

Springwell Solar Farm

Response to Deadline 2 Submissions

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Deadline 3
Springwell Energyfarm Ltd

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1. Introduction

1.1. Purpose of the Report

- 1.1.1. This Report provides the Applicant's responses to submissions received at Deadline 2 in respect of the proposed Springwell Solar Farm (the Proposed Development).

1.2. Structure

- 1.2.1. This document is structured as follows:

- Section 2 provides the Applicant's response to Category 1 stakeholders with which the Applicant has developed Statements of Common Ground (SoCGs);
- Section 3 provides the Applicant's response to Category 2 stakeholders.

2. Response to Category 1 Stakeholders

2.1. Overview

- 2.1.1. The following responses were received at Deadline 2 by Category 1 Stakeholders:
- Environment Agency [[REP2-024](#)]
 - Lincolnshire County Council [[REP2-025](#)]
 - North Kesteven District Council [[REP2-026](#)]
- 2.1.2. The tables below provide the Applicant's response to these topics arranged under the headings listed above, supported by identification of sub-themes for clarity and ease of reference.

2.2. Response to Category 1 Stakeholders

Table 1-1 - Response to the Environment Agency's Deadline 2 Submission

Para Ref.	Summary Position	Applicant's Response
5.1	<p>We have reviewed the Outline Construction Environmental Management Plan (oCEMP) (Tracked and Clean) Revision 2 and although we welcome the addition of wording to Table 8 (Land, Soil and groundwater) on the 'Discovery of Unsuspected Contamination' and the procedure to follow if unexpected contamination is encountered during development, we are not satisfied that this is the appropriate place for this control mechanism. The wording included is more akin to a Development Consent Order requirement in itself. Also, the wording included would effectively halt all the development works, i.e., "no further development shall be carried out", which is more onerous than that suggested by the EA, which only required work in the location where contamination was discovered to cease. We will continue to discuss this matter with the Applicant.</p>	<p>The Applicant has discussed this further with the Environment Agency, however, due to this being a precautionary measure, the Applicant is still of the opinion that this detail should be secured within the Outline Construction Environmental Management Plan (oCEMP) [EN010149/APP/7.7.3] [REP2-015], for which the EA are identified as a consultee for the discharge of Requirement 12 (construction environmental management plan) in the Draft Development Consent Order [EN010149/APP/3.1.2] [REP1-006].</p> <p>The Applicant has updated the oCEMP [EN010149/APP/7.7.3] [REP2-015] at Deadline 3 to amend the wording of the measure to ensure this is less onerous and only requires works to cease in the area where contamination is discovered.</p>

Table 2-2 – Response to Lincolnshire County Council's Deadline 2 Submission

Summary Position	Applicant's Response
<p><i>Ecology and Biodiversity</i></p> <p>LCC notes that the proposed gains following the updated assessment are 31.66% habitat units, 20.68% hedgerow units and 13.59% watercourse units. LCC encourages the Applicant to secure gains at these levels with a specific commitment in the DCO to ensure that they are given significant weight in the planning balance.</p>	<p>The comment is noted. In the Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023] in response to the detailed comments received from both LCC and NKDC in relation to Biodiversity Net Gain (BNG) and the approach taken with regards to Strategic Significance and other matters, the assessment within ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.2]</p>

Summary Position

Paragraph 6.1.12 of the oLEMP states that a “5-year defects replacement planting period” will be included in detailed LEMPs. LCC advises that a longer replacement period would be appropriate in line with commitments to 30-year management and monitoring of BNG.

Applicant’s Response

[REP1-032] has been rerun. The anticipated biodiversity gain is now 28.94 for habitat units, 21.62 for hedgerow units and 13.59 for watercourse units. An updated BNG Assessment is submitted at Deadline 3. Further information on compliance with the BNG assessment will be available when final LEMPs are produced at the detailed design stage.

Paragraph 7.1.3 of the oLEMP [EN10149/APP/7.9.2] [REP1-064] states that ‘Where the delivery of the detailed LEMP(s) is not being met for whatever reason(s) appropriate action will be identified and taken to rectify failings’. This covers the full duration of the LEMP(s) and ensures that action would be taken to rectify failings and provide replacements where necessary throughout the entirety of the operational phase of the Proposed Development to meet the Management Objectives of the LEMP(s). This includes the 30-year management and monitoring period for BNG.

Section 7 of the oLEMP [EN10149/APP/7.9.2] [REP1-064] provides further information on how the LEMP(s) will be monitored to ensure they are delivering against their Management Objectives / BNG targets. This includes: monitoring of all habitats being created and enhanced for the delivery of biodiversity net gain in years 1, 2, 3 and 5, 10, 15, 20, 25 and 30 against the BNG Metric target habitat types and condition; and monitoring of new tree and hedgerow heights and densities in years 1, 2, 3, 5 and 10 to help ensure they reach the target heights set out in the Environmental Statement. In addition, a full review and update of the detailed LEMP(s) will be undertaken every 5 years by a suitably qualified ecologist and landscape architect.

The 5-year defects replacement planting identified in Paragraph 6.1.12 relates to typical maintenance contracts and is aligned to the 5-year review cycle proposed for the detailed LEMP(s). It does not limit the Applicant to a 5-year replacement planting period and the Applicant is required to rectify failings and provide replacements where necessary throughout the entirety of the operational phase of the Proposed Development.

Traffic and Transport

The Applicant has included a requirement in the oCTMP (paragraphs 5.4.1 – 5.4.5) for a Highways Agreement with LCC for the major junction works on the A15 and this measure will minimise traffic passing through

Noted and agreed. The last sentence of Paragraph 4.1.8 stating, “Based on these routes, it is not anticipated that any timing restrictions will be required, such as to avoid school start/finish times.” will be deleted and a revised version of the **Outline Construction**

Summary Position

the A15/B1202 junction during peak periods (paragraphs 5.5.4 and 5.6.3). However, the text in paragraph 4.1.8 still says “Based on these routes, it is not anticipated that any timing restrictions will be required” - this should be removed to reflect the new text in paragraph 5.5.4.

Public Rights of Way

Whilst LCC are generally satisfied with the submitted outline PRoW and Permissive Path Management Plan [REP1-044], we refer to Appendix B of our Local Impact Report (LIR) [REP1- 088], which contains a table of proposed revisions. Many of these suggested revisions have been addressed and are incorporated into the updated plan. However, several points remain outstanding which reflect our understanding of the discussions with the Applicant to date. For example:

- Paragraph 3.4.1 still refers to the “relevant planning authority” rather than the “highway authority”;
- Paragraph 3.4.4 has not provided a definition or explanation of “local management”;
- Paragraph 3.5.2 remains unchanged following LCC’s feedback re temporary closures; and
- Plate 3.1 continues to lack clarity regarding the proposed upgrade of the enhanced PRoW (PF 737) to a bridleway

Waste

LCC has reviewed the outline Site Waste Management Plan (oSWMP) include in the updated oCEMP [REP1-060]. Table 2 – provides a list of anticipated waste types, including during operational and

Applicant’s Response

Traffic Management Plan (oCTMP) [EN010149/APP/7.8.2] [REP1-062] will be issued at Deadline 3.

The **Outline Public Rights of Way and Permissive Path Management Plan (oPROWPPMP) [EN010149/APP/7.12.2] [REP1-044]** was updated at Deadline 1 to address suggested revisions following discussions with LCC. The full table of amendments contained with LCC’s Local Impact Report (LIR) [REP1-088] has been reviewed and it is noted that further amendments are required. The full list of amendments and actions are summarised as follows:

oPROWPPMP Paragraph	Action
1.4.1	Addressed at Deadline 1
3.2.1	Addressed at Deadline 1
3.2.4	Addressed at Deadline 1
3.4.1	Reference amended
3.4.4	Clarification added that local management is by the Principal Contractor
3.5.1	Addressed at Deadline 1
3.5.2	Clarification added to ensure that closures are “reopened where no works are taking place for a period of time, if safe to do so”
3.7.4	Addressed at Deadline 1
5.1.2	Partially addressed at Deadline 1, further clarification added
Plate 3.1	Key to be updated to state “Existing PRoW Upgraded to Bridleway”

The Applicant has amended the **Outline Site Waste Management Plan** which forms an appendix to the **oCEMP [EN010149/APP/7.7.3] [REP2-015]** to provide a commitment to provide regular updates to the relevant local authorities on the anticipated waste arisings

Summary Position

decommissioning phases which is welcomed, however anticipated quantities of waste and timings should be provided as early as possible before each stage of the project which is particularly important given the current limited capacity for recycling of PV panels and the potential large cumulative quantity with other proposals, both at decommissioning and also due to operational failures. Paragraphs 6.1.33 and 6.1.35 of the oSWMP confirm respectively 3 that there will be a separate SWMP for the operational and decommissioning phases which is also welcomed.

Cumulative Assessment

LCC has reviewed the updated Chapter 16 on Cumulative Effects of the ES [REP1-018] and acknowledges the inclusion of the Leoda Solar Scheme in the assessment. However, LCC believes that the inter-project effects with the Leoda scheme could be more significant than the assessment concludes, given the proximity and overlapping nature of these schemes. LCC's position on cumulative effects remains as outlined in Chapter 19 of our LIR [REP1-088], with significant concern about the potential for notable inter-project effects arising from this development in combination with other projects.

Applicant's Response

and timings, including any known maintenance requirements throughout the operation (including maintenance) and decommissioning phases of the Proposed Development. An updated version is submitted at Deadline 3.

The Order Limits of the Proposed Development and Leoda Solar Farm overlap to allow the point of connection at the proposed National Grid Navenby Substation, however, the closest point of the Solar PV development proposed as part of the Leoda Solar Farm to the Order Limits of the Proposed Development is located at a significant distance, approximately 4.6km. The area that falls between both of these projects and the National Grid Navenby Substation is to facilitate a grid connection cable corridor. The grid connection cable corridor for both of these projects would be underground and the associated impacts would be short-term and temporary whilst this cable connection is installed and reinstated, therefore no significant inter-project cumulative effects are anticipated due to the temporary nature of these works.

ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009] acknowledges that there would be some significant adverse landscape and visual effects during construction and in years 1 and 10 of operation in combination with the National Grid Navenby Substation. However, the assessment concludes that there would be no significant cumulative landscape and visual effects with the proposed Fosse Green, Leoda or Beacon Fen Solar Farm DCO projects irrespective of whatever combination of these projects was to be consented and constructed.

The solar and energy storage elements of both the Fosse Green Energy NSIP and the Leoda Solar Farm NSIP are located in the vale west of the Lincoln Cliff, in a different character area (the Witham and Brant Vales) and would have no visual connection with the Proposed Development. There would therefore be no shared landscape or visual

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Applicant's Response

receptors. Although indicative grid connection corridor options extend to the A15 north of the Proposed Development, it is understood that this would be via an underground cable and therefore no significant landscape or visual effects are anticipated in combination with either of these two projects.

An assessment of cumulative effects on traffic and transport has been undertaken as detailed in **ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.3] [REP2-009]** and has been based on available data, overlap in geography (road links), and timeframe. Fosse Green, Navenby BESS and Leoda Solar Farm either do not overlap with the construction timeframes of Springwell Solar Farm or they are not anticipated to overlap with the road links based on the data that is currently available. For example, Leoda appears to be accessed from the A17 and at this stage the number of traffic movements is unknown. The Applicant is committed to working with these developers as these schemes progress to understand further details about their proposals and any potential inter-relationships to ensure mitigation measures can be put in place should there be any identified inter-relationship between these projects.

The Applicant has amended the **oCEMP [EN010149/APP/7.7.3] [REP2-015]** at Deadline 3 to commit to working with the developers of projects included within the **Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068]** to manage and mitigate any potential future effects that may arise due to further information being available or due to change and overlap in timescales.

Interrelationship Report

LCC welcomes the submission of an Interrelationship Report. While acknowledging that information on some of the other schemes included in the report is still forthcoming, LCC currently disagrees with the Applicant's position that the interrelationships between projects, such as Springwell and Leoda, would result in 'minimal' impacts. This is particularly concerning given the overlapping construction timelines and the shared use of road infrastructure for construction traffic, especially the A15.

The Applicant has reviewed Lincolnshire County Council's submission at Deadline 2 **[REP2-025]** regarding the **Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068]** and will incorporate the Council's feedback where appropriate. As discussed in the ISH 3 hearing and documented in the **Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]**, the Applicant will share an updated draft with both LCC and NKDC before submitting the next version of the Report at Deadline 4 to ensure agreement on the approach and updates.

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Applicant's Response

LCC further disagrees with the Applicant's assertion that interrelationships between Springwell and other projects "are not anticipated", especially when five other schemes are under construction during the same period, with three of those overlapping Springwell's peak construction phase (as shown in figure 2 of the submitted document).

LCC would have anticipated more evidence of dialogue with other developers in the report, including the consideration of shared management plans, mitigation measures, and principles for a cooperation agreement, especially for overlapping schemes like the proposed Navenby substation. The commitment between the Applicant and National Grid to further discuss mitigation design, as well as the Applicant's openness to coordination with National Grid mentioned in paragraph 3.2.12, is welcomed. However, this coordination should not be limited to National Grid alone.

Draft Development Consent Order

Requirements 5 and 11

LCC do not agree with the revised wording for requirements 5 and 11. Requirement 5 omits works packages 7 and 8 from the programme works requiring design approval despite many of the tasks within those packages having the potential to harm archaeological remains.

Use of the Rochdale Envelope and undertaking detailed design post-consent means that archaeological trenching has been pushed back until the Applicant has finalised design and areas of impact are known.

Therefore, omitting areas of groundworks associated with work packages 7 and 8 from Requirement 5 means that no archaeological trial trenching would occur and we will not understand the presence, significance or impact on archaeological remains within these areas of works, conflicting with requirements set out in NPS EN-1 and EN-3.

The **Draft DCO [EN010149/APP/3.1.2]** [\[REP1-006\]](#) has been updated and submitted at Deadline 3. In this update, Requirement 11 has been further amended to apply to all parts of the authorised development. The Applicant understands that the requirement as drafted in the updated Draft DCO is agreed. There is no need to also change Requirement 5 to include Work Nos. 7 & 8 as those works packages relate to temporary construction compounds and highway works; detailed design does not need to be approved for the temporary compounds, and there are other provisions in place to ensure the approval of the detail of the highway works by the local highway authority.

In terms of the comment about "substantially in accordance with", without the term "substantially", "in accordance with" can be construed as meaning exactly the same as. This is not appropriate for this requirement (or any of the requirements in Schedule 2 adopting this wording). The requirement requires a written scheme of investigation "substantially in accordance with" the outline written scheme of investigation. It is the "outline" WSI that sets the framework for the final, detailed, WSI to be developed based on

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Requirement 11 – suggested alternative wording as follows:

(1) No part of Work Nos. 1 to 7 may commence until for that part: works shall commence until

(a) a written scheme of investigation has been submitted to and approved by the relevant planning authority Lincolnshire County Council in consultation with Historic England;

(b) any additional trial trenching 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; and

(c) where additional trial trenching to inform the approach to mitigation has been undertaken under sub-paragraph (b) updates are made to the written scheme of investigation approved under sub-paragraph (b) to account for the results of the additional trial trenching carried out and such updated written scheme of investigation has been submitted to and approved by the relevant planning authority in consultation with Historic England.

(2) The written scheme of investigation under sub-paragraph (1)(a) must be substantially in accordance with the outline written scheme of investigation.

(3) For the purposes of sub-paragraph (1), “commence” includes parts (a) to (h) inclusive of the permitted preliminary works.

(4) Any approved written scheme of investigation (whether pursuant to sub-paragraph (1)(a) or (1)(c)) 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.

Applicant’s Response

the detailed design of the Proposed Development, any updated legislation or guidance, and reflecting any improvements or changes to industry practices or approach. It is therefore important and beneficial that the term “substantially” remains as part of this Requirement in order to build in the flexibility needed for the WSI to be developed in accordance with the greater level of detail that will be known at a later stage. The approach is advantageous in order that any adverse effects are managed and the Proposed Development’s impacts properly mitigated and the WSI can be responsive to those areas of impact.

There is also a “lock” in place via the drafting of the requirement and Schedule 16 of the **Draft DCO [EN010149/APP/3.1.2] [REP1-006]**, pursuant to which the relevant planning authority has the discretion to refuse approval of the WSI submitted, if it does not consider it to be substantially in accordance with the outline.

Summary Position

We recommend the phrase 'No development shall commence' be used instead of the phrases 'No part of Work Nos. 1 to 7 may commence' or 'permitted preliminary works' as both nonintrusive and intrusive permitted preliminary works may damage or destroy buried archaeology, for example by compaction from plant movement.

It is imperative that 'substantially' is removed as the word suggests deviation from the agreed documentation. In practical terms establishing what is 'substantially in accordance' is likely to prove contentious and unworkable. The National Planning Policy Framework paragraph 57 makes clear that planning conditions must satisfy the six tests including being enforceable, precise, and reasonable in all other respects.

It is standard archaeological practice on large schemes to agree an overarching Archaeological Mitigation Strategy (AMS) which covers the whole scheme. As it requires an understanding of the surviving archaeology to be impacted by the development, this needs to be based on the evaluation trenching results in order to be fit for purpose. An approved trial trenching Written Scheme of Investigation (the Trenching WSI) therefore is needed in advance of the AMS (the Mitigation WSI).

As there has not been trenching outside of the fields proposed for infrastructure on this scheme, in order to provide sufficient baseline evidence our recommended wording is the Mallard Pass Solar Scheme Requirement. Like that scheme, Springwell requires further trial trenching with the results informing an adequate Mitigation WSI and management plan which can be agreed.

Requirement 8

LCC welcomes the inclusion of a specific requirement to deliver a minimum of 10% Biodiversity Net Gain at Requirement 8(2). LCC encourages the Applicant to secure gains at the levels predicted in [REP1-033] with a specific commitment in the DCO to ensure that they are given significant weight in the planning balance.

Applicant's Response

The revisions to Requirement 11, made in discussion with the Council, reflect this.

The revised **Outline Written Scheme of Investigation [EN010149/APP/7.15]** [APP-0148] submitted at Deadline 3 includes a draft Archaeological Mitigation Strategy, which will be finalised following completion of the post-consent evaluations.

The Applicant has amended this requirement in the updated **Draft DCO [EN010149/APP/3.1.2]** [REP1-006] submitted at Deadline 3 to secure specific percentages for each type of unit.

Summary Position	Applicant's Response
<p>Requirement 19 The inclusion of LCC as a consultee is welcomed however we should be referred to as the Waste Planning Authority rather than “waste authority”.</p> <p>Schedule 16 Protective Provisions LCC welcome the inclusion of a protective provision for Lincolnshire Fire and Rescue, the draft wording is acceptable, however, LCC would welcome further discussions with the Applicant regarding the value of the fees payable under the provisions.</p>	<p>This amendment has been made in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3.</p> <p>The Applicant has made further amendments in the updated Draft DCO [EN010149/APP/3.1.2] [REP1-006] submitted at Deadline 3 to include the fees requested by the Lincolnshire Fire and Rescue service. These are in line with those included in the Heckington Fen DCO and the Applicant understands the position to be agreed.</p>

Table 2-3 – Response to North Kesteven District Council's Deadline 2 Submission

Summary Position	Applicant's Response
<p><i>ExQ1: Q1.1.1</i></p> <p>In light of National Grid's response to Q1.1.1 b) to the effect that it is for the applicant to decide whether the proposed solar farm would be undeliverable, it would be helpful if the applicant could outline whether the solar farm would indeed be undeliverable should National Grid not receive consent for the NGNS or the new overhead powerlines and within what anticipated timescale. It is noted that at ISH1, the applicant confirmed that there is no fallback if the NGNS is not delivered [REP1-073].</p>	<p>The Applicant has addressed these concerns within Table 1-1 of the Response to Action Points, Appendix 1 to the Written Summary of Oral Submissions at Issue Specific Hearing 1 [EN010149/APP/8.16] [REP1-073], and summarised its position in Agenda Item 4. This is also set out in the Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22] due to being discussed at ISH 4, Agenda Item 3. The Applicant is not aware of any impediments as to why the Navenby Substation application would not be positively determined.</p> <p>As set out in the updated Grid Connection Statement [EN010149/APP/7.6.2] [REP1-058] submitted at Deadline 1, the Applicant submitted a Modification Application on 23 May 2024 to modify the Completion Date. This was discussed with National Grid before submitting the Mod App, to align the Connection Agreement with both the Applicant's timeline and the timeline of the proposed National Grid Navenby substation development. A revised Connection Offer was received and accepted by the Applicant in March 2025. This revised Connection Agreement changes the Stage 1 connection date from April 2028 to October 2029, and the Stage 2 connection date from April 2030 to October 2030.</p>

Summary Position

Without prejudice to the determination of the NGNS, the applicant's statement does not address any potential reasons why the NGNS application might be refused given the objections that the Council has raised to the solar farm and the environmental topics that it has considered in its Screening Opinion for the NGNS in concluding that the NGNS proposals are EIA development.

Outline Landscape and Ecological Management Plan

The Council notes the updated outline Landscape and Environmental Management Plan (oLEMP). The Council will continue to seek additional details and commitments to grazing, contracts eg and alignment with BRE National Solar Centre Biodiversity Guidance for Solar Developments (2014).

Draft Development Consent Order

The Council has made a number of comments on the draft DCO in its Written Representation [REP1-105]. It welcomes the amendments to the draft DCO submitted at Deadline 1 in respect of the changes proposed to Schedule 16. The Council wishes to emphasise that the additional proposed Requirement and amendments to draft Requirements (including the reference to choice of battery set out in para 7.15 of our WR) as well as to Article 40 are considered by the applicant.

Applicant's Response

The Applicant has reviewed North Kesteven District Council's Local Impact Report (LIR) [REP1-102] and has responded to the LIR as part of the **Response to Deadline 1 Submissions [EN010149/APP/8.20]** [\[REP2-023\]](#).

The oLEMP **[EN010149/APP/7.9.2]** [\[REP1-064\]](#) outlines habitat creation and enhancement together with long term management regimes including either a grazing or a hay cutting regime, which will be determined within the detailed LEMP(s). The habitat creation and long-term management proposals have had regards to the broad recommendations outlined in the 'BRE National Solar Centre Biodiversity Guidance for Solar Developments (2014)'. Finally, the final details of the LEMP will be developed in consultation with the proposed Ecological Steering Group advocated by LCC.

The Applicant has responded to the comments made in REP1-105 in its **Response to Deadline 1 Submissions [EN010149/APP/8.20]** [\[REP2-023\]](#) in particular in Table 2-16 (at ref 1.8.8 in relation to Articles 40 & 41, and Table 2-15 ref LIR 25.18 – 25.20 in relation to the choice of battery) and, as noted, by the Council, also made amendments to many of the comments made.

In terms of Article 40 in particular, this was the focus of further discussion and submissions in Issue Specific Hearing 4, and the Applicant has included a post hearing note in its **Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]** (submitted at this Deadline 3) to set out its position and additional commitments it is making at Deadline 3 to address concerns in this respect. This has also been the subject of a call between the parties on 7 August 2025.

3. Response to Category 2 Stakeholders

3.1. Overview

3.1.1. The following Category 2 response was submitted at Deadline 2:

- Springwell Solar Action Group [[REP2-032](#)]
- Anne Patricia Heard [[REP2-027](#)];
- Philip John Heard [[REP2-031](#)].

3.1.2. The table overleaf provides the Applicant's response.

3.2. Response to Category 2 Stakeholders

Table 3-1 – Response to Springwell Solar Action Group’s Deadline 2 Submission

Summary Position	Applicant’s Response
We would like to request that a 3rd party is given access to the land to provide the Inspector with a truly independent assessment. We note assessments of land in Navenby BESS application stating 3b where local farmers and literature state grade 2. It is not acceptable that the applicant is able to mark their own work with no oversight.	The Agricultural Land Classification Survey has been performed in accordance with the ALC system as per the Ministry of Agriculture, Fisheries and Food guidance, 1988. The methodology used for the survey and results detailed in ES Volume 3, Appendices 11.a -c: Agricultural Land Classification Reports [EN010149/APP/6.3] [APP-112] [APP-113] [APP-114] have been agreed with Natural England, Lincolnshire County Council and North Kesteven District Council as set out in the Draft Statement of Common Ground – Natural England [EN010149/APP/8.4] [REP1-079] , Draft Statement of Common Ground – Lincolnshire County Council [EN010149/APP/8.1] [REP1-066] and Draft Statement of Common Ground – North Kesteven District Council [EN010149/APP/8.2] [REP1-077] .

Table 3-2 – Response to Anne Patricia Heard’s Deadline 2 Submission

Summary Position	Applicant’s Response
<i>Response to ExQ1 1.4.6 – Use of large-scale solar farms by birds and insects</i>	
<p>Given that:-</p> <p>a) there is recent research that bats are negatively affected by ground-mounted PV sites</p> <p>b) the bat surveys carried out by the Applicant indicate the presence of an assemblage of species of national importance</p> <p>c) the Applicant concludes in its response to ExQ1-Q1.4.5 (REP1-071) that “there is insufficient empirical research data to inform specific guidance or actions”</p> <p>allowing the proposed development to proceed on a best guess approach to mitigating it’s impact on bats may potentially cause an ecological disaster. The Applicant’s</p>	<p>a) The available literature, while indicating the potential for negative impacts on bats, represents only an initial foray into an area of research that has been poorly explored to date. To date there are only a handful of studies on this topic which rely on limited datasets and compare separate control and solar farm sites, of varying levels of comparability, rather than considering variations in bat activity pre- and post- solar farm development on the same site. As such there remain considerable uncertainties in the nature and / or extent of any negative impact including in relation to the root causes or variations in response between different bat species. Solar sites with adequate mitigation could improve habitat for bats, indeed Froidevaux et al. (2019) found that improvements to hedgerows and field margins had a positive effect on bat abundance and species diversity (Ref. 7-29 within ES Volume 1, Chapter 7: Biodiversity [EN10149/APP/6.1.2] [REP1-024]).</p> <p>The Proposed Development has embedded mitigation designed to support bats including buffer zones and improvement measures to ensure boundary habitat is maintained and improved in area and</p>

Summary Position

suggestion to monitor bat species activity for the first 10 years post construction (paragraph 7.11.1 of Environmental Statement Vol 1 Chapter 7 Biodiversity REP1-024) will be a case of “shutting the stable door after the horse has bolted”.

Applicant's Response

diversity. New tree and hedgerow planting, wildflower grassland creation, field margin improvements and legume-rich grassland treatments underneath Solar PV modules would deliver an overall BNG during the operational (including maintenance) phase, once these habitats are fully established. As well as reduced herbicide and pesticide use, these changes are anticipated to be beneficial for foraging and commuting bats.

b) **ES Volume 1, Chapter 7: Biodiversity [EN10149/APP/6.1.2] [REP1-024]** recognises that the foraging bat assemblage at Springwell is of conservation importance. Survey work, including targeted surveys of hedgerows which are to be affected by works (as detailed in **ES Volume 3, Appendix 7.13: Further Targeted Bat Activity Surveys [EN010149/APP/6.3] [APP-094]**) have identified that hedgerows across the site are important flight corridors for a variety of bat species, including the rare barbastelle bat.

c) Whilst it is correct to state the exact mechanism by which bats might be displaced by Solar PV Modules is not currently known, the survey work collected to date has been sufficient to enable a robust assessment of the potential impacts on foraging bats and what mitigation measures will be efficacious in mitigation for any potential impacts. The assessment on bats is detailed in **ES Volume 1, Chapter 7: Biodiversity [EN10149/APP/6.1.2] [REP1-024]** which concludes that there would be no significant adverse residual effect.

Specific mitigation measures have been outlined, including retention of all woodland and the majority of hedgerows used by foraging bats. Where small sections of hedgerow need to be removed to facilitate cable installation and access, mitigation measures will be put in place to maintain the physical linear structure of key hedgerows, during the hours of darkness, until the removed sections are reinstated. The **oLEMP [EN10149/APP/7.9.2] [REP1-064]** states that over 15km of new hedgerow and 16ha of new tree belts will be planted increasing the foraging resource and connectivity for commuting bats across the site. This together with grassland and field margin habitat creation and enhancement (as outlined for breeding birds) will increase the availability of insect prey for bats. Lighting will be designed in accordance with guidelines issued by the Bat Conservation Trust to reduce impacts on bats and other nocturnal species. The design has also ensured that solar PV Modules are not wall to wall and there are significant gaps of retained farmland between the three sub sections of Springwell, with gaps that will have no solar PV Modules, so that bats can still move across the wider landscape to forage even if they are actually displaced from those fields that contain panels.

Summary Position

Applicant's Response

Finally, it is the of the Applicant's ecologist professional judgement that with the mitigation outlined in place there will not be an *ecological disaster* with regards to bats. However, ongoing monitoring will be important to add to the developing evidence base pertaining to bats and inform future development so that mitigation measures can be further refined and targeted. This is secured in the **oLEMP [EN010149/APP/7.9.2] [REP1-064]**.

ExQ1 1.6.5 – National Grid and the Order Limits

In response the Applicant says that rights are being sought via the CPO over the whole of the plot 11/1 (shown on the Land Plans APP-006) pending 1) future land agreements between the landowner and NGET 2) an approved NGET Navenby substation planning application and 3) a detailed design of the point of connection aligned with both the land and the planning secured.

The inclusion of the whole of plot 11/3 is also shown on the Land Plans over which rights are sought to lay cables to connect into the proposed NGET Navenby substation.

Paragraph 11 of the Planning Act 2008 "Guidance related to procedures for the compulsory acquisition of land" dated September 2013 sets out that one of the conditions which must be met to the satisfaction of the Secretary of State before compulsory acquisition can be authorised is that the land is required for the development and that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

The Applicant has demonstrated within the **Statement of Reasons [EN010149/APP/4.1] [APP-015]** and the **Works Plans [EN010149/APP/2.3] [APP-007]** the requirements for plots 11/1 and 11/3. Plot 11/1 and Plot 11/3 is required for the Work No. 5 - Grid Connection Infrastructure and Compulsory Acquisition Powers are required for new rights. The Applicant is engaging with the two Affected Parties of these plots of which the position can be found within the **Schedule of Negotiations and Powers Sought [EN010149/APP/4.4.3] [REP2-007]**. The Applicant is confident that an agreed positions will be reached prior to end of the Examination.

As NGET's application for the Navenby Substation has not yet been submitted, the Applicant continues to take a proportionate approach to ensure scheme deliverability and has included the proposed National Grid Navenby Substation site within the Order Limits, so that there is flexibility depending on the final design of the substation for the grid connection infrastructure works (Work No. 5) to connect into it.

Summary Position	Applicant's Response
<p>The Applicant has failed to meet this test in relation to both plots 11/1 and 11/3 as all that is reasonably required for the proposed development is a right to lay cables over a specified route (presumably no wider than the proposed cable route in plot 11/4) over plot 11/1 to connect into a point on plot 11/3. It does not need the whole of plot 11/3 or plot 11/1 to lay these cables. The Applicant is not in a position to identify the route of the proposed cable because the site of the Navenby substation (and connection point for the Springwell project) is not yet known.</p>	
<p>Both Fosse Green and Leoda solar farm projects have included plot 11/3 within the application site of their proposed developments. If DCO are granted for their developments will the result be that three solar projects will have secured CPO rights over the same area of land?</p>	<p>Both of these projects have submitted pre-applications for and NSIP application. At this point on these schemes it is not confirmed that this is the case.</p> <p>However, if this does occur, all three projects could be granted CPO powers over the same piece of land. Springwell is liaising with both Fosse Green and Leoda Solar Farms and as per the guidance will continue seek voluntary agreement with the landowner of 11/3.</p>
<p><i>ExQ1 1.6.9 – Funding</i></p>	
<p>In response the Applicant confirms that the decommissioning costs are not included in the Funding Statement as this is published pursuant to Regulation 5(2)(h) of the Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 whose purpose the Applicant says is to “demonstrate how compulsory acquisition would be funded”. This statement is incorrect. Paragraph 17 of the “Guidance related to procedures for the compulsory acquisition of land” DCLG Sept 2013 says that the funding statement “should provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required”.</p>	<p>The Applicant has prepared the Funding Statement as required by the relevant regulations and guidance, and it maintains its response as set out in the Applicant's Responses to First Written Questions [REP1-071] in response to ExQ1 1.6.9.</p> <p>The Applicant further addressed points around decommissioning costs during Issue Specific Hearing 3, Agenda Item 9.3, and the Applicant's position is set out more fully in its Written Summary of Oral Submissions made at ISH3, submitted at this Deadline 3, against the relevant Agenda Item.</p>

Summary Position

The funding statement should therefore show that the project is viable. As the project includes decommissioning (as defined in paragraph 1.2.2 of the Funding Statement (REP1-011)), the Funding Statement should identify how those costs will be met. For example paragraph 2.2.1 of the Funding Statement for Tillbridge Solar states that decommissioning costs will be covered by an agreement with the landowner to create a form of security to ensure that there are funds available for decommissioning.

Applicant's Response

ExQ1 Q1.9.4 – Best and Most Versatile Agricultural Land

Despite the measures proposed to minimise the impact on soil quality set out in the oSMP (REP1- 042), research suggests that there are a number of issues such as compaction of the soil, contamination, erosion, soil movement and storage that may well result in permanent damage to the soil resulting in a major adverse environmental impact (IEMA guidelines).

In the draft statement of Common Ground Natural England (REP1-0979) paragraph 2.15 of Table 2 sets out Natural England's comments that "it is currently unknown what the overall impact of a temporary solar development will have on soil health. In the absence of this information, NE suggests that there is an opportunity for the developer to commit to a programme of soil health monitoring for the lifetime of the project to support development of the evidence base around long term impacts to soil health for solar development". Whilst the Applicant has agreed to undertake soil health assessments, I question why 231 ha of BMV agricultural land (let alone the vast area of other good quality

The Applicant acknowledges that impacts to soil such as compaction and contamination may occur, however, mitigation measures have been put in place as secured within the **oCEMP** [EN010149/APP/7.7.3] [REP2-015], **oOEMP** [EN010149/APP/7.10.3] [REP2-018], **oDEMP** [EN010149/APP/7.13.3] [REP2-021], **Outline Soil Management Plan (oSMP)** [EN010149/APP/7.11.2] [REP1-042] and the **oBSMP** [EN010149/APP/7.14.2] [REP1-048] to minimise and manage any impacts to the soil.

The Applicant has committed to reinstating and returning the soil to the condition and ALC grade it was prior to the installation of the Proposed Development, therefore no permanent damage to the soil is anticipated. These measures are secured in the **oSMP** [EN010149/APP/7.11.2] [REP1-042].

Summary Position

agricultural land which will be taken by the proposed development) should be used as an experiment to assess the potential harm this development might cause to soil health.

ExQ1 Q1.9.9 – Effects of Firewater on Groundwater

(a) the oBSMP (REP1-048) does not appear to conform to the NFCC Guidance (3m separation is provided between battery containers instead of the minimum 6 m as advised) so the risk of fire spreading to adjacent battery containers is increased.

(c) the Applicant has understated the amount of water that may be required to bring a BESS fire under control. The Applicant's proposal to provide 4 water tanks each with approximately 113,000 litres of water which would provide 1,900 litres of water for 4 hours (paragraph 5.5.1 of the oBSMP (REP1-048)) is inadequate in the light of the advice of West Yorkshire FRS to Leeds City Council in relation to a planning application for a 50 MW BESS at Westfield Road Leeds (Ref 23/00450/FU).

(d) potentially millions of litres of firewater runoff could not be contained in "an underground attenuation tank or bunded holding lagoon" as proposed by the Applicant (paragraph 3.11.13 Outline Drainage Strategy App A to Flood Risk Assessment REP1-050)

Applicant's Response

(a) The Applicant has conformed with all guidance received from the LFRS in relation to the Proposed Development as well as the current NFCC Guidance as evidenced in the **Draft Statement of Common Ground - Lincolnshire Fire and Rescue Service [EN010149/APP/7.24] [APP-0157]**. The Applicant will continue to engage with the LFRS throughout the detailed design to ensure compliance with the relevant NFCC Guidance at the time. The Applicant has proposed suitable design features to the LFRS, which has resulted in agreement of the proposed layout parameters. Further details on safe separation and the safety features that ensure this have been detailed below in Table 3-3 "ExQ1 Q1.3.2 – BESS".

The Applicant has conformed with all guidance received from the LFRS in relation to the Proposed Development as well as the current NFCC Guidance. This includes the provision of:

(c) suitable amounts of firefighting water, which is only to be used for boundary cooling, as detailed in the **Responses to Relevant Representations [EN010149/APP/8.13] [REP1-070]** Table 3-6 Digby Parish Council (RR-113).

(d) (e) its capture storage and possible reuse. Please also see the **Responses to Relevant Representations [EN010149/APP/8.13] [REP1-070]** Table 4-1 BESS "Fire Safety".

(f) The **Planning Statement, Appendix 3 – Policy Compliance Assessment Tables [EN010149/APP/7.2.2] [AS-018]** provides a comprehensive assessment of the Proposed Development's compliance against each relevant national and local planning policy. The Central Lincolnshire Local Plan in Table 6 should be read in conjunction with the assessment section of the **Planning Statement [EN010149/APP/7.2.2] [AS-018]**. In relation to Policy S21 Flood Risk and Water Resources, the **Outline Drainage Strategy [EN010149/APP/7.16.3] [REP1-050]** concludes that runoff will be attenuated via the local ditch/watercourse network (subject to infiltration testing and ditch network connectivity survey) within the Order Limits as per the existing conditions. A Requirement of

Summary Position

(e) the Environment Agency acknowledges the potential risk to groundwater quality from the release of firewater from the proposed BESS (RR-130).

(f) the proposed Springwell BESS does not therefore comply with Policy S21 of the Central Lincolnshire Local Plan as it is proposed to be constructed in a location where in the event of a BESS fire there will be a risk of contamination to groundwater in breach of the Water Framework Directive.

Applicant's Response

the **Draft DCO [EN010149/APP/3.1.2]** [\[REP1-006\]](#) secures a detailed Drainage Strategy. The Applicant has agreed with the EA that a WFD Assessment is not required and the Applicant has outlined measures that will be undertaken to protect groundwater during the construction, operation (including maintenance) and decommissioning in the **oCEMP [EN010149/APP/7.7.3]** [\[REP2-015\]](#), **oOEMP [EN010149/APP/7.10.3]** [\[REP2-018\]](#), **oDEMP [EN010149/APP/7.13.3]** [\[REP2-021\]](#).

ExQ1 Q1.11.4 – Public Rights of Way (and noise)

In response to b) the Applicant has failed as requested to provide a maximum noise level experienced by recreational users of PRow. The Applicant has described the noise experienced by recreational users of PRow during construction by firstly setting out the types of equipment that might be a source of noise namely static generators, and mobile equipment such as loading shovels and dumpers. This fails to paint a picture of the totality of the construction activities that will generate noise. App 12.2 Environmental Statement Vol 3 Construction Noise Plant Tables and Results (APP-121) sets out the plant required for various tasks eg for site clearance there will be a Timberwolf Wood Chipper, a tracked excavator, 2 dumpers, a bulldozer and two chain saws. There will also be the noise from delivery lorries, construction workers and their vehicles. During operation of the proposed development there will be noise from the inverters and transformer stations (Table 12.9 Environmental Statement Vol 2 Chapter 12 Noise and Vibration (APP-052)).

There is currently no specific national (or local) guidance or standard which provides a noise criteria for PRow either during construction or operation. This is due to the temporary use of the PRow and level of short-term noise exposure as users move through the area, as opposed to a fixed residential receptor such as a garden amenity space with a criteria which is based on a threshold level throughout a defined exposure time.

Levels of construction noise may exceed 70 dB(A) at discrete positions for short periods along the PRow where plant and equipment is located at nearest distance of approach to the PRow however, this is not indicative of expected noise levels throughout long durations, with noise levels likely to be varied, dependent on the positioning and source level of the dominant plant and equipment at any one time. The plant being used is transient and temporal in nature, the users of the PRow are also transient and therefore, noise levels would significantly reduce as the distance between the plant and PRow increases.

Whilst no significant built features exist, the attenuation of noise across soft ground would reduce levels such that they are consistent with the existing ambient at distances in the order of 200 – 300 metres. Indeed, movement through this area based on standard walking speeds would take a matter of minutes. It should also be noted that the magnitude and character of general construction noise, particularly those mobile sources are similar in nature to what can reasonably be expected from agricultural machinery, such as combine harvesters and tractors, used for arable farming.

Summary Position	Applicant's Response
<p>The Applicant then goes on to suggest that users of the PRoW would be likely to experience noise levels above the ambient “for a matter of minutes”.</p> <p>There are no built features which would attenuate any noise from plant and machinery along these footpaths, so any noise emitted from construction or operational activities would be heard over long distances and for longer than the “few minutes” described by the Applicant.</p>	<p>Section 4 of the oCEMP [EN010149/APP/7.7.3] [REP2-015] sets out the provision of monthly reporting of information to local residents (including public rights of way users) to advise of potential noisy works that are due to take place. This would allow users of the PRoW to avoid areas of construction activity should they wish to do so, by temporarily using other PRoW routes.</p> <p>Operational noise levels from fixed plant and equipment would likely result in noise levels of 50 dB(A) at nearest positions along the PRoW; the vast majority of the PRoW would experience levels far lower. Considering the longer term nature of fixed plant items during the operational phase, noise levels would be less than World Health Organisation (WHO) guidelines for residential outdoor amenity areas, which are considered highly sensitive spaces, accounting for daytime exposure times of 16 hours. Given the limited exposure time for users of the PRoW due to its inherent transient use, the PRoW is of low sensitivity and the guidelines within WHO would not apply; that being said, predicted noise levels along the PRoW are still lower than the guidelines within WHO for those high sensitivity residential areas.</p> <p>It is acknowledged that whilst noise may be perceptible and occasionally the dominant source of noise for users of the PRoW, the anticipated levels would not result in a prolonged impact along an individual route. The level at which noise is audible or ‘heard’ is subjective and does not form part of any standard assessment approach, neither during construction nor operation.</p> <p>PRoW has been a key consideration in the design development, particularly the Stepping Out Network located in Springwell East. This has included the removal of fields during the design process and adoption of mitigation measures such as an offset of at least 15 metres from either side of existing and proposed statutory PRoW from the Solar PV fence line and locating Inverter Transformer Stations at least 50 metres from all PRoW as a means to limit noise exposure, as secured in the Design Commitments [EN010149/APP/7.4] [APP-0138].</p>

Table 3-3 – Response to Philip John Heard’s Deadline 2 Submission

Summary Position	Applicant's Response
<p><i>ExQ1 1.2.1 – Alternative Sites</i></p>	

Summary Position

Notwithstanding, the Applicant states that it is proposing grid connect dates in 2028 and 2030. Given that the proposed National Grid Navenby Substation, if approved, will not be operational until late 2029 at the earliest, how does Applicant plan to achieve this?

Applicant's Response

The Applicant updated the **Grid Connection Statement [EN010149/APP/7.6.2]** [\[REP1-058\]](#) at Deadline 1 to reflect the amended connection dates, as per the Grid Connection Agreement (signed in April 2022). Potential amendments to the connection dates were discussed with National Grid in 2024, in relation to both the Applicant's timeline and the timeline of the proposed National Grid Navenby substation development, prior to the submission of the Modification Application and the Applicant's acceptance of the revised offer in March 2025. The Applicant's contracted grid connection dates now align with the National Grid's published date for the construction to be completed and the substation operational by late 2029. Stage 1 connection date was amended from April 2028 to October 2029, and Stage 2 connection date was amended from April 2030 to October 2030.

ExQ1 Q1.5.3 and Q1.5.4– Climate

Table 1-5 Q1.5.3 details the Applicant's comments regarding project emissions. In Chapter 8, Environmental Statement, Climate, Table 8.5 the Applicant assumes the solar PV panels will all last the life of the development (40 years) yet most manufacturers suggest 25 years. Indeed, the effects of weather and delamination alone will most likely require every panel to be replaced prior to 40 years. If every PV panel does need replacing at least once it adds over 1 million tCO₂e to the CHG emissions. Table 8.5 also has the service life of BESS (batteries?) as 17.5 years and transformers at 40 years. The proposed BESS to the South of Green Man Rd, Navenby, is planning on a battery life of 5-15 years with planned replacements at 10 years and planned transformer replacements at 25 years (Chapter 11, Waste, Table 11-9 of Planning Application 25/0491/FUL to NKDC). Given that the majority of developers state the most conservative component replacements to make their GHG calculations as attractive as possible, it is unlikely the proposed Navenby BESS component lifing statistics are significantly below reality. Therefore, this Applicant has

Advancements in current PV manufacturing have seen greater reliability with performance warranties in some cases extending to 40 years and degradation at 0.3%. The Applicant has collaborated with tier 1 solar PV manufacturers and with its team of solar engineers to model the generation and select PV module components that will provide the durability required to generate renewable energy for 40 years. The Applicant notes the potential need for some replacement over the 40-year lifetime in addition to construction breakages. This may be in the order of 0.5% for lifetime replacement, and 0.2% breakage during construction.

Within the GHG assessment presented in **ES Volume 1, Chapter 8: Climate [EN010149/APP/6.1]** [\[APP-048\]](#), emissions from the replacement of solar PV modules (0.5%) were not included. However, construction breakage was assumed to be 5%, adopting a conservative approach based upon research. The additional PV modules needed over the lifetime of the Proposed Development therefore have been conservatively assessed as 5%, and therefore this sufficiently covers the Solar PV modules that may be required for both replacement (0.5%) and construction breakage (0.2%) during the construction and operational phase of the Proposed Development. This principle also applies to other components as part of the Proposed Development with construction wastage values as follows: solar PV frames, foundations and switchgear with 1% construction wastage, and inverters with 5% construction wastage. All construction wastage figures and anticipated component lifespans represent a realistic, conservative assumption.

Summary Position

underestimated the GHG emissions for component replacement throughout the life of the project.

Q1.5.4 again states the Applicant's assertion that there will be an estimated saving of 9.6million tCO₂e. The Applicant continues to use the Combined Cycle Gas Turbine as a comparison to make the tCO₂e lifetime savings of the proposed development look misleadingly high. The Government are aiming for a 50% Net Zero grid by 2030 and totally net zero by 2050. Therefore, based on Government targets, the Applicant's comparison must be with a 50/50% fossil fuel/green energy mix for the first 20 years then 100% green energy thereafter ie a mix of 25% fossil fuel/75% green energy across the proposed development. Hence, the Applicant's statement (Chap 8, Para 8.7.19) that there will be a saving of 9.6 million tCO₂e is wrong. Given that solar is the most polluting green energy, this figure needs to be reduced by 75%; hence the maximum saving is 2.4 million tonnes. This does not however, take into account the Applicant's gross underestimation of carbon emissions from component replacements, notably solar PV panels, which will reduce the figure further by at least a 3 million tCO₂e.

The Secretary of State, in approving the Gate Burton Energy project, considered a Combined Cycle Gas Turbine an inappropriate baseline for comparisons.

Applicant's Response

A technical note which provides an assessment of the GHG emissions against several alternative baselines has been undertaken and is presented in Appendix 2 of the **Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023]**. The findings of these different methodologies showcase that the Proposed Development is comparable with other renewable energy technologies and contributes to the decarbonisation of the UK's electricity grid. These findings further support the conclusion in **ES Volume 1, Chapter 8: Climate [EN010149/APP/6.1] [APP-048]** that the Proposed Development contributes to the UK's transition to net zero and aids in reducing GHG emissions within the energy sector.

A technical note which provides an assessment of the GHG emissions against several alternative baselines has been undertaken and is presented in Appendix 2 of the **Response to Deadline 1 Submissions [EN010149/APP/8.20] [REP2-023]**. The findings of these different methodologies showcase that the Proposed Development is comparable with other renewable energy technologies and contributes to the decarbonisation of the UK's electricity grid. These findings further support the conclusion in **ES Volume 1, Chapter 8: Climate [EN010149/APP/6.1] [APP-048]** that the Proposed Development contributes to the UK's transition to net zero and aids in reducing GHG emissions within the energy sector.

Summary Position

ExQ1 Q1.3.2 – BESS

In Table 1-2 Q1.3.2 the Applicant states that the “ERP [emergency response plan] will be developed in accordance with NFCC guidance and additional guidance and best practice at the time.” Given that the Applicant is not following current NFCC guidance with respect to battery container separation, what confidence is there that guidance will be followed in the future? In trying to justify not even having a draft ERP the Applicant states “It is standard practice for an ERP to be developed post planning consent to facilitate a tailored, effective and safe emergency response at the particular site.” Saying it is “standard practice” is not a reason for having no outline ERP in place. Surely the requirement for an ERP must be the same as that for an outline BSMP?

Indeed, regarding separation, the BESS Plume Assessment Para 3.8.13 states “a jet type fire of the vented hydrogen has also been modelled with the industry threshold of 6.3kW/m2 being reached at distance of 5m from the source.” Yet container spacing is proposed to be 3m and therefore an adjacent BESS container would be well within the range of a vented 4 hydrogen jet. The current NFCC Guidance is 6m. Why cannot the Applicant simply state that the proposed development WILL comply with the extant guidance/regulations at the time with any UK guidance/regulations taking precedence?
4.3 In Para 3.8.10 of the Plume Assessment the Applicant states “It is anticipated that the emergency response would take no more than a few tens of minutes

Applicant's Response

The Applicant has conformed with all guidance received from the LFRS in relation to the Proposed Development as well as the current NFCC Guidance as evidenced in the **Draft Statement of Common Ground - Lincolnshire Fire and Rescue Service [EN010149/APP/7.24] [APP-0157]**. The Applicant will continue to engage with the LFRS throughout the detailed design stage to ensure compliance with the relevant NFCC Guidance at the time and full agreement of the ERP.

Following feedback and questions during ISH 1, the **Outline Battery Safety Management Plan [EN010149/APP/7.14.2] [REP1-048]** was resubmitted at Deadline 1 with further information on the future ERP content requirements which follow NFCC and NFPA 855 guidance. The oBSMP secures the minimum ERP contents as set out therein.

ERPs can only be drafted when based upon a specific BESS design, key safety content requires that all equipment within the BESS area is defined, battery system operating limits and test data are fully defined, and the BESS failure protection system is defined. Incident response tactics requires significant test data and rigorous consequence modelling from the specific BESS design to develop safe protocols for incident response. This information will be available at the detailed design stage.

The NFCC Guidance allows that “suitable design features can be introduced to reduce that spacing” (from 6m). The Applicant has proposed suitable design features to the LFRS, which has resulted in agreement of the proposed layout parameters. Similarly, in the detailed design assurance, demonstrating conformance with the NFCC guidance when reducing distances, the Applicant will provide a clear, evidence based, case for the reduction.

Fire safety provisions found within battery system design are secured within the **Outline Battery Safety Management Plan (oBSMP) [EN010149/APP/7.14.2] [REP1-048]**, including testing. The BESS will be designed to address prevailing industry standards and good practice at the time of design and implementation. BESS system and components used to construct the facility will be certified to UL 9540 (2023) and/or BS EN IEC 62933-5-2 standards (or any future standards which supersede this). Examples of battery module safety features designed into the cell level are: Internal fuses; protection devices to isolate BESS at rack/ string and bank level; overcharge safety device; internal separating layers; venting systems and gas channels; thermal Monitoring.

Summary Position

to attend the site". Has the Applicant actually spoken to Lincolnshire Fire & Rescue (LFR) about this? What is the definition of "a few tens of minutes"? 10, 20, 30, 40 ? It is assumed the fire response would come from South Park, Lincoln. It surely cannot be difficult to estimate a time. Has the Applicant discussed resources with LFR? Essex Fire Brigade sent 23 appliances to the East Tilbury BESS fire. Lincolnshire Fire and Rescue have 48 station-based fire engines covering an area of 5921 km² ; the likelihood they could field a similar number is unlikely.

Applicant's Response

The selected BESS as mandated under NFPA 855 (2026 Revision) will have undertaken Large Scale Fire Testing (LSFT) as part of UL 9540A tests and / or 3rd party full scale destruction testing. This testing involves burning the full BESS system to validate safe equipment spacing and performance test active and passive mitigation systems integrated into the BESS design.

BESS enclosures are made of non-combustible materials with very high levels of thermal insulation, which provides prolonged protection against BESS failure incidents. A significant range of current BESS designs have demonstrated that fire has not propagated to adjacent BESS enclosures spaced at 50-200mm distances.

The Applicant has been in full coordination and discussions with the LFRS regarding present and future involvement including Protective Provisions for site familiarisation, as stated in Table 2-15 of the **Response to Deadline 1 Submissions [EN010149/APP/8.20]** [\[REP2-023\]](#) in relation to LIR 25.13 – 25.14. The Applicant will continue discussions regarding response times and fire stations with LFR following the granting of development consent, as this is the stage when LFR develop such plans in detail. These will inform the ERP at the detailed design stage. Information such as response times and the number of vehicles earmarked for incident response will inform incident response protocols and on-site provisions and equipment made available for LFR. ERPs must be drafted for all periods of the project lifecycle i.e. construction, operations, and decommissioning phases as secured by the **Outline Battery Safety Management Plan (oBSMP) [EN010149/APP/7.14.2]** [\[REP1-048\]](#).

ExQ1 Q1.14.3 - Drainage

Table 1-14 Q1.14.3 comments on the outline drainage strategy. It is unbelievable that, given a common concern amongst interested parties is the risk of contamination entering the protected aquifer, there appears to be no mention of toxic firewater in this Table. Regarding firewater containment the Applicant's Drainage Strategy states: "This will likely be via use of impermeable membranes and a bung and penstock system which can be utilised to stop the surface water discharge offsite within the onsite drainage network." What does "likely" mean? What alternative is there to

Flood Risk Assessment: Appendix A - Outline Drainage Strategy [EN010149/APP/7.16.3] [\[REP1-050\]](#) takes into consideration the requirements for pollution prevention in event of a fire and corresponds to good practice to prevent uncontrolled discharge of water in the unlikely event of a fire at the Site. The final drainage design will be undertaken post determination during the design phase of the Proposed Development and so the final specification of the impermeable membrane and method to retain the spent fire water on site are yet to be designed. The most common method to prevent off site flows in the event of a fire is through the use of an automatic penstock valve. An automated penstock valve system will isolate the drainage system in the event of a BESS safety alarm ensuring that no spent fire water will drain off the Site. These valves can be overridden manually by fire service personnel if necessary and will be subject to routine maintenance as set out and secured in the **Outline Battery Safety Management Plan (oBSMP) [EN010149/APP/7.14.2]** [\[REP1-048\]](#).

Summary Position

use of an impermeable membrane? What material will the membrane be made of? What precautions will be put in place to ensure the membrane is not inadvertently damaged during the 40 years of operations? Why is there no draft design proposed to give some confidence that the protected aquifer is NOT at risk? Given that there will be gravel around each BESS container, how will that gravel be safely removed if contaminated? Where will any contaminated water be disposed of? Does the Applicant not understand that many of the local population are in fear of a BESS fire and its consequences? It is time the Applicant started being clear about some of these significant issues

Applicant's Response

The drainage design will ensure that the areas at potential risk will be lined to prevent ingress to groundwater and the water will be retained on site prior to being treated or tanked off site. The impermeable membrane will take into account the lifetime of the scheme and be specified to ensure it is fit for purpose and installed by competent contractors in line with the manufacturer's guidelines. Any potentially gravel or other materials used for the drainage of the site will be treated and disposed of in line with pollution guidelines in place at the time and in accordance with the measures set out in the **Outline Site Waste Management Plan** which forms an appendix to the **oCEMP [EN010149/APP/7.7.3] [REP2-015]**.

Appendix 1





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