achieving Net Zero. He cited the Drax Bioenergy Carbon Capture project as precedent, where no such requirement was imposed despite related infrastructure not yet being consented.</p> <p>The ExA asked the Local Authorities the same question. Mr Sheikh, Counsel for NKDC, said that that there is precedent for including requirements in DCOs that make one part of a project contingent on another. Mr Sheikh cited the Viking CCS Carbon Dioxide Pipeline Order 2025 as an example with specific reference to Requirement 20. In response to further concerns raised by Interested Parties, Mr Griffiths explained that that the need for clean electricity is national, not local, and its delivery is determined by available grid connection points—just as with nuclear, solar, or wind projects. He emphasised that the Applicant has not overstated the need; rather, it reflects national policy, which requires substantial weight to be given to the urgent need for renewable energy. He reiterated that imposing a requirement to delay the project would be contrary to policy and would pose an unacceptable risk to achieving net zero. The Applicant maintained that no additional requirement is justified in this case and confirmed that this position would be set out in writing following the hearing.</p> <p>The ExA asked whether any solar farm had previously been granted development consent in a situation where the grid connection was not yet consented.</p> <p>Mr Griffiths acknowledged that the Applicant not aware of any such a case. He referenced the Sunnica Energy Farm Order 2024, where an extension to the existing substation was required for the generating station to connect into the electricity transmission network which had not yet been consented at the point the Order was made. Mr Griffiths noted that in this case, the Secretary of State did not impose a requirement in that Order linking the solar PV generating station with the consenting of the substation extension. The Applicant will consider the position in the Viking CCS Carbon Dioxide Pipeline Order 2025.</p> <p>Post hearing note: The Applicant has considered the Secretary of State's reasoning for including requirement 20 in the Viking CCS Carbon Dioxide Pipeline Order 2025 and does not consider that it changes any of its submissions made at ISH4 on why a requirement linking the Proposed Development to the Navenby substation is not justified in law or policy. The Viking scenario is not analogous to this Application, being a</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>project with an onshore element (which includes a 55km pipeline) and the offshore works (which are separately consented and include the storage element which provides the 'net zero' benefit), which is a different and novel technology. Whereas this Application involves the Proposed Development which is onshore solar, with a connection to the proposed Navenby substation, which is being promoted by National Grid through a separate consenting process and will provide connection facilities for multiple generating stations (as National Grid provides for generating stations across the country). The separate consenting is supported in policy, is a routine consent for National Grid to apply for, and there is no policy need for a requirement linking the two consents. In any event, National Grid has a duty to connect the Proposed Development into the electricity transmission network.</p> <p>In response to Councillor Overton, Mr Griffiths clarified that National Grid is responsible for site selection and that its decision aligns with the government's Connections Action Plan, published in November 2023, which recognises the need for new substations to support renewable energy deployment. He concluded that nothing in this examination predetermines the outcome of the substation application, which remains subject to NKDC's determination process.</p>
4	<p>Traffic and Transport, inc Public Rights of Way</p>	<p>4.1 National Highways will be asked for an update of its consideration of Abnormal Load Movements on the Strategic Road Network.</p> <p>The ExA asked the Applicant whether there had been any progress in discussions with National Highways, given their absence from the hearing.</p> <p>Mr Buchan, Sector Director for Energy at Pell Frischmann, for the Applicant explained that agreement has been reached with National Highways on all matters except one—relating to abnormal load movements on the A180 and M180, which form part of National Highways' heavy load route. Mr Buchan noted that both routes have previously accommodated abnormal indivisible loads and that National Highways is currently conducting an internal review of the proposed route for Springwell. The Applicant continues to engage with them and awaits a response.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Post hearing note: National Highways have agreed the Statement of Common Ground and this is provided at Deadline 3 [EN010149/APP/8.9.2], closing out all trunk and strategic road network matters.</p> <p>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. Further, the Applicant will be asked whether this could result in more traffic on other roads and have any implications for the existing assessment.</p> <p>The ExA asked the Applicant to clarify the implications of proposed mitigation measures at the A15/B1202 junction, including a staff travel embargo during peak hours and a restriction on HGV movements to five per hour in each direction. The ExA queried where traffic would be redirected during these times and whether this could lead to increased impacts on other roads that have not been assessed—particularly for workers approaching from the north.</p> <p>Mr Buchan explained that the proposed embargo will be managed through the Construction Traffic Management Plan (oCTMP) [EN010149/APP/7.8.2] [REP1-062], which is secured under the DCO and through contractual arrangements with site workers. He confirmed that no access routes will change and most staff will arrive outside peak hours. HGV movements will be limited during embargo periods but compensated for outside those times. While there may be a minor increase in HGVs from the A15 South, traffic modelling shows all junctions remain well within capacity, with Ratio of Flow to Capacity (RFC) values significantly below the 0.85 threshold. Mr Buchan noted that LCC has raised no concerns, and no new likely significant effects are expected as a result of the proposed measures.</p> <p>The ExA asked the Applicant to clarify whether routing controls apply to local goods vehicles (LGVs), noting that ES Volume 2, Figure 14.4: Transport Routing and Existing Highway Network [EN010149/APP/6.2] [APP-070] includes LGV routes, while the oCTMP [EN010149/APP/7.8.2] [REP1-062] map only shows HGVs.</p> <p>Mr Buchan said that the Applicant would provide an updated oCTMP [EN010149/APP/7.8.2] [REP1-062] at Deadline 3.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Post hearing note: the Applicant is to provide revised outline CTMP to include figures showing the LGV routeing and remove the text in Paragraph 4.1.8 that still says “Based on these routes, it is not anticipated that any timing restrictions will be required”. Also to add that shift patterns will be agreed with the Local Authorities to avoid workers using the A15/B1202 junction during embargo periods.</p> <p>The ExA then asked the Applicant to explain how worker movements will be restricted during those times.</p> <p>Mr Buchan explained that staff movements will be managed through the Staff Travel Plan, which will form part of the final CTMP. The plan will prohibit staff travel through the embargoed junctions during peak hours, and this requirement will be communicated to contractors well in advance. The plan will also include monitoring and enforcement measures. Additional mitigation includes the use of coaches and minibuses to regulate arrival times and ensure compliance with designated routes.</p> <p>Mr Buchan added that staff shift patterns will be planned well in advance to avoid idle time and ensure compliance with traffic restrictions. If staff are based north of the site and would otherwise finish during embargoed hours, shift times will be adjusted accordingly.</p> <p>4.3 The Road Safety Audit & Designer Response [EN010149/APP/8.18] [REP1-075] provided by the Applicant at Deadline 1 for the Gorse Hill Lane & Temple Road/B1191 A15 junctions will be discussed with the Applicant and Lincolnshire County Council</p> <p>LCC confirmed that the audits had been reviewed and that they had no concerns.</p> <p>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 Draft DCO [EN010149/APP/3.1.2] [REP1-006] itself.</p> <p>The ExA asked whether junction-related measures should be secured in the oCTMP [EN010149/APP/7.8.2] [REP1-062] or included as a requirement in the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Ms Coleman, Legal Director, Pinsent Masons LLP, on behalf of the Applicant, explained that the approach taken—securing design approval through the articles and the oCTMP [EN010149/APP/7.8.2] [REP1-062]—has been discussed and agreed with LCC, both on this and other projects. The Applicant considers this method appropriate, as the CTMP (secured under Requirement 14(3)) provides sufficient certainty and enforceability.</p> <p>The ExA asked the Applicant to confirm whether the CTMP offers sufficient certainty to the ExA and Secretary of State, and whether its contents could be altered before final approval.</p> <p>Ms Coleman explained that the CTMP must be substantially in accordance with the outline version, ensuring commitments are upheld. Breach of the approved plan would constitute a criminal offence under the DCO.</p> <p>The ExA referenced Requirement 15 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, where maximum daily vehicle trips as set out in the outline construction traffic management plan were secured on the face of the requirement.</p> <p>Ms Coleman agreed to review example requirement provided.</p> <p>Post hearing note: The Applicant has considered the drafting in Requirement 15 of the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. The Applicant does not consider further amendment is needed to the requirement in the draft DCO, as the requirement secures the approval of the CTMP and then its implementation. The CTMP must be substantially in accordance with the oCTMP [EN010149/APP/7.8.2] [REP1-062] and the “lock” is in Schedule 16 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006], where the Applicant needs to confirm when submitting the CTMP for approval, that it doesn't result in materially new or worse effects to those in the ES. It is within the control of Lincolnshire County Council not to approve the CTMP if they do not consider the necessary measures are appropriately secured, especially where the failure to do so could result in worse effects.</p> <p>4.5 Network Rail will be asked to provide an update on its position with regard to the Proposed Development.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Although Network Rail was not present at the hearing, Ms Coleman, on behalf of the Applicant, referred the ExA to Network Rail's written representation [REP1-099] which confirmed in relation to abnormal indivisible load movements that "<i>Network Rail have no objection in relation to the traffic routing, provided normal procedures are followed</i>" and with respect to impacts on public rights of way "<i>Network Rail no longer object on this basis</i>". Ms Coleman confirmed the Applicant's understanding that there were no areas of disagreement with Network Rail in relation to transport.</p> <p>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.</p> <p>Mr Buchan explained that insufficient information was available from National Grid to produce reliable traffic estimates. Key details such as the site plan, construction methodology, and programme were still under review. The Applicant is continuing discussions with National Grid and will provide an assessment once the scoping report is released. Mr Buchan noted that any cumulative impact is likely to be most significant at the A15/B1202 junction, where an embargo is already in place, and that other junctions are operating well below capacity.</p> <p>Post hearing note: The Applicant has provided a Cumulative Transport Note appended to this document, to address comments raised in relation to cumulative traffic matters associated with Navenby Heath BESS, Navenby Substation and Leoda Solar Farm, as well as other nearby schemes that may lead to cumulative issues on the A15 corridor.</p> <p>The ExA asked the Applicant to clarify how the Leoda project has been factored into the revised cumulative effects assessment submitted at Deadline 2, and whether the recently submitted Navenby substation application should also be included.</p> <p>Mr Buchan explained that limited information was available on the Leoda project at the time of the assessment, but it appears to access from the A17 and is unlikely to overlap significantly with the A15 corridor. The Applicant is committed to updating the cumulative assessment as more information becomes available.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Regarding the Navenby substation, Mr Buchan confirmed that a full revision of cumulative schemes—including transport and other topics—will be submitted at Deadline 4.</p> <p>4.7 The Applicant's proposed changes to Sheet 10 of the Streets, Rights of Way and Access Plans [EN010149/APP/2.4.3] [REP1-004] and Illustrative Layout Plans & Sections [EN010149/APP/2.5.3] [REP1-005] and whether they should be considered as a change to the application will be discussed with the Applicant and Local Authorities.</p> <p>LCC agreed that recent rights of way plan changes were minor and not material.</p> <p>4.8 Lincolnshire County Council's outstanding concerns in relation to Public Rights of Way will be discussed with the Applicant.</p> <p>Post hearing note: With respect to the drafting point raised by LCC in Appendix B to its LIR, that the creation of new PRow should include the dedication of such new paths, the Applicant agrees that a deed of dedication would ordinarily be required, however, under the powers in the draft DCO, the Applicant does not consider any further amendments are required in this respect; this is because Article 11 of the draft DCO does the same job as a deed of dedication and no additional provision in this respect is necessary.</p> <p>Interested Parties raised concerns regarding the traffic impacts of the Scheme, including comments about enforcement mechanisms.</p> <p>Ms Coleman responded to concerns about enforcement by outlining the legal mechanisms in place under the DCO regime. She explained that the CTMP must be approved by the relevant planning authority pursuant to the DCO requirement and strictly adhered to, with NKDC empowered to enforce compliance under the Planning Act 2008 (PA 2008) if there is a breach of the requirement.</p> <p>There are also monitoring provisions in the oCTMP [EN010149/APP/7.8.2] [REP1-062], including a commitment for the Applicant to record ongoing compliance. NKDC could ask the Applicant at any time to</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>demonstrate or confirm compliance with the CTMP provisions, including in circumstances where people are raising concerns with NKDC.</p> <p>If NKDC decides to take formal action, it could exercise powers to: (1) serve an information notice under section 167 of the PA 2008 on the Applicant, requiring the Applicant to give information on the areas where NKDC thinks the Applicant may be in breach of the DCO; (2) serve an enforcement notice on the Applicant to stop the breach and setting out steps that must be taken to comply; and (3) if the Applicant failed to comply with the enforcement notice (which is an offence under section 168 of the PA 2008), seek an injunction to make the Applicant stop works until it complies with the enforcement notice.</p> <p>In addition, the oCTMP [EN010149/APP/7.8.2] [REP1-062] at paragraph 8.4.2 confirms that there will be a hotline for local residents to use to report concerns with compliance to the Applicant, so that the Applicant can address those concerns, which it would do, not least because of the enforcement powers of NKDC, as outlined above.</p> <p>Mr Buchan added that CTMP measures have been effective on other projects and will be expanded in the final version approved by LCC. He confirmed that the study area and junction assessments were agreed with LCC, and a revised cumulative assessment will be submitted at Deadline 4.</p>
5	Water Environment	<p>5.1 Matters associated with the Sequential test for flood risk and whether there is an operational need for solar panels to be located in flood zone 3b will be further discussed with the Applicant.</p> <p>The ExA asked the Applicant to explain its approach to the Sequential Test and whether land in Flood Zone 1 could be considered reasonably available, including through compulsory acquisition.</p> <p>Ms Coleman explained that no suitable sites solely within Flood Zone 1 were identified and discounted purely on availability grounds; rather, they were found to be unsuitable for solar development.</p> <p>Ms Coleman then addressed whether the ability to use compulsory acquisition (CA) powers means land was “reasonably available” for the purposes of the Sequential Test. Ms Coleman explained that the potential to be granted CA powers does not automatically make land reasonably available. The ability to seek CA powers may mean land is theoretically “available” to the Applicant, however, the Applicant does not consider the ability</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>to seek those powers means the land is “reasonably” available, or using the wording from the Planning Practice Guidance, that there is a “reasonable prospect” of CA powers being granted in this context (i.e. is there a “reasonable prospect” of CA powers being granted in order that the land is itself reasonably available). Ms Coleman set out that the hypothetical situation would be one where there is a suitable site for the Proposed Development, within Flood Zone 1, with a landowner who does not want to provide their land voluntarily for the scheme (most likely rural land, being used for agriculture):</p> <ul style="list-style-type: none"> (i) The Applicant would have to demonstrate compliance with strict legal tests to obtain CA powers and justify interfering with the rights of a private individual, including demonstrating there are no alternatives to using the CA powers, and that CA should be a last resort; and (ii) There is an alternate site (that is, in this scenario, the Springwell Order limits) that is suitable and appropriate for the type of development, with willing landowners, which can be designed to have no impact on flood risk or floodplain storage (and in fact, would be an efficient use of land that may not have many other viable uses in times of flood), but which is required to be discounted (in this scenario) purely due to the need to satisfy a policy test. <p>In this entirely hypothetical situation (as no clear alternative site meeting our criteria within Flood Zone 1 is being considered), and given the circumstances and considerations set out above, Ms Coleman explained that the Applicant does not think it is reasonable to assume that the Applicant would be granted CA powers.</p> <p>Ms Coleman also noted that the Planning Practice Guidance also references reasonably available sites as being available at the point in time envisaged for the development, and needing to rely on CA powers usually means more time is incurred pre-application as survey access cannot be agreed and there is not cooperation from the landowner in terms of the design and preparation of the application, and then if consent is granted, there is not an exercisable option available, instead the general vesting declaration process would need to be relied upon to acquire the land, which could add a further six months.</p> <p>The ExA asked the Applicant to clarify whether any land had been ruled out solely on availability grounds, noting that the submitted material suggested land north of the Order limits was excluded because the landowner wished to retain it for farming.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Mrs Price, Director of DWD, for the Applicant explained that the estate did not identify the northern land as available because it is good quality farmland intended to remain in agricultural use. She explained that in applying the Sequential Test, it is reasonable to consider whether land is already fulfilling an appropriate planning purpose. In this case, the land's ongoing agricultural use was a relevant factor in determining its unavailability for solar development.</p> <p>The ExA asked the Applicant to clarify whether the presence of solar panels in Flood Zone 3B is justified by "operational reasons" as required by paragraph 5.8.41 of NPS EN-1 or whether "operational reasons" should mean something relating to the Scheme itself. .</p> <p>Ms Coleman stated that the inclusion of solar panels within Flood Zone 3B is justified by operational reasons, which include both the layout of the Proposed Development and its strategic location relative to the National Grid. She explained that the scheme is designed to maximise the use of available grid infrastructure and optimise energy generation, particularly in areas of marginal flood risk that are otherwise unused. Ms Coleman said that this represents an efficient use of land and aligns with the urgent national need for renewable energy infrastructure, thereby constituting a valid operational reason under paragraph 5.8.41 of NPS EN-1.</p> <p>The ExA suggested that efficient land use may be more relevant to the Sequential Test than to the definition of "operational reasons" under planning policy. On that basis, the ExA posed a hypothetical scenario in which "operational reasons" are interpreted narrowly to mean only those related to the proposed development's layout or design. The Applicant was asked whether, under this narrower definition, it would accept that there are no operational reasons for locating solar panels within Flood Zone 3B.</p> <p>Ms Coleman, responded that while the solar panels located in Flood Zone 3B may not be absolutely essential to the operation of the Proposed Development, this is not the relevant test under planning policy. She maintained that the operational reason lies in the scheme's ability to maximise generation capacity and make efficient use of available grid infrastructure, in line with national policy and the urgent need for renewable energy. Therefore, even under a narrower interpretation of "operational reasons" focused on the development's layout, the Applicant contends that the inclusion of these areas supports the overall functionality and strategic aims of the project.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>The ExA questioned whether simply generating renewable energy infrastructure could be considered an operational reason, noting that if so, the policy wording would be redundant.</p> <p>Ms Coleman explained that the test also requires compliance with additional criteria—such as no net loss of floodplain storage and no impediment to water flows—if an operational reason is established.</p> <p>Mrs Price acknowledged the complexity of interpreting “operational reasons” under paragraph 5.8.41 of NPS EN-1, noting that the term is undefined, noting that the requirement needs to be applied across a broad range of types of energy infrastructure covered by EN-1. Mrs Price referred to the Applicant’s Planning Statement Addendum [EN010149/APP/8.12] [REP1-069] and Annex 3 of the National Planning Framework (NPPF), which, although a separate policy document, offers context by listing essential infrastructure and discussing operational justifications. Mrs Price highlighted that while (under the NPPF) some energy technologies require explicit operational reasoning for siting in flood zones, solar and wind farms are not listed as needing to demonstrate such justification, reflecting that, distinct from other energy infrastructure, there is an acceptance in the NPPF that the nature of solar and wind infrastructure is that they will usually have limited impact on flood risk (hence a lesser policy justification). Whilst the test in NPS EN-1 remains the relevant policy, the NPPF is instructive in this respect. Given the absence of a clear definition in the NPS, the Applicant maintains that maximising electricity generation and grid connection efficiency constitutes a valid operational reason for the proposed siting within Flood Zone 3B.</p> <p>Post hearing note: The Applicant maintains its position that the need to maximise electricity generation and the grid connection from the Site is an operational reason justifying the siting of solar panels within Flood Zone 3B. This justification relates to that part of the Proposed Development that is the Nationally Significant Infrastructure Project, that is, the generating station itself (Work No. 1). In response to the point from the ExA that the test in paragraph 5.8.41 of EN-1 could (on the Applicant’s approach) be met by any development caught up NPS EN-1, the Applicant considers there is a distinction, so that the operational reason of maximising energy generation would not necessarily apply to say, siting welfare facilities or buildings in Flood Zone 3B (accepting there may be other operational reasons for doing so). There are various aspects of associated development, likely to be consented alongside a solar NSIP, that conceivably could not be said to have to be in Flood Zone 3B for reasons that are based on the integral contribution of that development to</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>maximising the generation of the scheme – for example, ancillary buildings for storage, workshops, a control room. Such infrastructure is integral and crucial to supporting the generation of energy by the NSIP, but not necessarily to “maximising” that energy generation – whereas firstly the solar NSIP is itself directly responsible for energy generation, and secondly, maximising such generation is (in this case) dependent in part upon being able to use the site as efficiently as possible by using the available land for energy generation, and in this case this includes siting panels in Flood Zone 3B.</p> <p>5.2 The Applicant and Environment Agency will be asked questions about Part 2 Principal Powers – Article 6 sub-paragraph (d) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>The ExA asked whether there had been any updates to discussions between the Applicant and the Environment Agency regarding Article 6(2)(d) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>Ms Coleman explained that further discussions had taken place and it had been agreed that the relevant provision will be removed from the Draft DCO [EN010149/APP/3.1.2] [REP1-006] at Deadline 3. This update has been shared with the Environment Agency.</p> <p>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.</p> <p>The ExA asked whether the Environment Agency now accepts that connecting to a public sewer is not feasible, and whether the Statement of Common Ground will be updated to reflect current positions.</p> <p>The Environment Agency confirmed its agreement and Ms Coleman confirmed that the Statement of Common Ground will be updated at Deadline 3</p> <p>5.4. The Applicant and Environment Agency will be asked for an update on discussions in relation to all current matters of disagreement.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Ms Coleman confirmed that the only outstanding matter relates to unexpected contamination and how it is secured—either through the Draft DCO [EN010149/APP/3.1.2] [REP1-006] or the oCEMP [EN010149/APP/7.7.3] [REP2-015].</p> <p>Post hearing note: The Applicant is to update the Draft Statement of Common Ground – Environment Agency [EN010149/APP/8.5] [REP1-080], and issue at Deadline 3.</p> <p>The ExA asked about potential damage to land drainage during construction, particularly from less visible causes such as vibration from piling, and asked how such damage would be identified and addressed.</p> <p>Ms Coleman, for the Applicant, explained that a careful process has been undertaken to identify existing drainage and utility features to the best of the Applicant's ability, in order to protect them. During early design, searches were conducted using commercially available databases and verified through discussions with utility owners, statutory consultees, and stakeholders such as landowners, whose records of non-commercially mapped features were incorporated. Pipework information from Blankney Estates Ltd was received and included in the design. All data was amalgamated into a single CAD model, coordinated with the solar PV and BESS layout to ensure appropriate mitigation measures are implemented. Geophysical surveys were also carried out to confirm the physical location of features, rather than relying solely on drawings.</p> <p>Ms Coleman acknowledged the difficulty in identifying all drainage features and recognised the potential for damage despite the care taken. She referred to commitments in the outline Soil Management Plan (oSMP) [EN010149/APP/7.11.2] [REP1-042] at paragraph 7.5.2 and the oCEMP [EN010149/APP/7.7.3] [REP2-015] which require the remediation or replacement of any drainage impacted by the development. The oCEMP [EN010149/APP/7.7.3] [REP2-015] also includes obligations on the Environmental Manager to conduct site walkovers and monitor the site, with any breakages identified to be repaired in accordance with those commitments. These measures are intended to ensure that adequate drainage systems remain in place and that any issues arising during construction are effectively mitigated.</p> <p>In response to questions raised by Interested Parties, Ms Coleman explained that not all land within the Blankney Estate was made available to it; availability was informed by discussions with the Estate. On drainage, the Applicant added that the scheme includes its own drainage design, set out in Flood Risk</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Assessment: Appendix A - Outline Drainage Strategy [EN010149/APP/7.16.3] [REP1-050] and secured through the DCO requirement. The Environment Agency is satisfied that the development will not increase flood risk, as sufficient drainage is included to manage surface water runoff, and the scheme does not rely on existing land drainage systems.</p>
6	Draft Development Consent Order	<p>6.1 The Applicant and Local Authorities will be asked questions about Articles 40 and 41, associated with felling or lopping of trees and removal of hedgerows and trees subject to tree preservation orders.</p> <p>The ExA asked the Local Authorities whether the additional wording included by the Applicant into article 40 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] at Deadline 1 addressed their concerns.</p> <p>Mr Hunter, for LCC, said that the wording was acceptable but did not fully address LCC's concerns. This includes that it is not clear that Articles 40 and 41 are constrained by the requirements of the CEMP and Landscape and Ecology Management Plan (LEMP). The powers in Articles 40 and 41 appear to be freestanding, allowing removal of any tree, regardless of its environmental value or assessment status. He said that this could result in the removal of non-protected but significant trees, potentially affecting the biodiversity net gain (BNG) balance. He added that Article 41 allows removal of trees that may be subject to future Tree Preservation Orders (TPOs). Mr Hunter suggested that one solution could be to explicitly link the powers in Articles 40 and 41 to the requirements of the CEMP and LEMP. Alternatively, the necessary tree removal details could be provided at the approval stage of those plans, making the additional powers unnecessary. NKDC had no further comments beyond those made by LCC.</p> <p>Ms Olivia Henshall, Senior Associate at Pinsent Masons LLP, for the Applicant responded to concerns raised by LCC regarding Articles 40 and 41 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] in turn. With regards to the constraint of powers under Articles 40 and 41, Article 3(1) of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] states that all powers are subject to the requirements, including those in the CEMP and the LEMP. These documents contain commitments to avoid and minimise tree loss, which should provide the necessary assurance and the Applicant's position is that further controls are not required.</p> <p>Regarding the removal of non-protected trees of value, Ms Henshall said that the Applicant acknowledged the concern but emphasised that the Proposed Development will be required to deliver minimum levels of BNG</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
	<p>percentage increases across the three unit types, which all exceed the future statutory requirement of 10%. These levels will be included on the face of the Order when the next update to the Draft DCO [EN010149/APP/3.1.2] [REP1-006] is submitted at Deadline 3, which provides further comfort that the BNG levels will be delivered throughout the operation of the consent. The LEMP will include more detail on delivery of BNG and monitoring measures to ensure that any unforeseen works do not compromise the BNG commitment. This will be an ongoing obligation, and the LEMP will be approved by the relevant planning authority.</p> <p>In response to LCC's point regarding future TPOs, Ms Henshall said that, while there are currently no TPOs within the Order Limits, the Applicant's arboricultural surveyor has identified trees that, due to their characteristics, may become eligible for protection in the future (i.e. next 10 to 20 years). Given the long lifespan of the Proposed Development (including operation and decommissioning), Ms Henshall said that it is essential to retain powers to carry out works to such trees as a last resort, to ensure the Proposed Development can meet its obligations and deliver urgently needed renewable energy. The risk that the characteristics of the trees within the Order Limits could become protected, in the Applicant's arboricultural surveyor's professional opinion, means that inclusion of article 41 is not on a precautionary basis. These powers would be exercised only when necessary, and this approach is reflected in the management plans.</p> <p>Regarding notification of works to trees, Ms Henshall said that the Applicant would consider additional measures such as notification procedures, to address concerns about transparency and oversight, and that the oLEMP [EN010149/APP/7.9.2] [REP1-064] would be updated to provide for the replacement of TPO trees removed as part of the Proposed Development. Ms Henshall requested clarification on the exact wording proposed by LCC so it could be reviewed and considered.</p> <p>Mr Hunter, for LCC, said that while Article 3 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] states that development consent is subject to the provisions and requirements of the DCO, it does not clarify which takes precedence — the powers in Articles 40 and 41 or the requirements in the CEMP and LEMP. He said that that this ambiguity leaves room for interpretation and that express wording is needed to confirm that Articles 40 and 41 are subject to the relevant requirements, particularly Requirement 8. He offered to propose specific wording after the hearing following further reflection.</p>	

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Mr Sheikh, for NKDC, welcomed the Applicant's suggestion of notification of works and supported the idea of being informed of any replacement trees. He maintained that Article 41, as currently drafted, still represents a precautionary power, which is incompatible with PINS Advice Note 15, particularly Good Practice Point 6, which discourages blanket powers over potentially protected trees. He suggested that if certain trees are thought likely to become protected, they should be identified in a schedule, rather than relying on a general power.</p> <p>In response to the further points raised by the Local Authorities, Ms Henshall said that, regarding the priority of provisions, the powers in Articles 40 and 41 would not override the obligations in the management plans. These plans represent best practice and mitigation measures that the undertaker is committed to, and the articles and plans should be read together. On future TPOs, she said that Article 41 is not based on a precautionary approach, rather there is a real and foreseeable need for such powers over the Proposed Development's lifespan (as noted above). Ms Henshall noted that the power to carry out works to trees protected by a TPO has been included in other recent DCOs even where at the time of consent there are no TPOs within the order limits. Ms Henshall offered to provide a list of made DCOs that include similar powers, if helpful. She acknowledged the challenge of the Applicant identifying trees that would be subject to a future TPO, as this lies within the discretion of the local planning authority, but that the Applicant would consider this request further.</p> <p>Post hearing note: At Deadline 3 the Applicant has updated the oOEMP [EN010149/APP/7.10.3] [REP2-018] to insert a new Section 2.10 which includes a commit to an annual planning maintenance schedule. This would require the Applicant to report to the relevant planning authority on its expected activities in the upcoming twelve months, including waste generation, transport requirements, and details of any trees that require removal and if they are proposed to be replaced. The schedule would also confirm that the environmental effects that are likely to arise as a result of the proposed maintenance and the environmental controls to be implemented are not materially worse than those reported in the ES.</p> <p>The oLEMP [EN10149/APP/7.9.2] [REP1-064] is also being updated at Deadline 3 to confirm that whilst no removals of trees subject to a TPO are proposed, where an individual tree subject to a TPO must be removed (e.g. due to its dead or dangerous condition), and the local authority requires replacement, a new tree of</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>equivalent species and ultimate size will be planted in the same place or as near as reasonably practicable, subject to operational requirements. The oLEMP [EN010149/APP/7.9.2] [REP1-064] confirms that the final species and planting location will be agreed in advance with the local authority. We would envisage that in practice, any notification of removal and replacement and agreement in this respect, would form part of the planning annual schedule produced under the OEMP.</p> <p>Post hearing note: The Applicant confirms that both the recently made Cottam Solar Project Order 2024 and the West Burton Solar Project Order 2025 include the power to carry out works to TPO trees in the future, but did not have any identified TPOs within the order limits at the time the DCO was made.</p> <p>The Applicant, LCC and NKDC had a meeting on 7 August to discuss the action points from the ISH4 relating to the Draft DCO [EN010149/APP/3.1.2] [REP1-006]. The Applicant explained that it proposes that the drafting of Articles 40 and 41 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] will remain the same. However, the Applicant explained proposed amendments to the oLEMP [EN010149/APP/7.9.2] [REP1-064] (with respect to replacement of TPO trees) and the oOEMP [EN010149/APP/7.10.3] [REP2-018] (with respect to the annual planning maintenance schedule, which would include details of any trees that require removal and if they are proposed to be replaced). The Applicant has shared these updates to the oLEMP [EN010149/APP/7.9.2] [REP1-064], oCEMP [EN010149/APP/7.7.3] [REP2-015], oOEMP [EN010149/APP/7.10.3] [REP2-018], and oDEMP [EN010149/APP/7.13.3] [REP2-021] with the LPAs in advance of Deadline 3 for their consideration.</p> <p>6.2. Matters associated with the sought disapplication of the railway related legislation will be discussed with the Applicant and Network Rail.</p> <p>The ExA asked for an update on discussions with Network Rail regarding the disapplication of certain legislation.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Ms Coleman explained that discussions have taken place with Network Rail's legal representative, and an agreed position is expected. Network Rail is currently reviewing the Applicant's position and will respond shortly. Further discussions will continue with the aim of reaching agreement.</p> <p>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).</p> <p>The ExA noted that while the Applicant has made changes to timescales and fees in Schedule 16 following comments from the local planning authorities and the Environment Agency, disagreement remains on paragraph 3 and paragraph 6(a).</p> <p>In response to concerns raised by the Local Authorities, Ms Coleman explained that the Applicant had already extended the timeframe for Local Authorities to request further information—15 working days where no consultation is required, and 20 where it is. Ms Coleman asked whether the proposed extension of the ten-day period to 15 working days (under paragraph 6(a)) is intended to be absorbed within the existing overall timescales, or whether further consequential amendments are being sought. Both Local Authorities confirmed that this was the intention. Ms Coleman said that the Applicant would consider the change, and emphasised the importance of maintaining the overall timescales, particularly the ten-week determination period.</p> <p>Post hearing note: At Deadline 3 the Applicant has updated the Draft DCO [EN010149/APP/3.1.2] [REP1-006] to change the timescale in paragraph 3(6)(a) of Schedule 16 from 10 to 15 working days.</p> <p>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.</p> <p>The ExA asked for an update on discussions with the Ministry of Defence (MoD) regarding the wording of certain DCO requirements, including a new provision related to electrical noise.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Ms Coleman explained that the current drafting reflects earlier discussions with the MoD, and further feedback has recently been received. The Applicant hopes to have the requirements in agreed form by Deadline 3. She explained that the new electrical noise requirement was added in response to MoD concerns about potential electromagnetic interference with sensitive equipment, and the drafting closely follows MoD's requested wording to provide reassurance.</p> <p>Post hearing note: The Applicant has made further updates to the Draft DCO [EN010149/APP/3.1.2] [REP1-006] at Deadline 3 to insert definitions of the zones / areas where the MoD would be consulted with under the relevant requirements. Drafting has also been added to deal with a situation where the MoD changes the extent of those zones / areas. The Applicant understands that the inclusion of the MoD as a consultee in Requirements 8, 10, 12, 13 and 19 to be agreed by the MoD, and the drafting here reflects the requests and concerns in the MoD written submissions and subsequent discussions with them. The drafting of Requirement 20 (electrical noise) is not fully agreed between the parties. The outstanding area of disagreement relates to paragraph (2)(c), which at Deadline 3 is drafted as shown below, with the text in red being text the MoD has either not agreed or not made any comment on to confirm agreement, but which the Applicant considers should be included to ensure the requirement is not overly and unnecessarily restrictive. The proposed amendments by the Applicant are aimed at ensuring the effect of this requirement is focussed on the actual potential effects from electrical noise interference in order to provide necessary protection to MoD operations, rather than a blanket restriction. The Applicant continues to seek engagement with the MoD.</p> <p><i>(c) report(s) and supporting evidence, using methodologies and standards accredited by the Ministry of Defence, to demonstrate how the works the subject of the plan will be constructed, tested, operated, and maintained throughout their life to ensure that any deleterious electrical noise interference to technical site installations in relation to RAF Digby and the east 1 WAM network is prevented or reduced to a level below a threshold set by the Ministry of Defence;</i></p> <p>6.5. Whether the UK Health Security Agency should be added as a consultee for Requirement 7 will be discussed with the Applicant.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Ms Henshall explained that the Applicant had engaged with the UK Health Security Agency (UKHSA) regarding its role in Requirement 7 (Battery Safety Management Plan). UKHSA confirmed that, as it holds no regulatory powers, it does not wish to be named as a consultee for the discharge of the requirement. The Applicant therefore does not consider it necessary to include UKHSA in the requirement.</p> <p>Ms Henshall also noted that UKHSA's role as a statutory consultee ends once consent is granted. The oBSMP [EN010149/APP/7.14.2] [REP1-048] has been approved by UKHSA, as reflected in the Draft Statement of Common Ground – UK Health Security Agency [EN010149/APP/8.6] [REP1-081] submitted at Deadline 1. The final plan must be substantially in accordance with the outline version, which gives comfort that the final plan will be within the scope agreed by UKHSA already. In any event, the relevant planning authority may still consult other bodies, including UKHSA, even if not expressly listed.</p> <p>6.6. Matters associated with early decommissioning and a 'force majeure event' will be discussed with the Applicant and Local Authorities.</p> <p>The ExA noted that this agenda item had been discussed previously at ISH3 and NKDC confirmed that the wording added into section 2.16 of the oOEMP [EN010149/APP/7.10.3] [REP2-018] at Deadline 2 addressed its concerns.</p> <p>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 DCO [EN010149/APP/3.1.2] [REP1-006].</p> <p>The ExA read out a question in relation to Part 2 Principal Powers – Article 6, as follows: The ExA remain unconvinced that the combined effect of s115(5) and s33(1) of the PA2008 is to PREVENT planning permission being granted for or in some way related to associated development already consented by a DCO, as opposed to having the effect that planning permission is not REQUIRED by law in such circumstances. The ExA, therefore, think that article 6(5) development could include not only non-NSIP development that has not been consented under the DCO, but also non-NSIP development that has been consented by the DCO.</p>

#	Agenda item	Written summary of Applicant's oral submissions at ISH 4
		<p>Therefore, the ExA are not of the view that the Applicant has justified the need for the article to apply to associated development consented by the DCO or to non-NSIP development that has not been consented by the DCO. What is the Applicant's reply?</p> <p>The Applicant took an action to consider the question and respond in writing.</p> <p>Post hearing note: At Deadline 3 the Applicant has further amended Article 6(5) to make clear that the paragraph does not relate to development that is authorised by Schedule 1 to the DCO.</p> <p>The purpose of Article 6(5) in practice would only be applicable in a situation where, if the Applicant needed to undertake development (including works in connection with the authorised development, but not amending anything already authorised by Schedule 1 of the DCO, and assuming such additional development in itself was not a nationally significant infrastructure project requiring consent under the Planning Act 2008) that could not otherwise be undertaken under the DCO (or any permitted development rights), planning permission would be needed. Once there is planning permission for that development, under the Town and Country Planning Act 1990 (TCPA), the purpose of this Article 6(5) is that carrying out that development pursuant to that TCPA planning permission would not put the Applicant in breach of the DCO (where otherwise a breach could arise due either to a situation where undertaking the development under the TCPA planning permission was not consistent with a requirement of the DCO, or because the development authorised by the TCPA planning permission was seen to be development within the Order limits that was intended to be pursuant to the DCO). By clarifying that this Article does not relate to development authorised by Schedule 1 of the DCO, this means that this Article would not apply to a TCPA planning permission that, for example, sought to amend development already authorised by Schedule 1.</p> <p>With respect to Crown consent, the Applicant confirmed that it had recently received Crown consent pursuant to section 135 of the Planning Act 2008 and would provide this at Deadline 3.</p> <p>Post hearing note: the Applicant has submitted the crown consent at Deadline 3 in the updated version of the Schedule of Negotiations and Powers Sought [EN010149/APP/4.4.3] [REP2-007].</p>

Appendix 1 - Response to Action Points



Responses to Action Points

The tables below sets out the Applicant's Responses to Action Points raised during the Issue Specific Hearings. Table 4 sets out the further responses provided by the Applicant post-hearing.

Table 1: Action Points arising during ISH 2: LVIA, Cultural Heritage and Noise

Action Point	Applicant's Response
Action Point 1: To provide overall % of area solar development and a revised Plan 3 of Appendix 2 of the Applicant's response to ExQ1 of all combined solar development within the landscape character areas Central Plateau LCT, LCA 7 and LCA 11. The Applicant should add on the map if the solar farms on the map show existing or proposed TCPA or NSIPs.	<p>The Applicant has updated Plans 1, 2 and 3 of Appendix 2 to the Response to First Written Questions (ExQ1) [EN010149/APP/8.14] [REP1-071], which have been appended to this document. In revising these plans it came to light that the Mareham Lane TCPA application (previously shown on Plans 1 and 2) was refused planning permission in March 2025. No appeal has been lodged against the refusal and therefore this site has been removed from all three plans for consistency. Conversely it has also been noted that a new TCPA solar farm application known as Burton Gorse Solar Farm was submitted on 26 March 2025. This has therefore been added to all three plans.</p> <p>In order to provide clarity on which projects are operational/consented and those which are in planning but not consented, two versions of each plan have been prepared. Plan 'a' in each case shows only those site (TCPA or NSIP) which are operational or consented. Plan 'b' in each case shows these sites plus others that are in planning but not yet consented.</p> <p>The updated figures are therefore:</p> <ul style="list-style-type: none"> Plan 1a – Cumulative Solar Development and NCA 47 (Operational and Consented Projects Only) Plan 1b – Cumulative Solar Development and NCA 47 (Operational, Consented and Projects in Planning)

Action Point	Applicant's Response												
	<ul style="list-style-type: none"> Plan 2a – Cumulative Solar Development and LCT Central Plateau (Operational and Consented Projects Only) Plan 2b – Cumulative Solar Development and LCT Central Plateau (Operational, Consented and Projects in Planning) Plan 3a – Cumulative Solar Development LCAs (Operational and Consented Projects Only) Plan 3b – Cumulative Solar Development and LCAs (Operational, Consented and Projects in Planning) <p>The table below summarises the total % of land area in the relevant NCA/LCT/LCAs that would be occupied by above ground solar infrastructure taking account of the Springwell Solar Farm, National Grid Navenby Substation and other TCPA/NSIP solar projects. The figures are broken down further into the % area occupied by operational or consented projects and those in planning.</p> <table> <tr> <th colspan="2">NCA 47: (Approximate Area: 57,040 ha)</th></tr> <tr> <th><i>Operational and Consented Solar Development</i></th><th><i>Operational and Consented Solar Development and Projects in Planning</i></th></tr> <tr> <td>Area occupied by solar (incl NSIP and TCPA) – 377.7 ha</td><td>Area occupied by solar (incl NSIP and TCPA) - 574.6 ha</td></tr> <tr> <td>% of NCA 47 occupied by solar (incl NSIP and TCPA) – 0.7 %</td><td>% of NCA 47 occupied by solar (incl NSIP and TCPA) - 1 %</td></tr> <tr> <th colspan="2">LCT: Central Plateau (Approximate Area: 47,283 ha)</th></tr> <tr> <th><i>Operational and Consented Solar Development</i></th><th><i>Operational and Consented Solar Development and Projects in Planning</i></th></tr> </table>	NCA 47: (Approximate Area: 57,040 ha)		<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>	Area occupied by solar (incl NSIP and TCPA) – 377.7 ha	Area occupied by solar (incl NSIP and TCPA) - 574.6 ha	% of NCA 47 occupied by solar (incl NSIP and TCPA) – 0.7 %	% of NCA 47 occupied by solar (incl NSIP and TCPA) - 1 %	LCT: Central Plateau (Approximate Area: 47,283 ha)		<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>
NCA 47: (Approximate Area: 57,040 ha)													
<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>												
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LCT: Central Plateau (Approximate Area: 47,283 ha)													
<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>												

Action Point	Applicant's Response	
	Area occupied by solar (incl NSIP and TCPA) – 377.7 ha	Area occupied by solar (incl NSIP and TCPA) - 504.8 ha
	% of LCT occupied by solar (incl NSIP and TCPA) – 0.8 %	% of LCT occupied by solar (incl NSIP and TCPA) - 1.1 %
	LCA 7: Limestone Heath (Approximate Area: 19,513 ha)	
	<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>
	Area occupied by solar (incl NSIP and TCPA) – 213.8 ha	Area occupied by solar (incl NSIP and TCPA) - 264.2 ha
	% of LCA 7 occupied by solar (incl NSIP and TCPA) – 1.1 %	% of LCA 7 occupied by solar (incl NSIP and TCPA) - 1.4 %
	LCA 11: Central Clays and Gravels (Approximate Area: 21,448 ha)	
	<i>Operational and Consented Solar Development</i>	<i>Operational and Consented Solar Development and Projects in Planning</i>
	Area occupied by solar (incl NSIP and TCPA) – 151.4 ha	Area occupied by solar (incl NSIP and TCPA) - 228.1 ha
	% of LCA 11 occupied by solar (incl NSIP and TCPA) – 0.7 %	% of LCA 11 occupied by solar (incl NSIP and TCPA) - 1.1 %
Action Point 2: Provide a written response to explain the design process that has been undertaken to determine that the colour and	<p>The Applicant's response to ISH 2 Action Point 2 (set out below) explains the design process that was undertaken to determine the colour and material options for Work Numbers 2, 3 and 4 up to the Issue-Specific Hearing 2 (held on 15 July 2025). For a summary of the subsequent discussions that have taken place post ISH 2 and the actions that have been agreed with the Local Authorities, please refer to Action Point 3.</p>	

Action Point	Applicant's Response
<p>material options for Work Numbers 2, 3 and 4 are appropriate.</p>	<p>The Design Commitments [EN010149/APP/7.4] [APP-0138] sets out specific design commitments in relation to the colour and material options for Works Numbers 2 (Springwell Substation Compound and Springwell Substation Transformer), 3 (Satellite Collector Compounds) and 4 (Battery Energy Storage System). These include:</p> <ul style="list-style-type: none"> • D14: <i>Independent Outdoor Equipment (centralised inverters and transformers) will be grey or dark green in colour.</i> • D15: <i>Independent Outdoor Equipment (switchgear) will be grey, white or dark green in colour.</i> • D16: <i>ITS (centralised inverters, transformers and switchgear) will be grey or dark green in colour.</i> • D17: <i>Satellite Collector Compounds will be mounted on concrete pad foundations or plinths. The proposed structures will be grey or dark green containers or brick or block buildings, rendered/painted to suit local building styles and to be sensitive to the local environment.</i> • D19: <i>BESS containers and transformer units will be grey or green in colour.</i> • D20: <i>A 4m high acoustic barrier will surround the BESS compound and 6m high absorbent acoustic barrier will be positioned to the west, north and east faces of the Springwell Substation transformers. These will be grey or green in colour.</i> <p>The range of colour and material options identified within the Design Commitments [EN010149/APP/7.4] [APP-0138] is designed to minimise potential impacts on local landscape character, visual amenity and nearby built heritage assets and allow for flexibility in the detailed design. All of the colours identified within the Design Commitments [EN010149/APP/7.4] [APP-0138] allow for a grey or green colour option. This responds to the predominant characteristics of the rural landscape which include open skies and vegetation blocks (hedgerows, trees and woodlands). Allowing for both grey and green</p>

Action Point	Applicant's Response
	<p>colour options enables flexibility at the detailed design stage to select the most appropriate colour for individual components depending on their location. For example, where a component is located against a woodland backdrop green is likely to be the most appropriate colour choice.</p> <p>A greater range of colour and material options is provided for the Satellite Collector Compounds (refer to Design Commitment 17) as these are the largest components located in Springwell Central and East. This allows for flexibility at the detailed design stage to respond to local differences in character between Springwell West, Central and East, including consideration of specific design guidance set out in the Scopwick and Kirkby Green Neighbourhood Plan 2021-2036 (Made), including Appendix 3: Scopwick and Kirkby Green Design Codes (AECOM, 2020).</p> <p>Within the constraints set by the Design Commitments [EN010149/APP/7.4] [APP-0138], the exact colour and material choice is highly unlikely to have any discernible bearing on visual impact or the outcome of the LVIA. The final choice of colour and materials would be submitted (with justification as appropriate) as part of the detailed design for approval by the relevant planning authority in accordance with Requirement 5 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006].</p>
<p>Action Point 3: Parties to discuss materials and colours set out in the Design Commitments.</p>	<p>Following the Issue-Specific Hearings, the Applicant, LCC and NKDC have discussed the materials and colours set out in the Design Commitments [EN010149/APP/7.4] [APP-0138] via a combination of video calls and emails. As a result of the discussions, it was agreed that the Design Commitments [EN010149/APP/7.4] [APP-0138] would be updated at Deadline 3. The updates would include an amendment to the wording of D17 and D20, and the addition of two new commitments at D25 and D26. The agreed wording of these commitments is set out below:</p> <ul style="list-style-type: none"> • D17: <i>Satellite Collector Compounds will be mounted on concrete pad foundations or plinths. The proposed structures will be grey or dark green containers or buildings</i>

Action Point	Applicant's Response
	<p><i>rendered, painted or clad to suit local building styles and to be sensitive to the local environment.</i></p> <ul style="list-style-type: none"> • D20: <i>A 4m high acoustic barrier will surround the BESS compound and 6m high absorbent acoustic barrier will be positioned to the west, north and east faces of the Springwell Substation transformers. These will be either natural timber fencing or other solid barrier in grey or green colour.</i> • D25: <i>Within the colour and material palettes identified by Design Commitments D14, D15, D16, D17, D19 and D20, the colour scheme and materials for built components of the Proposed Development will be sensitive to its context.</i> • D26: <i>The colour and materials of temporary barriers to reduce glint and glare impacts upon road users will be designed to be sensitive to its context.</i> <p>A summary of the discussions between the Applicant, LCC and NKDC is provided below together with an explanation of the changes that have been made to the Design Commitments [EN010149/APP/7.4] [APP-0138].</p> <p>In general, the Local Authorities were in agreement that a grey or dark green colour was most appropriate for the containers/units in work numbers 2, 3 and 4. The Local Authorities raised specific comments about the wording of D17 and D20 and it was agreed that these commitments would be amended on the following basis:</p> <ul style="list-style-type: none"> • D17 has been re-worded to directly address the external appearance of the Satellite Collector Compound structures. Reference to 'brick or block buildings' was considered to be inappropriate as it does not necessarily relate to the external appearance. This wording has been replaced with reference to the render, paint or cladding of the structures instead. • D20 has been amended to include natural timber fencing as a potential option for the acoustic barrier required for the BESS compound and Springwell Substation

Action Point	Applicant's Response
	<p>transformers. It should be noted that Requirement 9 of the draft DCO has also been updated at Deadline 3 to state that written details of all permanent fences must accord with the relevant design commitments.</p> <p>In addition to the amendments identified above, it was agreed that two additional Design Commitments would be included as follows:</p> <ul style="list-style-type: none"> • D25 has been added to ensure that landscape and visual impacts are taken into account when selecting the final colours and materials for Works Numbers 2 (Springwell Substation Compound and Springwell Substation Transformer), 3 (Satellite Collector Compounds) and 4 (Battery Energy Storage System). • D26 has been added to ensure that landscape and visual impacts are taken into account when selecting the final colours and materials for the temporary barriers to reduce glint and glare impacts on road users.
<p>Action Point 4: The Applicant is to provide a photo montage for viewpoints 28 showing the glint and glare mitigation hoarding at Year 1 for Deadline 3.</p>	<p>The Applicant has produced an updated photomontage for Viewpoint 28 of ES Volume 4, Landscape Visualisations Part 6 [EN010149/APP/6.4] [APP-132] as requested and this has been submitted at Deadline 3.</p>
<p>Action Point 5: Confirm in writing which vegetation height is correct in the Applicant's response to ref 15-2 in the Statement of Common Ground with NKDC.</p>	<p>The Draft Statement of Common Ground – North Kesteven District Council [EN010149/APP/8.2] [REP1-077] has been updated and reviewed by both parties, which includes the correct vegetation heights. The updated draft Statement of Common Ground has been submitted at Deadline 3. It is anticipated that the advanced planting would be approximately 1.8m high at the start of construction and 2.6m at the start of operation of the Proposed Development. This is based on the assumption that in year 1 of the early planting (planted in early 2025) the planting stock would typically be at 0.6m to 0.8m high and would</p>

Action Point	Applicant's Response
	not put much growth on during the first planting season and then put on an average of 0.4m growth each subsequent year.
Action Point 6: The Applicant is to provide further explanation of the consideration of effects on the Blankney and Scopwick Conservation Areas within the ES at Deadline 3.	The Applicant has provided further explanation of the consideration of the effects on the Blankney and Scopwick Conservation Areas within Annex 14 of the revised ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] that has been submitted at Deadline 3.
Action Point 7: The Applicant is to provide further explanation of the effects on the settings of Scopwick Mill and Thompson's Bottom farmhouse.	The Applicant has provided further explanation of the consideration of the effects on the settings of Scopwick Mill and Thompson's Bottom farmhouse within Annex 14 of the revised ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] that has been submitted at Deadline 3
Action Point 8: The Applicant is to provide an explanation of the effects on the collective value of the non-designated farmsteads.	The Applicant has provided further explanation of the consideration of the effects of collective value of the non-designated farmsteads within Annex 14 of the revised ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] that has been submitted at Deadline 3
Action Point 9: The Applicant is to explain how the guidance in the Greater Lincolnshire Farmstead Character Statement has been applied in reaching its conclusions.	The Applicant has provided further explanation of the consideration of the effects on the Blankney and Scopwick Conservation Areas within Annex 14 of the revised ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] that has been submitted at Deadline 3. Annex 14 of the updated ES Vol. 3 Appendix 9.1 – Archaeology Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] includes a consideration of the guidance contained in the Greater Lincolnshire Farmstead Character Statement.

Action Point	Applicant's Response
<p>Action Point 10: The Applicant is to submit the updated Desk Based Assessment and oWSI at Deadline 3.</p>	<p>The Applicant has produced an updated ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.3] [REP1-038] and an updated Outline Written Scheme of Investigation [EN010149/APP/7.15] [APP-0148] which have been submitted at Deadline 3. A draft of the updated oWSI has been shared with LCC and Historic England for comment ahead of Deadline 3. Further engagement regarding the draft updated oWSI will take place between Deadline 3 and Deadline 4 and a further update can be provided at Deadline 4 to respond to any further comments.</p>
<p>Action Point 11: The Applicant is to update DCO Requirement 11 in the draft DCO with the new wording so the LPAs can provide comment.</p>	<p>This has been undertaken in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3.</p>
<p>Action Point 12: The Applicant is to confirm in writing which are the correct figures/data in Table 12.14 of the ES and Appendix 1.</p>	<p>The Applicant has updated Table 12.14 of ES Volume 1, Chapter 12: Noise and Vibration [EN010149/APP/6.1] [APP-052] to reflect the use of the 22 baseline noise positions for assessment purposes. Additional text has been added to Section 12.4.11 for clarity. Table 12.14 now aligns with the details within Table 12.5 and ES Volume 3, Appendix 12.1: Baseline Noise Survey Results [EN010149/APP/6.3] [APP-120] which are unchanged. The amendments made to Table 12.14 do not change the original outcomes of the assessment.</p> <p>The Applicant has amended the traffic count data for Temple Road within Table 12.10. The amendments made do not change the original outcomes of the assessment.</p>
<p>Action Point 13: The Applicant will be asked how it knows how vibration effects/effects in general have</p>	<p>The Applicant has undertaken a due diligence exercise during the early design which includes various searches to identify and verify existing utilities with utility owners and statutory consultees. This has included discussions with stakeholders, including landowners to incorporate their records of features and pipework, of which are not publicly available.</p>

Action Point	Applicant's Response
affected the drainage (underground), mainly in a negative manner.	<p>Following this, the data is combined into a CAD model along with the proposed areas of Solar PV development to ensure this is incorporated into the design and appropriate mitigation measures are put in place to avoid impacts to existing drainage. We have also conducted geophysical surveys which also provides further information on existing drainage systems on the Site.</p> <p>Mitigation measures to avoid and if required, repair damage to the drainage systems are secured in Table 8 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] and in the oSMP [EN010149/APP/7.11.2] [REP1-042] which commits to remediate and replace any drainage that is impacted by the Proposed Development. Regular site inspections and walkovers will also be undertaken by the Environmental Advisor and any breakages or damage that is noticed will be inspected and repaired as secured in the oCEMP [EN010149/APP/7.7.3] [REP2-015].</p>

Table 2: Action points arising during ISH 3: Cumulative Effects, Air Quality, Climate, Land and Soils, Biodiversity, Health, Other matters (Waste)

Action Point	Applicant's Response
Action Point 1: Update the cumulative effects interrelationship report and discussions to take place with the local authorities during drafting.	<p>The Applicant has been engaging with both LCC and NKDC following the discussion in the ISH 3 hearing, and has reviewed the Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068] with both LCC and NKDC. An updated version of the Report will be submitted at Deadline 4 to ensure agreement on the approach and updates.</p>
Action Point 2: The Applicant is to undertake further Plume Assessment to include air dispersion monitoring.	<p>The Applicant has concluded the additional Plume Assessment Addendum [EN010149/APP/8.24] focusing on air quality, using atmospheric dispersion modelling in line with the agreements with the UKHSA. This has also been provided to the UKHSA for their review.</p>

Action Point	Applicant's Response
Action Point 3: The Applicant is to include NKDC as a consultee at Requirement 7 of the dDCO.	This has been undertaken in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3.
Action Point 4: The Applicant is to provide legal view on its position that it would not be reasonable to restrict the replacement of panels to that assumed in the ES.	Please see the post hearing note set out in the Applicant's Written Summary of Oral Submissions in relation to ISH 3.
Action Point 5: LCC and NKDC to provide comment on whether it is reasonable to include the requirement [related to replacement of panels] in the dDCO.	<i>Directed to Lincolnshire County Council and North Kesteven District Council.</i>
Action Point 6: NKDC to confirm its views on the Applicant's Climate Technical Note.	<i>Directed to North Kesteven District Council.</i>
Action Point 7: NKDC and LCC to confirm whether the SoS's consideration of the CCGT in the EYSF made in May 2025 alters the view of the LPAs.	<i>Directed to Lincolnshire County Council and North Kesteven District Council.</i>
Action Point 8: The Applicant is to confirm the total carbon savings	Based on a comparison with a UK Grid electricity emissions factor of 252.95 gCO ₂ e/kWh, the total carbon savings of the Proposed Development would be 6,034,691 tCO ₂ e when considering the entire project lifecycle, and 8,085,013 tCO ₂ e if only considering the

Action Point	Applicant's Response
figure based on comparison with UK Grid figure of 252.9.	operational phase. This does not affect the findings of the ES Volume 1, Chapter 8: Climate [EN010149/APP/6.1] [APP-048] or the Climate Technical Note at Appendix 2 of the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023] .
Action Point 9: NKDC to provide details of the other solar developments where it has been found that sealed overland has been considered a permanent impact.	<i>Directed to North Kesteven District Council.</i>
Action Point 10: The Applicant and EA are to have further discussions regarding contamination.	The Applicant and the EA have had a further meeting to discuss the secured location of the mitigation measures for unexpected contamination. With respect to the additional requirement requested, the Applicant still considers that is more appropriately included in the oCEMP [EN010149/APP/7.7.3] [REP2-015] , having added this to updated document submitted at Deadline 1. The oCEMP [EN010149/APP/7.7.3] [REP2-015] has been updated at Deadline 3 to amend the commitment to 'no further development in the area where contamination was located shall be carried out' to avoid works halting across the entire Site.
Action Point 11: The Applicant is to further consider scarce arable flora – concern with Bcd115 arable fields should extend to the north east corner of the field, and whether proposed strategic tree belt clashes.	Strategic tree belts have had regards to the presence of scarce arable flora and the Green Infrastructure Plans which form an appendix to the oLEMP [EN010149/APP/7.9.2] [REP1-064] have been amended at Deadline 3 to clearly show where management of field margins to benefit arable weeds will occur.
Action Point 12: The Applicant is to provide a map or figure showing the	The Green Infrastructure Plans which form an appendix to the oLEMP [EN010149/APP/7.9.2] [REP1-064] have been amended at Deadline 3 to clearly show which areas of ecological mitigation are dedicated for ground nesting bird mitigation.

Action Point	Applicant's Response
location of proposed mitigation for ground nesting birds.	
Action Point 13: The Applicant is to provide a revised dDCO including anticipated BNG figures in Requirement 8 at Deadline 3.	This has been undertaken in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3.
Action Point 14: Further discussions to take place 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.	The Applicant and NKDC have scheduled a meeting to discuss the Council's proposals for monitoring measures for tourism effects. It is anticipated that following this, the Council would submit representations to the examination.
Action Point 15: The Applicant is to update the dDCO to secure financial contribution for the FRS – to be index linked (i.e. per paragraph 28(a) of the PP).	This has been undertaken in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3.
Action Point 16: The Applicant is to provide its views on the concept of 'temporary and reversible' uses and infrastructure as supported by approach taken on other Solar DCOs.	Examples are: Paragraph 4.273 of the West Burton Solar Farm Secretary of State decision: <i>4.273. The Secretary of State places great importance on the protection of BMV land but is satisfied that the Proposed Development's siting on BMV land has been justified, noting that the Applicant has reasonably evidenced the use of BMV land and considered the relevant</i>

Action Point	Applicant's Response
<p>Action Point 17: Comments around food production – LCC remained concerned about food security, where when it is put in % terms it seems like a appears to be a small amount, but in planning terms it is large. Query about an updated list of sites where an exercise was carried out to exclude parts of the sites and to add in schemes that LCC thought ought to have been included.</p>	<p><u>2011 and 2024 NPS tests. However, the Secretary of State acknowledges there are harms due to the fixed-term, albeit reversible, use of BMV land, and the Secretary of State agrees with the ExA and ascribes little negative weight to soils and agriculture in the planning balance.</u></p> <p>Paragraph 4.74 of the Secretary of State's decision in Cottam Solar Farm:</p> <p><i>4.74 The Secretary of State agrees that the Proposed Development would revert back to agricultural use once the operational time-period has expired and agrees with the ExA that any effects would be temporary and reversible.</i></p> <p>Each of these schemes was for a 60 year consent and the type of infrastructure referred to (e.g substations, satellite compounds and BESS) has been treated as reversible and temporary.</p>
	<p>The Applicant has reviewed the further work that was undertaken by LCC related to the cumulative effects on Best and Most Versatile (BMV) Agricultural Land specifically related to NSIPs that are located within Lincolnshire. The results of their further work which remove developments in Nottinghamshire and using updated NSIP BMV information equates to 1.4% of BMV land in Lincolnshire which is proposed to be or is currently used by solar farms.</p> <p>The Applicant issued an updated ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] at Deadline 2 which included updated NSIP BMV figures including the inclusion of Leoda Solar Farm. The Applicant has undertaken a worst-case assessment which accounts for projects within 1km of the Lincolnshire and Nottinghamshire border and this concluded that there would be approximately 2.02% on BMV land in Lincolnshire which is proposed to be or is currently used by solar farms. The Applicant considers this assessment to be robust as this considers the worst-case cumulative effect on BMV agricultural land in the local region (including projects within the border of Nottinghamshire).</p>

Action Point	Applicant's Response
Action Point 18: Applicant to update outline Site Waste Management Plan in relation to the mechanism for reporting – e.g. what the next 18 months looks like	The Applicant has updated the oOEMP [EN010149/APP/7.10.3] [REP2-018] to include a new section at 2.10 which outlines the Applicants commitment to submit a planned maintenance schedule every 12 months from the date of final commissioning to the relevant local planning authority. This would the extent and nature of the schedule maintenance, including the anticipated amount of waste that would be recycled/landfilled, details of any trees that require removal and if they are proposed to be replaced, details of transport requirements, the proposed timings and confirmation that environmental effects that are likely to arise as a result of such maintenance are not materially worse than those reported in the ES.

Table 3: Action points arising during ISH 4: Grid Connection, Traffic, Water, dDCO

Action Point	Applicant's Response
Action Point 1: NKDC to update on scoping opinion for Navenby substation	<i>Directed to North Kesteven District Council.</i>
Action Point 2: The Applicant is to provide a revised CTMP to include figures for LGV routing and text in 4.1.8 remove text re time restrictions.	Paragraph 4.1.8 has been adjusted in the oCTMP [EN010149/APP/7.8.2] [REP1-062] and a revised version of this document has been submitted at Deadline 3. Figure 14.1 from ES Volume 2, Figures Chapter 14: Traffic and Transport [EN010149/APP/6.2] [APP-070] has been included in the oCTMP [EN010149/APP/7.8.2] [REP1-062] for reference.
Action Point 3: LCC to provide response on how movements in embargo period could be controlled / enforced.	<i>Directed to Lincolnshire County Council.</i>

Action Point	Applicant's Response
Action Point 4: The Applicant is to respond to question whether highways agreement / routing - should be requirement in the dDCO.	Please see the post hearing note set out in the Applicant's Written Summary of Oral Submissions in relation to ISH2, 3 and 4.
Action Point 5: The Applicant is to provide updated cumulative traffic modelling for the Navenby substation.	A cumulative transport note has been prepared and is appended to this document.
Action Point 6: The Applicant is to revise the cumulative traffic assessment for Leoda and Navenby BESS.	A cumulative transport note has been prepared and is appended to this document.
Action Point 7: The Applicant is to consider suggested updates to PRoW MP in LCC LIR Appendix B - dedication for bridleway rights.	<p>The oPROWPPMP [EN010149/APP/7.12.2] [REP1-044] has been updated at Deadline 3 to address all outstanding comments from LCC.</p> <p>With respect to the drafting point raised by LCC in Appendix B, that the creation of new PRoW should include the dedication of such new paths, the Applicant agrees that a deed of dedication would ordinarily be required, however, under the powers in the Draft DCO [EN010149/APP/3.1.2] [REP1-006], the Applicant does not consider any further amendments are required in this respect; as Article 11 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] does the same job as a deed of dedication and no additional provision in this respect is necessary.</p>
Action Point 8: The Applicant is to update the SoCG with the EA.	The Applicant has submitted a final and signed copy of the Statement of Common Ground with the Environment Agency at Deadline 3.

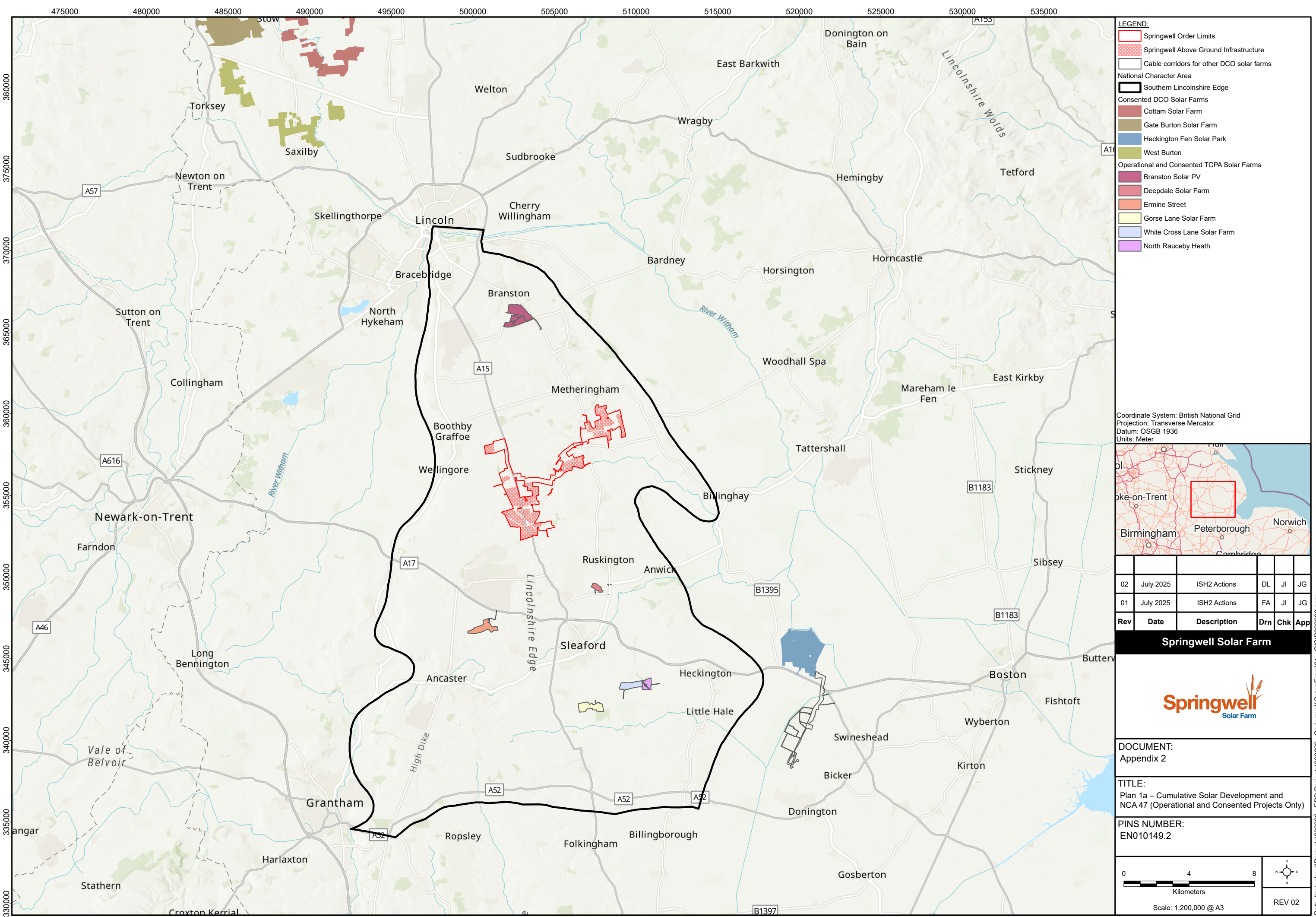
Action Point	Applicant's Response
Action Point 9: Provide an update on the ongoing discussions regarding the LPAs concerns regarding Articles 40 and 41 of the dDCO.	The Applicant had a meeting with the LPAs on 7 August to discuss Articles 40 and 41. The Applicant set out proposed amendments to the oLEMP [EN010149/APP/7.9.2] [REP1-064] (with respect to replacement of TPO trees) and the oOEMP [EN010149/APP/7.10.3] [REP2-018] (with respect to the annual planning maintenance schedule, which would include details of any trees that require removal and if they are proposed to be replaced). The Applicant has shared these updates to the oLEMP and oOEMP with the LPAs in advance of Deadline 3 for their consideration.
Action Point 10: Confirm if the LPAs proposed change for the timescale in paragraph 3(6)(a) of Schedule 16 will be made to the dDCO.	The Applicant has reviewed NKDC's position, the additional information submitted at Deadline 2 and has agreed to amend Schedule 16 of the Draft DCO [EN010149/APP/3.1.2] [REP1-006] accordingly, as submitted at Deadline 3.
Action Point 11: Applicant to consider drafting of Article 6(5) to make sufficiently clear.	Please refer to Table 4 below for the Applicant's response to this question.
Action Point 12: Applicant to submit Crown consent	The Crown Consent has been appended to the revised version of the Schedule of Negotiations and Powers Sought [EN010149/APP/4.4.3] [REP2-007] , as submitted at Deadline 3

Table 4: Further responses provided post-hearing

Action Point	Applicant's Response
<p>Part 2 Principal Powers – Article 6. The ExA remain unconvinced that the combined effect of s115(5) and s33(1) of the PA2008 is to PREVENT planning permission being granted for or in some way related to associated development already consented by a DCO, as opposed to having the effect that planning permission is not REQUIRED by law in such circumstances. The ExA, therefore, think that article 6(5) development could include not only non-NSIP development that has not been consented under the DCO, but also non-NSIP development that has been consented by the DCO. Therefore, the ExA are not of the view that the Applicant has justified the need for the article to apply to associated development consented by the DCO or to non-NSIP development that has not been consented by the DCO. What is the Applicant's reply?</p>	<p>The Applicant has updated the draft DCO at Deadline 3 in response to this question and provided an explanation in its Written Summary of Oral Submissions made at ISH2, 3 and 4.</p>

Appendix 2 - Updated Plans from Response to ExQ1





- LEGEND:**
- Springwell Order Limits
 - Springwell Above Ground Infrastructure
 - Cable corridors for other DCO solar farms
 - National Character Area
 - Southern Lincolnshire Edge
 - Consented DCO Solar Farms
 - Cottam Solar Farm
 - Gate Burton Solar Farm
 - Heckington Fen Solar Park
 - West Burton
 - Operational and Consented TPCA Solar Farms
 - Branston Solar PV
 - Deepdale Solar Farm
 - Ermine Street
 - Gorse Lane Solar Farm
 - White Cross Lane Solar Farm
 - North Rauceby Heath

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter



Rev	Date	Description	Drn	Chk	App
02	July 2025	ISH2 Actions	DL	JI	JG
01	July 2025	ISH2 Actions	FA	JI	JG

Springwell Solar Farm

DOCUMENT:
Appendix 2

TITLE:
Plan 1a – Cumulative Solar Development and
NCA 47 (Operational and Consented Projects Only)

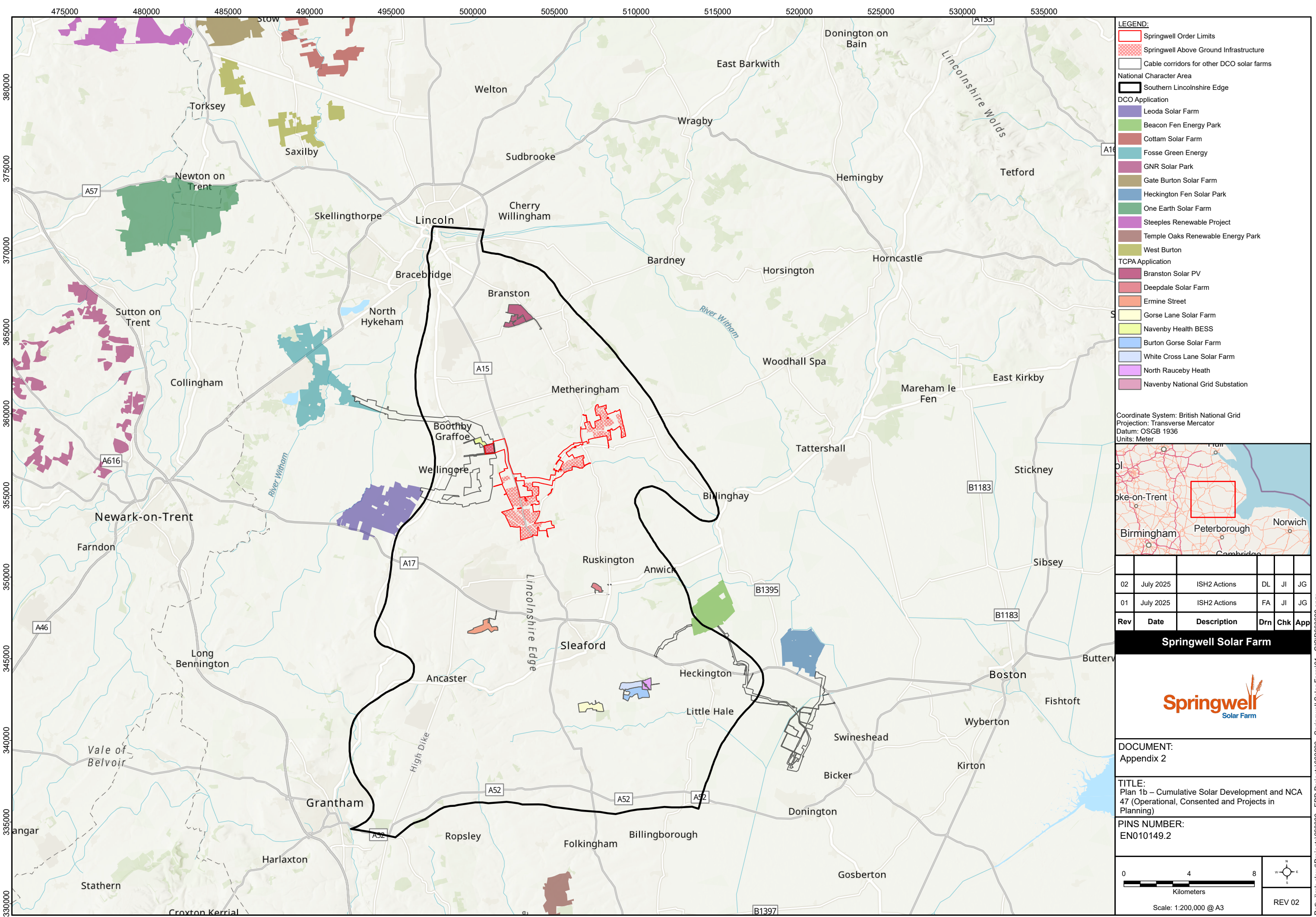
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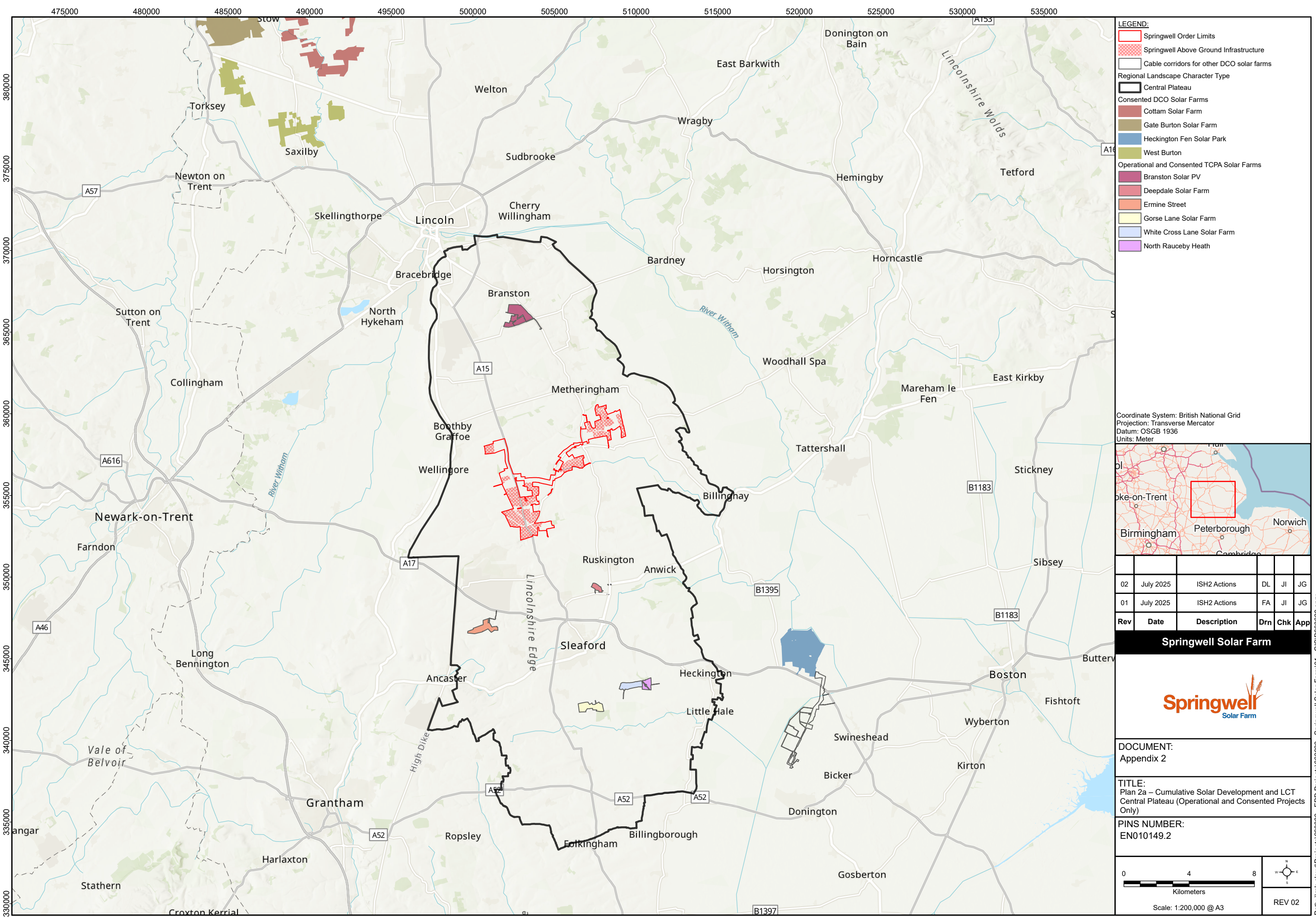
048

Kilometers

Scale: 1:200,000 @ A3

REV 02





- LEGEND:**
- Springwell Order Limits
 - Springwell Above Ground Infrastructure
 - Cable corridors for other DCO solar farms
 - Regional Landscape Character Type
 - Central Plateau
 - Consented DCO Solar Farms
 - Cottam Solar Farm
 - Gate Burton Solar Farm
 - Heckington Fen Solar Park
 - West Burton
 - Operational and Consented TCPA Solar Farms
 - Branston Solar PV
 - Deepdale Solar Farm
 - Ermine Street
 - Gorse Lane Solar Farm
 - White Cross Lane Solar Farm
 - North Rauceby Heath

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter



Rev	Date	Description	Drn	Chk	App
02	July 2025	ISH2 Actions	DL	JI	JG
01	July 2025	ISH2 Actions	FA	JI	JG

Springwell Solar Farm



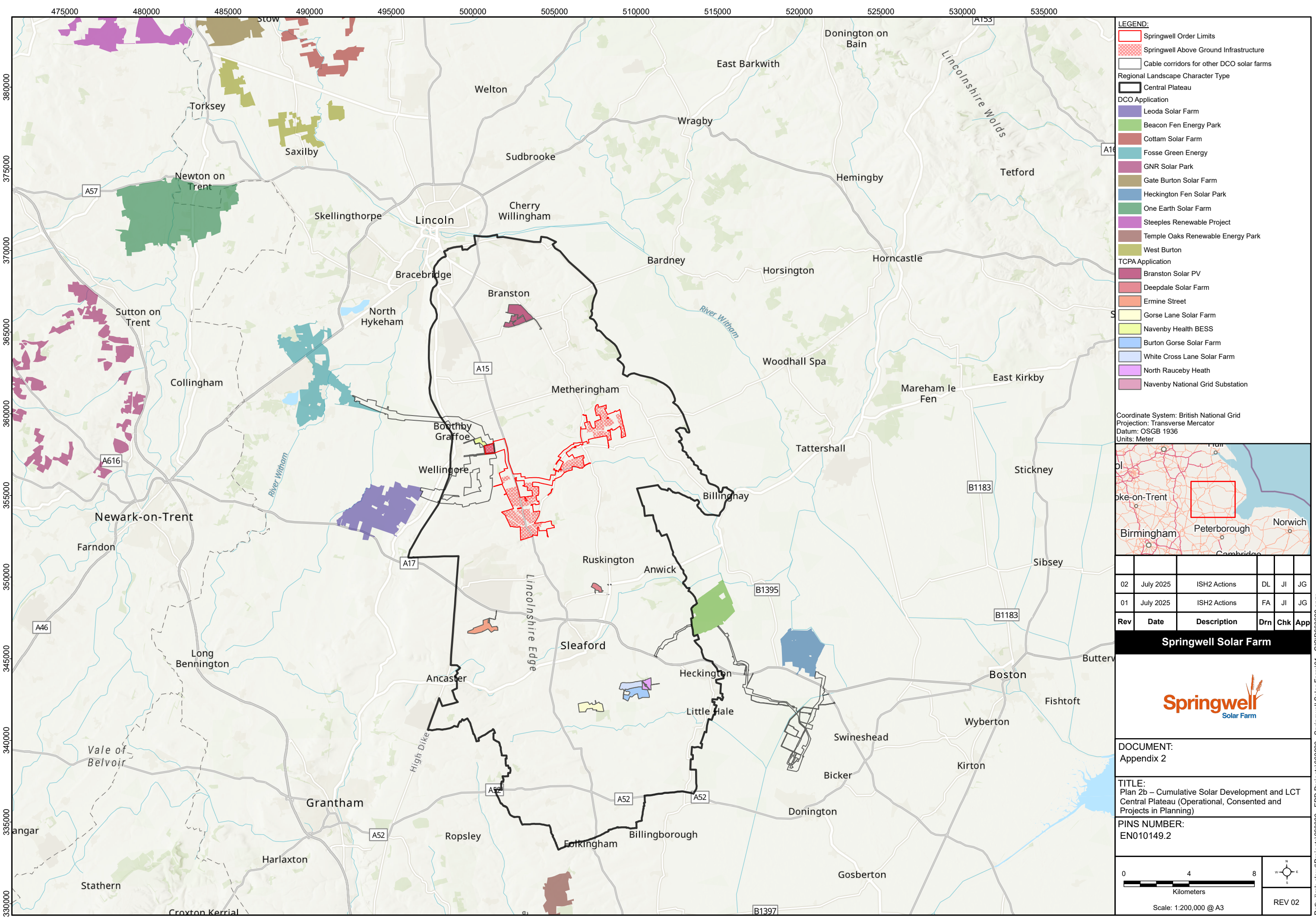
DOCUMENT:
Appendix 2

TITLE:
Plan 2a – Cumulative Solar Development and LCT
Central Plateau (Operational and Consented Projects
Only)

PINS NUMBER:
EN010149.2

Scale: 1:200,000 @ A3

REV 02



- LEGEND:**
- Springwell Order Limits
 - Springwell Above Ground Infrastructure
 - Cable corridors for other DCO solar farms
 - Regional Landscape Character Type
 - Central Plateau
 - DCO Application
 - Leoda Solar Farm
 - Beacon Fen Energy Park
 - Cottam Solar Farm
 - Fosse Green Energy
 - GNR Solar Park
 - Gate Burton Solar Farm
 - Heckington Fen Solar Park
 - One Earth Solar Farm
 - Steeple's Renewable Project
 - Temple Oaks Renewable Energy Park
 - West Burton
 - TCPA Application
 - Branston Solar PV
 - Deepdale Solar Farm
 - Ermine Street
 - Gorse Lane Solar Farm
 - Navenby Health BESS
 - Burton Gorse Solar Farm
 - White Cross Lane Solar Farm
 - North Rauceby Heath
 - Navenby National Grid Substation

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter



Rev	Date	Description	Drn	Chk	App
02	July 2025	ISH2 Actions	DL	JI	JG
01	July 2025	ISH2 Actions	FA	JI	JG

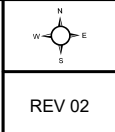
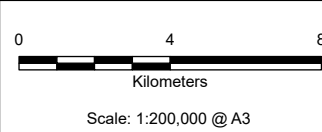
Springwell Solar Farm

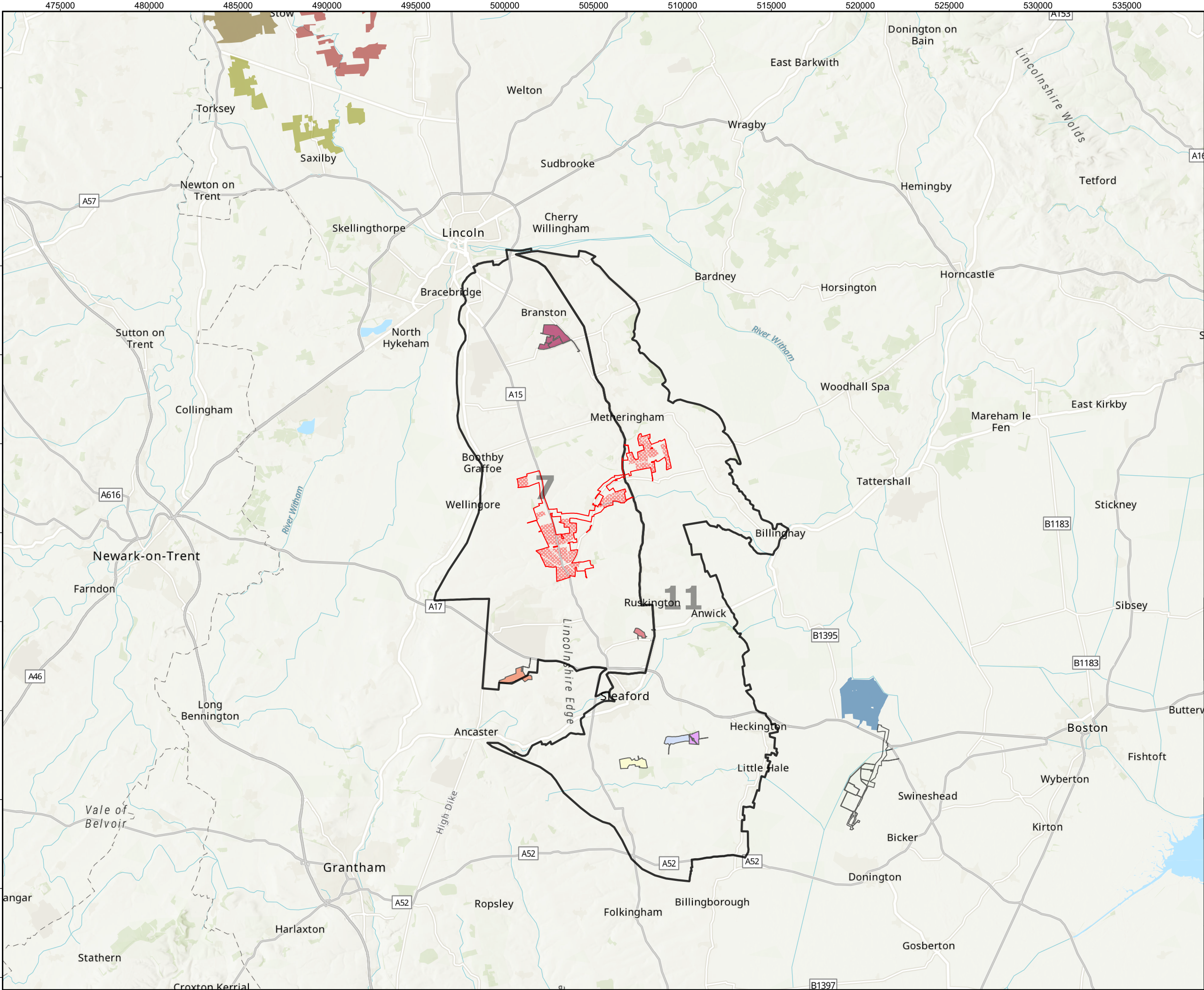


DOCUMENT:
Appendix 2

TITLE:
Plan 2b – Cumulative Solar Development and LCT
Central Plateau (Operational, Consented and
Projects in Planning)

PINS NUMBER:
EN010149.2





LEGEND:

- Springwell Order Limits
- Springwell Above Ground Infrastructure
- Cable corridors for other DCO solar farms
- Landscape Character Area
 - 11: Central Clays and Gravels
 - 7: Limestone Heath
- Consented DCO Solar Farms
 - Cottam Solar Farm
 - Gate Burton Solar Farm
 - Heckington Fen Solar Park
 - West Burton
- Operational and Consented TCPA Solar Farms
 - Branston Solar PV
 - Deepdale Solar Farm
 - Ermine Street
 - Gorse Lane Solar Farm
 - White Cross Lane Solar Farm
 - North Rauceby Heath

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter

02	July 2025	ISH2 Actions	DL	JI	JG
01	July 2025	ISH2 Actions	FA	JI	JG
Rev	Date	Description	Drn	Chk	App

Springwell Solar Farm

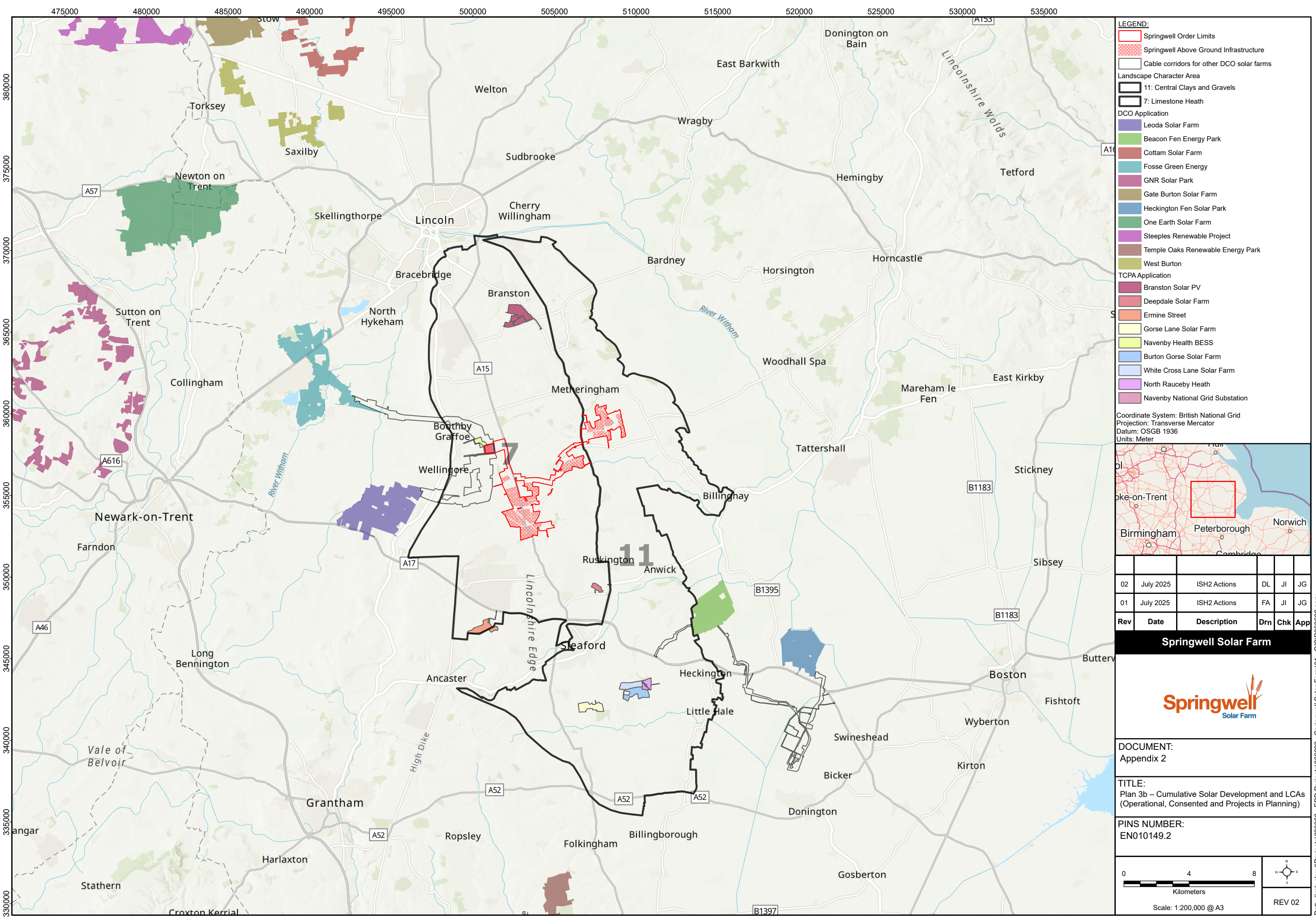
DOCUMENT:
Appendix 2

TITLE:
Plan 3a – Cumulative Solar Development LCAs
(Operational and Consented Projects Only)

PINS NUMBER:
EN010149.2

Scale: 1:200,000 @ A3

REV 02



- LEGEND:**
- Springwell Order Limits
 - Springwell Above Ground Infrastructure
 - Cable corridors for other DCO solar farms
 - Landscape Character Area
 - 11: Central Clays and Gravels
 - 7: Limestone Heath
 - DCO Application
 - Leoda Solar Farm
 - Beacon Fen Energy Park
 - Cottam Solar Farm
 - Fosse Green Energy
 - GNR Solar Park
 - Gate Burton Solar Farm
 - Heckington Fen Solar Park
 - One Earth Solar Farm
 - Steeple's Renewable Project
 - Temple Oaks Renewable Energy Park
 - West Burton
 - TCPA Application
 - Branston Solar PV
 - Deepdale Solar Farm
 - Ermine Street
 - Gorse Lane Solar Farm
 - Navenby Health BESS
 - Burton Gorse Solar Farm
 - White Cross Lane Solar Farm
 - North Rauceby Heath
 - Navenby National Grid Substation

Coordinate System: British National Grid
Projection: Transverse Mercator
Datum: OSGB 1936
Units: Meter



Rev	Date	Description	Drn	Chk	App
02	July 2025	ISH2 Actions	DL	JI	JG
01	July 2025	ISH2 Actions	FA	JI	JG

Springwell Solar Farm

DOCUMENT:
Appendix 2

TITLE:
Plan 3b – Cumulative Solar Development and LCAs
(Operational, Consented and Projects in Planning)

PINS NUMBER:
EN010149.2

048Kilometers

Scale: 1:200,000 @ A3

REV 02

Appendix 3 - Cumulative Transport Note



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1. Introduction

Purpose of this report

- 1.1.1. This report provides details of cumulative traffic reviews undertaken to help inform the Examining Authority (ExA) of likely traffic effects on the Study Area road network for Springwell Solar Farm, resulting from additional cumulative development traffic.
- 1.1.2. The study has been based upon publicly available information. Where assumptions have been made for certain projects, these have been identified and justifications provided where possible.
- 1.1.3. Discussions with neighbouring developers have been undertaken to discuss and confirm details and the Applicant wishes to record their thanks to those developers that have provided information.

Background

- 1.1.4. The Traffic and Transport documents for the Springwell Solar Farm application included a review of committed and cumulative developments that may occur on the study area network during the same time as the peak of construction traffic associated with Springwell Solar Farm.
- 1.1.5. This approach is standard in Transport Assessment submissions, with new development applications considering any cumulative impacts, which may require further mitigation works.
- 1.1.6. Since the submission of the application, further schemes have been submitted, leading to the ExA requesting further information on what the likely cumulative impact on the network could be.
- 1.1.7. These new schemes may or may not have included Springwell Solar Farm in their assessments.

2. Methodology

Site Review

- 2.1.1. A review of potential cumulative developments has been undertaken to assist the ExA in considering potential cumulative issues that may occur during the construction phase of the proposed Springwell Solar Farm.
- 2.1.2. The potential cumulative developments have been drawn from the longlist of cumulative developments supplied to the hearing.
- 2.1.3. A sifting process for applications and other developments has been undertaken. This includes the following criteria:
 - The status of the applications;
 - If the application is a significant trip generator;
 - If the application is likely to occur during the construction phase of the Proposed Development;
 - If the application traffic will travel on the Proposed Development study area road network; and
 - If there is publicly published traffic flow information available.
- 2.1.4. These criteria set if a project can have a cumulative impact, i.e. will lead to significant traffic occurring during the construction period of Springwell Solar Farm during the proposed construction period.
- 2.1.5. The sifting review has considered these criteria and has colour-coded the applications for ease of reference in Appendix 1. The projects that may have a cumulative impact are:
 - 25/0533/FUL: Brant Energy Storage; and
 - 24/1080/EIASC: Navenby Substation.
- 2.1.6. The projects that will not have a cumulative impact are:
 - EIA/37/22 / 25/0491/FUL: Navenby Heath BESS;
 - EN010151: Beacon Fen Energy Park;
 - EN010123: Heckington Fen Solar Park;
 - 23/1419/FUL: Mareham Lane Solar Development;
 - 23/1283/FUL: Heath Road, Scopwick;
 - 24/0959/FUL: RAF Digby Office and Training Facility;
 - 25/0470/FUL: Erection of 6no. silos and concrete base (retrospective);
 - PL/0016/25: Erection and operation of biogas plant;
 - 24/1470/FUL: Burton Gorse Plantation Solar Farm; and
 - EN010154: Fosse Green.

- 2.1.7. Where a project may result in a likely cumulative traffic impact, traffic data for that application has been obtained through the publicly available data or through direct discussions with the associated developer or their agents.
- 2.1.8. The cumulative assessment is focussed on those developments where a significant impact could occur on the A15 corridor, this being the most sensitive location within the study area and the corridor featuring junctions with limited peak hour operational spare capacity.

Leoda Solar Farm

- 2.1.9. Further discussions with the developer of Leoda Solar Farm have been undertaken, as promised at Hearing 2.
- 2.1.10. The only publicly available data for the project is the Scoping Report¹.
- 2.1.11. Engagement with the developer has been undertaken and as of 6th August 2025, the developer has advised that detailed traffic generation, assignment and distribution of construction traffic for construction activities have not been completed.
- 2.1.12. The developer has advised that in lieu of more detailed information, that the cumulative review should only consider the Scoping Report.
- 2.1.13. The Scoping Report notes the following:
 - Paragraph 2.4.1: *"Subject to the DCO being granted and the Navenby Substation receiving approval to be built by National Grid, the earliest construction would start is anticipated to be in 2028. Construction will require an estimated 24 - 36 months, with operation therefore anticipated to commence in 2030"*;
 - Paragraph 2.4.7: *"Based on the preliminary construction material and equipment requirements, it is anticipated that there could be up to a 120 heavy goods vehicle (HGV) movements per day during the peak construction period"*;
 - Paragraph 2.4.8: *"Construction Site access is yet to be determined. Access is likely to be taken from the A17"*;
 - Paragraph 13.2.3: *"It is anticipated that both Heavy Goods Vehicle (HGV) and Abnormal Indivisible Load (AIL) traffic during the construction phase is likely to route to/from the site via the A17 which borders the southern extent of the site"*;
 - Tables 13.1, 13.2 and 13.5 that describe the study area and road links most likely affected by construction traffic. None of these summary tables mention or include the A15.
- 2.1.14. The information for Leoda Solar Farm to date suggests that there will be no cumulative traffic impact on the A15. As such, the proposed solar farm has been excluded from the cumulative assessment.
- 2.1.15. Further details for the Leoda Solar Farm project are not expected to be published during the Springwell Solar Farm Hearing schedules.
- 2.1.16. When Leoda Solar Farm submits, it will be required to consider the Springwell Solar Farm traffic and mitigation measures in its application, should the study areas cross.

Brant Energy Storage

¹ <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda%20EIA%20Scoping%20Report.pdf>

- 2.1.17. The proposed Brant Energy Storage project proposed a 1GW Battery Energy Storage System (BESS) at a site located approximately 1 kilometre (km) west of the village of Coleby. Access to the proposed development will be from the A15 via B1188, Harmston and Broughton Lane.
- 2.1.18. The project is under planning consideration by North Kesteven District Council (NKDC).
- 2.1.19. A Construction Traffic Management Plan (CTMP)² for the proposed development has been produced. This indicates that construction would commence in 2027 if planning approval was forthcoming and that up to 60 Light Goods Vehicle (LGV) and 20 Heavy Goods Vehicle (HGV) trips per day could be expected at peak of construction activities.
- 2.1.20. Construction is predicted to take up to 24 months to complete.
- 2.1.21. The CTMP document notes that *“vehicle trips will be spread across the day and will primarily avoid conflict with the typical network peak hours, mitigating the impact of the development on both the local and strategic road networks”* however provides no further details how this would be enforced or controlled.
- 2.1.22. The Environmental Impact Assessment (EIA) for the project excludes transport and traffic effects, given the predicted level of traffic on the network.
- 2.1.23. The documents for the proposed application provide no assessment of traffic on the A15. To estimate cumulative traffic impacts on the A15, it will be necessary to make traffic distribution assumptions based upon the Springwell Solar Farm Transport Assessment.
- 2.1.24. In line with Springwell, a 50% / 50% split for HGV traffic and a 37% North / 63% South split for LGV traffic have been assumed. This results in the traffic flows summarised in Table 2.1.

Table 2.1 Brant Energy Storage Peak Daily Traffic (Two-way traffic flows)

Road Link	Car & LGV Traffic	HGV Traffic	Total Traffic
A15 North	22	10	32
A15 South	38	10	48

- 2.1.25. These traffic flows will split North / South at the junction of the A15 / B1178.

Navenby Substation

- 2.1.26. The proposed substation development is at scoping, with a scoping opinion just returned by NKDC. In scoping, the applicant proposes to scope traffic and transport matters out of the wider EIA for the site. This approach has been agreed by Lincolnshire County Council (LCC) as the local highways authority³.

² https://planningonline.n-kesteven.gov.uk/online-applications/files/3750612A4475A021DB8E87AC5CEAC802/pdf/25_0533_FUL-ENVIRONMENTAL_STATEMENT_APPENDIX_4.3_CONSTRUCTION_TRAFFIC_MANAGEMENT_PLAN-2382014.pdf

³ https://planningonline.n-kesteven.gov.uk/online-applications/files/CFB0F9E66A2ABDF3CEF392BCCF08033F/pdf/25_0699_EIASCO--2417062.pdf

- 2.1.27. The scoping documents suggest that construction will commence in 2026 and will last up to 40 months, indicating that its traffic may be cumulative with traffic flows associated with Springwell Solar Farm.
- 2.1.28. No construction traffic figures are quoted in the scoping documents. The documents do however note that access will be from the A15 onto Heath Lane at the A15 / B1202 junction.
- 2.1.29. To enable the cumulative assessment to be undertaken, engagement with substation applicant has been undertaken. The applicant has advised that at the peak of construction activities, they expect 200 HGV movements per day.
- 2.1.30. The applicant has not been able to provide any further details at present and has advised that they hold no data for LGV traffic generation of the distribution of construction trips.
- 2.1.31. To estimate LGV access, a similar type of development has been used. The SSE Emmock 400kV substation results in 84 LGV movements per day and features a detailed CTMP and Staff Travel Plan. This has been used to establish LGV flows in the absence of any further detail.
- 2.1.32. In line with Springwell, a 50% / 50% split for HGV traffic and a 37% North / 63% South split for LGV traffic have been assumed. This results in the traffic flows summarised in Table 2.2.

Table 2.2 Navenby Substation Peak Daily Traffic (Two-way traffic flows)

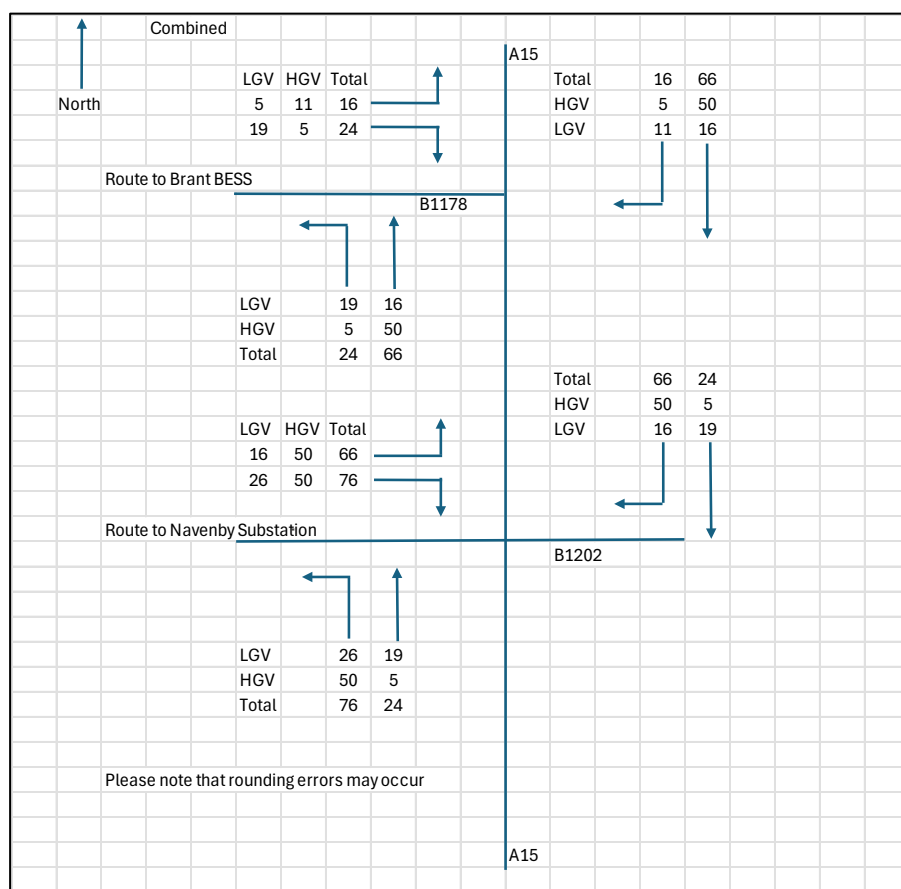
Road Link	Car & LGV Traffic	HGV Traffic	Total Traffic
A15 North	31	100	131
A15 South	53	100	153

- 2.1.33. These traffic flows will split North / South at the junction of the A15 / B1202.
- 2.1.34. When Navenby Substation is submitted to planning, it will be required to consider the Springwell Solar Farm traffic and mitigation measures in its application, should the traffic movement periods coincide with those for Springwell Solar Farm.

Combined New Cumulative Scheme Traffic

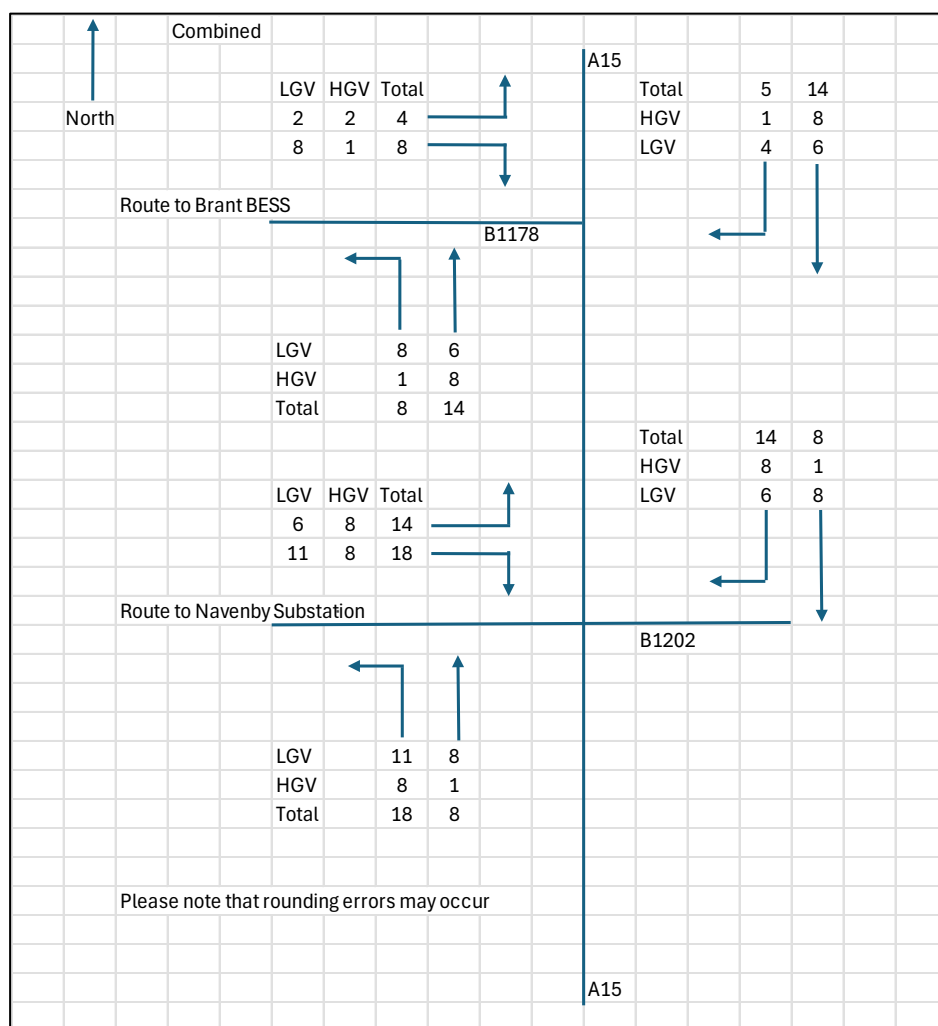
- 2.1.35. The combined cumulative traffic has been combined and is illustrated in Figure 2.1.

Figure 2.1: Combined new cumulative traffic flows (per day)



2.1.36. To consider peak hour flows, it has been assumed that the network peak hour traffic flows will account for 15% of the daily HGV flow and 40% of the LGV flows. The resultant peak hour flows are illustrated in Figure 2.2.

Figure 2.2: Combined new cumulative traffic flows (per peak hour)



Other Committed Developments

2.1.37. The committed schemes already assessed with the Transport Assessment remain unaffected and will be included in the revised assessment presented in this briefing paper.

3. Scheme Traffic Generation

- 3.1.1. The overall traffic generation associated with the peak of construction activities at Springwell Solar Farm has not changed since the original submission.
- 3.1.2. The only variation in traffic flows has been to agree an embargo of construction traffic through the A15 / B1202 junction. The embargo covers the following:
 - Car and LGV traffic through the A15 / B1202 junction will be subject to an embargo between 0700-0900hrs and 1600-1800hrs; and
 - HGV traffic through the A15 / B1202 junction will be suppressed between 0700-0900hrs and 1600-1800hrs to no more than five HGV movements per direction per hour.
- 3.1.3. The embargo period will effectively remove development traffic from the A15 / B1202 junction at the peak hour, ensuring that the Springwell Solar Farm has no impact on the junction.
- 3.1.4. This position is now accepted by LCC.
- 3.1.5. The proposed Springwell Solar Farm embargo would not apply to other cumulative developments.
- 3.1.6. The timing of the construction phases has not changed from the original application.
- 3.1.7. With the exception of the peak hour embargo, there are no changes to development traffic flows.

4. Traffic Impact Summary

Percentage Impact Review

4.1.1. The traffic impact associated with the new cumulative developments has been estimated using the traffic flow figures in the Transport Assessment **[APP-054]**. The percentage impact has been considered on the A15 corridor at the following locations:

- To the immediate north of the A15 / B1202 Junction;
- Between Green Man Lane & Gorse Hill Lane; and
- To the south of B1191.

4.1.2. The impact review is detailed below in Table 4.1.

Table 4.1 Traffic impact review

Location	Scenario	Northbound Traffic Flow (vehs)	Southbound Traffic Flow (vehs)
A15 North of B1202	2028 Base + Original Com Dev	7780	7301
	2028 Base + Original Com Dev + Development	8243	7764
	Development Traffic	463	463
	New Cumulative Traffic	82	82
	2028 Base + Original Com Dev + New Cum Dev	7862	7383
	2028 Base + Original Com Dev + New Cum Dev + Development	8325	7846
	Development Traffic Impact (without New Cum Dev)	5.95%	6.34%
	Development Traffic Impact	5.89%	6.27%

Location	Scenario	Northbound Traffic Flow (vehs)	Southbound Traffic Flow (vehs)
	(with New Cum Dev)		
A15 Between Green Man Lane & Gorse Hill Lane	2028 Base + Original Com Dev	6871	6373
	2028 Base + Original Com Dev + Development	7328	6830
	Development Traffic	457	457
	New Cumulative Traffic	100	100
	2028 Base + Original Com Dev + New Cum Dev	6971	6473
	2028 Base + Original Com Dev + New Cum Dev + Development	7428	6930
	Development Traffic Impact (without New Cum Dev)	6.65%	7.17%
	Development Traffic Impact (with New Cum Dev)	6.56%	7.06%
A15 South of B1191	2028 Base + Original Com Dev	7549	6914
	2028 Base + Original Com Dev + Development	7869	7234
	Development Traffic	320	320

Location	Scenario	Northbound Traffic Flow (vehs)	Southbound Traffic Flow (vehs)
	New Cumulative Traffic	100	100
	2028 Base + Original Com Dev + New Cum Dev	7649	7014
	2028 Base + Original Com Dev + New Cum Dev + Development	7969	7334
	Development Traffic Impact (without New Cum Dev)	4.24%	4.63%
	Development Traffic Impact (with New Cum Dev)	4.18%	4.56%

- 4.1.3. The predicted impacts with the additional cumulative traffic flows are marginally less than the originally presented results.

Junction Impact

- 4.1.4. The addition of cumulative traffic to the A15 / B1202 will exacerbate existing junction capacity. Given that Springwell Solar Farm has agreed an embargo during peak hours, when the junction capacity issues occur, the removal of Springwell traffic will lead to comparable results as reported in the Transport Assessment **[APP-054]**.
- 4.1.5. The predicted peak hour traffic associated with new cumulative development traffic is expected to be 26 vehicles northbound and 22 vehicles southbound, this level of additional traffic (circa one additional vehicle per every two minutes northbound and circa one additional vehicle every three minutes southbound).
- 4.1.6. The traffic impacts reported on the A15 are all below the 30% IEMA thresholds for EIA assessment⁴ and below the 10% variation normally associated with the change in traffic flows that naturally occurs during daily variation.
- 4.1.7. The highest Ratio of Flow over Capacity (RFC) for the A15 junctions to the south of the A15 / B1202 junction are below 0.38. The imposition of the expected additional cumulative traffic will not lead to an increase in RFC over 1.00 (ultimate theoretical capacity of the junction). As such, the reported junction modelling will remain similar to that reported in the Transport Assessment.

⁴ <https://www.iema.net/media/5mrmquib/iema-report-environmental-assessment-of-traffic-and-movement-rev07-july-2023.pdf>

Significant Effects

- 4.1.8. The addition of the additional cumulative development trips does not create any new significant effects on the A15 corridor, as the traffic impact is no greater than 7.06%, well below the IEMA assessment criteria of 30% noted in Transport Assessment **[APP-054]**.
- 4.1.9. Both Navenby Substation and Brant Energy Storage use minor roads leading from the A15 corridor that are not shared with routes used by Springwell Solar Farm traffic. As such, there is no cumulative impact on these links.
- 4.1.10. Given there are no new significant effects, the existing mitigation measures proposed for Springwell Solar Farm are considered sufficient and no new or additional mitigation measures are required.

5. Summary

- 5.1.1. The imposition of additional cumulative traffic flows on the A15 corridor has been examined in detail.
- 5.1.2. Two additional cumulative developments have been included. Publicly available data and realistic assumptions have been used to develop traffic flows on the A15 corridor, the most sensitive part of the road network.
- 5.1.3. The imposition of additional cumulative traffic has been considered. No additional adverse effects are predicted.
- 5.1.4. There are no further significant effects predicted as a result of the new cumulative developments. The existing mitigation is sufficient to cater for all traffic impacts during the construction phase.

Appendix 1: Cumulative Development Sifting (as at 06/08/2025)

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
EIA/37/22 / 25/0491/FUL	Navenby Heath BESS	NKDC	Not determined	The CTMP ⁵ states that up to 160 LGV and 66 HGV movements are predicted at the peak of construction activity. Transport and access however have been scoped out of the EIA assessment.	The BESS CTMP states that development will commence in Q4, 2032 and will take up to 18 months. Springwell Solar Farm will be complete in 2031. There is no construction overlap anticipated.	Yes. Circa 70% of construction worker traffic will use the A15. 50% of HGV traffic will use the A15.	Yes	The development peak will not coincide with that of Springwell Solar Farm.	No
EN010151	Beacon Fen Energy Park	SoS / Planning Inspectorate	Not determined	Yes	The TA ⁶ for the development suggests construction starting in 2027 and lasting up to 5 years	No. The study area for this project does not interact with the Springwell Solar Farm study area.	Yes	There is no crossover of study areas.	No

⁵ https://planningonline.n-kesteven.gov.uk/online-applications/files/ABAEFC66FF1ED0C2383C8860C137DFD2/pdf/25_0491_FUL-TRAFFIC_MANAGEMENT_PLAN-2375954.pdf

⁶ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010151-000189-6.3.76a%20Appendix%209.1%20Transport%20Assessment%20Part%201.pdf>

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
EN010123	Heckington Fen Solar Park	SoS / Planning Inspectorate	Determined	Yes	Possible, although the exact construction period is not stated in the application documents	No. The study area ⁷ for this project does not interact with the Springwell Solar Farm study area.	Yes	There is no crossover of study areas.	No
23/1419/FUL	Mareham Lane Solar Development	NKDC	Refused ⁸	No. CTMP reports notes 16 HGV movements per day during construction period.	Unclear from documents submitted and the refusal of planning permission.	No. The study area for this project does not interact with the Springwell Solar Farm study area.	Yes	There is no crossover of study areas.	No

⁷ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010123-000481-6.1.14%20-%20Chapter%2014%20-%20Transport%20and%20Access%20-%20Rev%202.pdf>

⁸ https://planningonline.n-kesteven.gov.uk/online-applications/files/D6D02044284A2FE903E66D8AFEB9FECE/pdf/23_1419_FUL--2364220.pdf

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
23/1283/FUL	Heath Road, Scopwick	NKDC	Approved	No. Development is a small residential development with open space area.	Unknown from planning submission documents	Yes	No transport statement has been provided ⁹ .	The development will not generate significant traffic flows, evidenced by its approval without any Transport Statement / Transport Assessment.	No
25/0533/FUL	Brant Energy Storage	NKDC	Under consideration	20 HGV and 60 LGV expected at peak of construction ¹⁰ .	Yes. Up to 24 month construction period, starting in mid-2027.	Yes	Yes	Potential for traffic interaction during construction phase	Yes

⁹ <https://planningonline.n-kesteven.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3DVT0LL04Q00>

¹⁰ https://planningonline.n-kesteven.gov.uk/online-applications/files/3750612A4475A021DB8E87AC5CEAC802/pdf/25_0533_FUL-ENVIRONMENTAL_STATEMENT_APPENDIX_4.3_CONSTRUCTION_TRAFFIC_MANAGEMENT_PLAN-2382014.pdf

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
25/0470/FUL	Erection of 6no. silos and concrete base (retrospective)	NKDC	Retrospective application	No. No transport documents submitted ¹¹ .	No. Retrospective application so highly likely to be complete prior to Springwell Solar Farm commencing.	No. The study area for this project does not interact with the Springwell Solar Farm study area.	No. No transport statement has been provided.	The development will not generate significant traffic flows, evidenced by its approval without any Transport Statement / Transport Assessment.	No
PL/0016/25	Erection and operation of biogas plant	LCC	Out for consultation	Planning documents ¹² suggest 50 LGV and 60HGV at the peak of construction. During operation, it is reported that 62 LGV and 72 HGV movements per day are predicted.	Planning documents suggest a 2 year construction phase commencing in 2026. The site would then be fully operational.	No. The study area for this project does not interact with the Springwell Solar Farm study area.	Yes	There is no crossover of study areas.	No

¹¹ <https://planningonline.n-kesteven.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SV40PLLLIO800>

¹² <https://lincolnshire.planning-register.co.uk/Planning/Display?applicationNumber=PL%2F0016%2F25#undefined>

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
24/1470/FUL	Burton Gorse Plantation Solar Farm	NKDC	Out for consultation	Planning documents ¹³ suggest a peak of 31 average daily trips.	Planning documents suggest 1 year construction programme, but do not indicate a year of commencement.	No. The study area for this project does not interact with the Springwell Solar Farm study area.	Yes	There is no crossover of study areas.	No
24/0959/FUL	RAF Digby Office and Training Facility	NKDC	Under consideration	The Transport Assessment ¹⁴ indicates 170 LGV and 30 HGV per day at peak construction.	No. Expected to be complete by 2027	Yes. Construction access via the A15.	Yes	The development is expected to be complete prior to Springwell peak traffic flows being realised.	No
EN010154	Fosse Green	SoS / Planning Inspectorate	Under consideration	The only documents available at the time of assessment was the scoping opinion ¹⁵ . The scoping documents suggest a peak of 65 HGV on the road network, with the peak of	Planning documents suggest construction would commence in 2031 and lasts two years. The peak is predicted to occur in 2032.	No. The study area for this project does not appear to interact with the Springwell Solar Farm study area.	Scoping only – limited data	There is no crossover of study areas.	No

¹³ https://planningonline.n-kesteven.gov.uk/online-applications/files/49CF71BE33D0ADF082866AA2E2ED8B13/pdf/24_1470_FUL-TRAFFIC_MANAGEMENT_PLAN-2335399.pdf

¹⁴ https://planningonline.n-kesteven.gov.uk/online-applications/files/8F70AE58DBBDF5E114C0A0D90C812925/pdf/24_0959_FUL-TRANSPORT_ASSESSMENT-2293034.pdf

¹⁵ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010154-000011-EN010154%20-%20Scoping%20Report.pdf>

Project / Planning Reference	Description of other existing and/or approved development	Relevant Authority	Status	Significant Trip Generator	Development Coincides with Construction Phase	Within Study Area	Has Publicly Available Data	Comment	Included in Cumulative Sensitivity Review
				traffic occurring in 2032.					
EN0110016	Leoda Solar	SoS / Planning Inspectorate	Scoping	The only documents available at the time of assessment was the scoping opinion ¹⁶ . The scoping documents suggest a peak of 120 HGV on the road network.	The scoping documents suggest a 2028 start for construction, with works expected to take up to 36 months.	No. The study area for this project does not appear to include the A15 and as such does not interact with the Springwell Solar Farm study area.	Scoping only – limited data	There is no crossover of study areas.	No
24/1080/EIA SCR	Navenby Substation	NKDC	Scoping	Yes, although the Scoping report response from NKDC agrees that construction traffic can be scoped out of a future EIA ¹⁷ .	Estimated to commence in 2026, with construction taking up to 40 months. Crossover possible with Springwell.	Yes, traffic will use the A15 to access the site. This is the only major link to be shared with Springwell.	No	Potential for traffic interaction during construction phase	Yes

¹⁶ <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda%20EIA%20Scoping%20Report.pdf>

¹⁷ https://planningonline.n-kesteven.gov.uk/online-applications/files/BBDC09DF34757F086C477BDD8DEE8D0E/pdf/25_0699_EIASCO--2417064.pdf



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