

# Springwell Solar Farm

## Response to Second Written Questions (ExQ2)

Doc. Ref. EN010149/APP/8.26  
Deadline 4  
September 2025  
Springwell Energyfarm Ltd

Rule 8(1)(c)(ii)  
Planning Act 2008  
Infrastructure Planning  
(Examination Procedure) Rules 2010

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# 1. Introduction

## 1.1. Purpose of the Report

- 1.1.1. This report provides the Applicant's responses to the Examining Authority's written questions and requests for information (ExQ2) [PD-010] issued on 2<sup>nd</sup> September 2025 in respect of the proposed Springwell Solar Farm (the Proposed Development).

## 1.2. Structure

- 1.2.1. Section 1 of this report sets out the purpose and structure of this report and explains the approach taken by the Applicant in preparing responses.
- 1.2.2. Section 2 of this report provides the Applicant's responses to the questions raised of the Applicant by the Examining Authority (ExA), including signposting to other responses and documents where appropriate. Where questions have been raised of other parties, the Applicant has not provided a response to those questions except where it considers that it would be helpful for the ExA for it to do so.

## 1.3. Approach

- 1.3.1. To minimise duplication, the Applicant has sought to cross-refer where appropriate to relevant submissions that have already been entered into the Examination.

## 2. Response to the Examining Authority's Second Written Questions

### 2.1. Overview

2.1.1. The following topics were raised by the ExA in the ExQ2 [PD-010]:

- General, Cross-topic and Need;
- Air Quality;
- Biodiversity;
- Climate Change;
- Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations;
- Cultural Heritage;
- Draft Development Consent Order (DCO);
- Land, Soils and Groundwater;
- Landscape and Visual Impact;
- Noise and Vibration;
- Population;
- Traffic and Transport, including Publics Right of Way;
- Water; and
- Other Matters, including Waste.

2.1.2. The tables below provide the Applicant's response to these topics arranged under the headings listed above.

## 2.2. Responses to Second Written Questions (ExQ2)

Table 1-1: General, Cross-topic and Need Questions

ExQ2 Ref	Question	Applicant's Response
Q2.1.1	<p><b>Grid Connection</b></p> <p>The Examining Authority (ExA) understands that the Environmental Impact Assessment (EIA) Scoping Report for the proposed National Grid Navenby Substation (NGNS) has now been published. Having regard to this additional information, provide further evidence that there are not any clear environmental reasons why permission would not be granted for the proposed NGNS, in line with Paragraph 4.11.6 of National Policy Statement (NPS) EN-1.</p>	<p>The Applicant would like to highlight that the Proposed Development has a formal grid connection agreement from National Grid, which is set out in the updated <b>Grid Connection Statement [EN010149/APP/7.6.2] [REP1-058]</b> submitted at Deadline 1. 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> <p>The Applicant's position is that paragraph 4.11.6 of NPS EN-1 is not applicable; however, paragraph 4.11.18 of NPS EN-1 states that <i>"on some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities subject to different commercial and regulatory frameworks (for example grid companies operate within OFGEM controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused."</i> This is the relevant policy position and NGET should take a responsible approach to siting, design and mitigation, following the Horlock Rules. On this basis, there is no obvious reason why the substation would be refused.</p> <p>The Applicant's position has not changed, and the Applicant is not aware of any impediments as to why the Navenby Substation application would not be positively determined following its review of the National Grid Navenby Substation EIA Scoping Report. These points have been addressed within Table 1-1 of the Response to Action Points, Appendix 1 to the <b>Written Summary of Oral Submissions at Issue Specific Hearing 1 [EN010149/APP/8.16] [REP1-073]</b> and summarised its position in Agenda Item 4. This is also set out in the <b>Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22] [REP3-075]</b> due to being discussed at ISH 4, Agenda Item 3.</p>

ExQ2 Ref	Question	Applicant's Response
2.1.2	<p><b>Cumulative Effects</b> An action point from Issue Specific Hearing (ISH) 3 [EV6-008] [EV6-009] was for the Applicant to provide an update to the Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes Report [REP1-068] at either Deadline (D) 3 or 4. Further, the Applicant has provided a revised Cumulative Effects Assessment [REP3-014] that takes into account the published EIA Scoping Report for the proposed NGNS.</p> <p>a. <b>Applicant</b>, please provide the updated interrelationships report. b. Local Authorities, do you accept the findings of the revised cumulative effects assessment? If not, please set out fully why you disagree.</p>	<p>The Applicant has updated and submitted the <b>Interrelationships with other Nationally Significant Infrastructure Projects and Major Development Schemes [EN010149/APP/8.11] [REP1-068]</b> at Deadline 4. The Report has been shared with the Local Authorities and neighbouring developers before Deadline 4.</p> <p>Part B of the question is directed to the Local Authorities.</p>

Table 1-2: Alternatives and Site Selection Questions

ExQ2 Ref	Question	Applicant's Response
-	No further questions at this stage.	No response required from the Applicant.

Table 1-3: Air Quality

ExQ2 Ref	Question	Applicant's Response
Q2.3.1	<p><b>Revised Plume Assessment</b> Following discussions at ISH3 [EV6-002] [EV6-003] the Applicant has undertaken an</p>	Question directed to Lincolnshire County Council and North Kesteven District Council.

ExQ2 Ref	Question	Applicant's Response
	additional Plume Assessment [REP3-077] that incorporates atmospheric dispersion modelling and considers particulate matter. The UK Health Security Agency has set out [AS-028] that it has overcome its concerns. Confirm whether you are content with the methodology and assumptions adopted, as well as the overall findings of the revised assessment.	

Table 1-4: Biodiversity Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.4.1</b>	<p><b>Biodiversity Net Gain Plan</b></p> <p>The updated draft Development Consent Order (dDCO) submitted at D3 [REP3-004] includes revised wording for requirement (R) 8(2) requiring higher minimum percentage biodiversity net gain (BNG) figures for habitat units (31.66%) and hedgerow units (20.68%) but not for watercourse units. However, these figures do not correlate with those in Table 15 of the BNG assessment [REP3-021], the net change for habitat units is 28.94% and 22.38% for hedgerow units. Furthermore, at ISH3 [EV6-006] [EV6-007], the Applicant also confirmed that a higher percentage would be included in R8 for watercourse units.</p> <p>a. Confirm which percentage figures are correct for habitat and hedgerow units and provide an updated dDCO or BNG assessment as necessary.</p>	<p><b>a. Confirm which percentage figures are correct for habitat and hedgerow units and provide an updated dDCO or BNG assessment as necessary.</b></p> <p>The correct BNG uplift percentages are those contained within <b>ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.3] [REP3-021]</b> and the <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b> will be updated accordingly.</p> <p><b>b. Provide an updated dDCO with the higher percentage BNG figure for watercourse units or provide justification for the minimum 10% net gain requirement.</b></p> <p><b>ES Volume 3, Appendix 7.14: Biodiversity Net Gain Assessment [EN010149/APP/6.3.3] [REP3-021]</b> outlines the watercourse assessment and the delivery of a minimum 13.59% (depending on final design) in watercourse units. The <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b> will be updated accordingly and submitted at Deadline 4.</p>

ExQ2 Ref	Question	Applicant's Response
	b. Provide an updated dDCO with the higher percentage BNG figure for watercourse units or provide justification for the minimum 10% net gain requirement.	
<b>Q2.4.2</b>	<p><b>Aerodrome Safeguarding – Birdstrike Hazard</b></p> <p>The Statement of Common Ground (SoCG) between the Applicant and Ministry of Defence (MoD) [REP3-067] states that this topic is deemed to be principally agreed, pending finalisation of the requirement wording. Each party is asked to confirm whether agreement on the requirement wording has been reached and if not to set out its preferred wording.</p>	<p>The Applicant understands the wording of the requirement concerning Aerodrome Safeguarding is now agreed between the Ministry of Defence and the Applicant. The Applicant awaits formal confirmation from the Ministry of Defence, however, that relates largely to Requirement 20 (Electrical noise), which has been the focus of recent discussions. The <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b> will be updated accordingly and submitted at Deadline 4.</p> <p>The <b>Draft Statement of Common Ground - Ministry of Defence [EN010149/APP/8.7.2] [REP3-067]</b> will be finalised and re-submitted at Deadline 5.</p>
<b>Q2.4.3</b>	<p><b>Ecological Steering Group</b></p> <p>The ExA note that terms of reference for the ecological steering group (ESG) have been included in the updated Outline Landscape and Environmental Management Plan (oLEMP) [REP3-037].</p> <p>a. Applicant, confirm the funding mechanism for the ESG and, if relevant, submit a signed section 106 of the Town and Country Planning Act 1990 (s106) agreement into the examination.</p> <p>b. Lincolnshire County Council (LCC) and North Kesteven District Council (NKDC), are you content with the Applicant's proposed terms of reference for the ESG?</p>	<p>a. The Terms of Reference (ToR) for the Ecological Steering Group (ESG) are included within the <b>Outline Landscape and Environmental Management Plan (oLEMP) [EN010149/APP/7.9.3] [REP3-037]</b>. The ToR confirm that the Applicant will meet all reasonable costs associated with ESG members' attendance at meetings and review of supplied materials. Additional costs will be met where deemed necessary and agreed in advance between ESG members.</p> <p>The Applicant considers that the funding and management of the ESG is adequately secured through the commitments set out in the <b>oLEMP [EN010149/APP/7.9.3] [REP3-037]</b>, and the Applicant does not consider it necessary for the ESG to be incorporated into a Section 106 agreement under the Town and Country Planning Act 1990, because the obligation included in the <b>oLEMP [EN010149/APP/7.9.3] [REP3-037]</b> is distinct from a positive requirement for payment of money to another party.</p> <p>The obligation to meet the reasonable costs of the ESG would be enforceable, as per any other obligation contained within the approved LEMP. The Applicant would be required to comply with the approved LEMP and that would include any commitment in the LEMP to establish and cover the costs of the ESG. If the relevant planning authority had concerns about the Applicant's compliance with the approved LEMP it could ask it for further</p>



ExQ2 Ref	Question	Applicant's Response
		<p>information or to demonstrate its compliance, and in this case the Applicant would need to demonstrate that it is funding the costs of the ESG as per the obligation in the approved LEMP. If the relevant planning authority considered the Applicant had failed to comply with this commitment, it could take action under the Planning Act 2008 in relation to the breach of the DCO. The Applicant has willingly agreed to these provisions and intends to comply with them for the benefit of the Proposed Development, and there is added incentive to comply, being the threat of breach of the DCO amounting to a criminal offence and a potential fine.</p> <p>The approach taken is aligned with that adopted in other DCOs, for example, the outline landscape and ecology management plan for the Sunnica Energy Farm, which includes a commitment for the Applicant to “meet all reasonable costs of attendees [of the ecological steering group] related to the attendance of meetings and reviewing supplied material”.</p> <p>Part b of the question is directed to Lincolnshire County Council and North Kesteven District Council.</p>
<b>Q2.4.4</b>	<p><b>Ecologist Specialist</b></p> <p>In its D3 submission [REP3-079], LCC suggest that a specific reference is made at 2.2.1 of the Outline Operational Environmental Management Plan (oOEMP) [REP3-039] and 2.1.2 of the Outline Decommissioning Environmental Management Plan [REP3-046] to an Ecological Specialist as a key role with responsibility for advising on and overseeing operational matters relating to ecology to ensure consistency with the approach set out in the Construction Environmental Management Plan (CEMP). Confirm whether this role can be included or provide justification if it is not proposed to be included.</p>	<p>The <b>Outline Decommissioning Environmental Management Plan (oDEMP)</b> [EN010149/APP/7.13.4] [REP3-046] has been amended and resubmitted at Deadline 4 to make specific reference to the requirement to appoint an ecological specialist, as does the <b>oCEMP</b> [EN010149/APP/7.7.4] [REP3-032]. It is currently not envisaged that the operational phase will require a full-time ecological specialist as the development is largely passive and will be largely subject to routine maintenance only. However, it is acknowledged that any tasks other than routine maintenance may require the input of ecological specialists and the <b>oOEMP</b> [EN010149/APP/7.10.4] [REP3-039] has been updated at Deadline 4 with suitable wording to include for this eventuality. It should be noted that ecological monitoring during the operational phase as outlined in the <b>oLEMP</b> [EN10149/APP/7.9.3] [REP3-037] will require ecological expertise, but this commitment is already secured within the <b>oLEMP</b> [EN10149/APP/7.9.3] [REP3-037].</p>
<b>Q2.4.5</b>	<p><b>Bat Licence Application</b></p> <p>The Applicant stated in response to ExQ1.4.9</p>	<p>Question directed to Natural England.</p>

ExQ2 Ref	Question	Applicant's Response
	[REP1-071] that it is considered low risk that a bat roost will be directly affected, especially any significant bat roosts (such as a large maternity roost) and it is therefore not proposing to draft a ghost bat licence application. Are Natural England (NE) satisfied with the Applicant's approach?	
Q2.4.6	<p><b>Hedgerow Survey</b></p> <p>At D3 the important hedgerow survey [REP3-017] and oLEMP [REP3-037] were updated to clarify that the hedgerow survey is not in accordance with Hedgerow Regulations (1997) and therefore only identifies 'potentially' important hedgerows. Confirm that surveys proposed to be undertaken pre-construction will be in accordance with the Hedgerow Regulations (1997) and explain how this is secured within the dDCO.</p>	<p>Survey work undertaken as outlined in <b>ES Volume 1, Chapter 7: Biodiversity [EN10149/APP/6.1.3]</b> [REP3-012] has been sufficiently robust to inform the baseline and assess the impacts on hedgerows which have also been subject to a full UK habitat classification and conditional assessment. The Applicant took a precautionary approach in the assessment and assumed any potentially <i>important</i> hedge as <i>actually important</i> in relation to the ecological criteria of the Hedgerow Regulations, which has therefore informed the assessment and required mitigation. Therefore further pre-construction hedgerow surveys are not envisaged to be required.</p> <p>Pre-construction surveys as outlined and secured in the <b>oLEMP [EN10149/APP/7.9.3]</b> [REP3-037] will be for legally protected species only such as nesting birds or bats potentially roosting in trees to be removed.</p>
Q2.4.7	<p><b>Scarce Arable Flora</b></p> <p>In Appendix 5 (arable weed management plan) of the oLEMP [REP3-037], the area of grassland managed to benefit arable weeds does not appear to coincide with target note 9 as shown on the arable survey location figures (Figure 2 of [APP-089]). Confirm whether the area of grassland managed to benefit arable weeds in field Bcd115 shown on the arable weed management plan should extend to the north-east corner of the field to include target note location 9.</p>	<p>Appendix 5 of the <b>oLEMP [EN10149/APP/7.9.3]</b> [REP3-037] shows the areas that will subject to management for the benefit of arable weeds and the northern edge of field Bcd115 was shown as being within the area set aside for farmland bird mitigation, this has been updated to include a narrow strip on the east side of field Bcd115 to accommodate the location of the scarce plants indicated by Target Note 9 (Figure 2 of <b>ES Volume 3, Appendix 7.8: Notable Arable Flora Survey [EN10149/APP/6.3]</b> [APP-089]).</p>

Table 1-5: Climate Change Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.5.1</b>	<b>Ongoing Emissions and Generation Data</b> NKDC maintains [REP3-080] that ongoing, publicly available emissions/ generation data is published annually to encourage transparency of the development. Has the requirement for this been secured in the DCO of any granted solar farm project?	Question directed to North Kesteven District Council.

Table 1-6: Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.6.1</b>	<b>Schedule of Negotiations</b> Provide a revised Schedule of Negotiations [AS-026] to provide an update on the current status of all negotiations, including the variation to the option agreement with Blankney Estates Limited.	The <b>Schedule of Negotiations and Powers Sought</b> [EN010149/APP/4.4.5] [AS-026] has been revised and submitted at Deadline 4.
<b>Q2.6.2</b>	<b>Unknown Landowners</b> There are still a number of plots identified in the Book of Reference [REP2-004] for which the owners are not known. Provide an update on efforts since Compulsory Acquisition Hearing 1 [EV8-002] [EV8-003] to establish these owners/ interests.	Since Compulsory Acquisition Hearing 1, continued efforts have been made to identify the parties with interests in plots listed as unknown in the <b>Book of Reference (BoR)</b> [EN010149/APP/4.3.3] [REP2-004]. It should be noted that the unknown parties captured within the <b>BoR</b> [EN010149/APP/4.3.3] [REP2-004] are all category 2 interests, while all plots contained in the <b>BoR</b> [EN010149/APP/4.3.3] [REP2-004] have a known owner identified within category 1 of the <b>BoR</b> [EN010149/APP/4.3.3] [REP2-004]. Unknown rights holders are particularly challenging to identify compared to an unknown owner, but nonetheless, due diligence is ongoing, including reviewing land registry records, checking for updates to land registry records, making further enquiries with known adjoining owners, and consulting other available records. The Applicant remains committed to exhausting all reasonable avenues to establish the identities of these rights holders and will provide further updates should any new information come to light.
<b>Q2.6.3</b>	<b>Cable Corridor to Proposed National Grid</b>	The Applicant considers that the whole of Plots 11/1 and 11/3 must remain within the

ExQ2 Ref	Question	Applicant's Response
	<p><b>Navenby Substation</b></p> <p>The Applicant has stated [REP3-053] that it has had confirmation from National Grid on the final design of the proposed NGNS and the bay location for connection. On this basis, is there still a need for the extent of the cable corridors currently included in the Order limits, including the whole of Plots 11/1 and 11/3. If so, explain fully why this is still required.</p>	<p>Order Limits to secure the ability of the Proposed Development to connect to the National Grid Navenby Substation (NGNS) once it is constructed and its design approved by the Council. While National Grid has confirmed the intended bay location for connection, the current design is based on preliminary survey information only. Further detailed surveys are expected to be completed by late 2025, with National Grid aiming to submit its planning application to North Kesteven District Council in early 2026.</p> <p>Until this process is complete, there remains the potential for design refinements or amendments as new information becomes available. Retaining Plots 11/1 and 11/3 within the Order Limits, therefore, provides the necessary flexibility to accommodate any such changes. It ensures that the Proposed Development can deliver a secure and feasible grid connection.</p>
Q2.6.4	<p><b>National Grid and the Order Limits</b></p> <p>Confirm your latest position in relation to your objection to the Order limits including the proposed NGNS and ongoing discussions with the Applicant.</p>	<p>Question directed to National Grid.</p>
Q2.6.5	<p><b>Protective Provisions</b></p> <p>The Applicant has provided a revised dDCO [REP3-004] that includes draft Protective Provisions (PPs).</p> <p>a. All parties, provide an update on negotiations.</p> <p>b. All parties except the Applicant, please confirm whether you consider the PPs in the dDCO [REP3-004] to be acceptable. If not, explain fully why not and provide alternative wording.</p> <p>c. Applicant, Cadent Gas Limited has raised concerns [REP3-085] about a lack of</p>	<p><b>a. All parties, provide an update on negotiations.</b></p> <p>For Protective Provisions that have been agreed, the Witham First Internal Drainage Board agreed to use the standard protective provisions for the protection of drainage authorities in January 2025, which can be found in Schedule 15, Part 3 of the <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b> which has been updated for Deadline 4. Bespoke PPs have been agreed with Lincolnshire Fire and Rescue Services and are included in Schedule 15, Part 4 of the <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b>. Bespoke PPs were agreed with Anglian Water Services Limited in August 2025 and are included in Schedule 15, Part 6 of the <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b>.</p> <p>The Applicant continues to progress negotiations with the remaining undertakers that require protective provisions and are substantially progressed but not yet agreed. The relevant protection provisions are included in Schedule 15 of the <b>Draft DCO [EN010149/APP/3.1.3] [REP3-004]</b>. The full status of negotiations can be found in the <b>Schedule of Negotiations and Powers Sought [EN010149/APP/4.4.5] [AS-026]</b> which has been updated for Deadline 4, and the Applicant anticipates that agreement can be</p>

ExQ2 Ref	Question	Applicant's Response
	engagement. What is your reply to these concerns and confirm whether an agreement before the end of the examination is anticipated?	<p>reached with all parties before the end of Examination.</p> <p>Part b of this question is not directed to the Applicant.</p> <p><b>c. Applicant, Cadent Gas Limited has raised concerns [REP3-085] about a lack of engagement. What is your reply to these concerns and confirm whether an agreement before the end of the examination is anticipated?</b></p> <p>Please refer to the <b>Applicant's Response to Deadline 3 Submissions [EN010149/APP/8.25]</b> which provides an update that has been agreed with Cadent Gas Limited's legal representatives. The Applicant expects that agreement will be reached before the end of Examination and that it should be able to update the Examining Authority on the final position at the next deadline.</p>

Table 1-7: Cultural Heritage Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.7.1</b>	<p><b>Compliance with EIA Regulations</b></p> <p>As set out in its post hearing submission [REP3-079], LCC pointed out at ISH2 that the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) 14(3)(a) and (b) require the Environmental Statement (ES) to be based on the Scoping Opinion and to include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment. LCC are of the opinion that the ES does not accord with the EIA Regulations or NPS EN-1 insofar as it does not include an assessment of the significance of the Scopwick and Blankney Conservation areas, the contribution made by</p>	<p>The Applicant confirms that its approach to the EIA is in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and that the assessment is based on the latest scoping opinion (Reg 14(3)(a)) and that the Environmental Statement includes the information reasonably required for reaching a reasoned conclusion on the significant effects of the development taking into account current knowledge and methods of assessment (Reg 14(3)(b)).</p> <p>The information provided in the ES to date satisfies the statutory requirements because the stage 1 setting assessment within <b>ES Volume 3, Appendix 9.1: Archaeological Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4]</b> [REP3-023] found that the level of harm (magnitude of impact) to the heritage assets would not result in a significant effect. These assets were therefore scoped out in line with the EIA Regulations which require reporting of likely significant effects.</p> <p>Despite this, and acknowledging the position of the Local Authorities, the Applicant has continued to engage with the Local Authorities on the scope and approach to assessment</p>

ExQ2 Ref	Question	Applicant's Response
	<p>their setting to their significance and the potential impact of the Proposed Development. LCC were also of the opinion that the ES did not accord with EIA Regulations in relation to Scopwick Mill and Thompson's Bottom Farm on the basis that the ES did not assess and lacked sufficient information to allow the ExA to reach a reasoned conclusion on the potential impact of the Proposed Development on these assets.</p> <p>The Applicant is asked to respond to LCC's position from a legal perspective to demonstrate compliance with the EIA Regulations or to otherwise update the ES to include an assessment of these assets.</p>	<p>and, following this engagement, the Applicant has updated <b>ES Volume 3, Appendix 9.1: Archaeological Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] [REP3-023]</b> in order to expand upon and explain its conclusions of no likely significant effects, and this has been submitted at Deadline 4. In recognition that any harm to designated heritage assets needs to be weighed in the planning balance the Planning Statement has also been updated to include these assets within <b>Appendix 5: Heritage Harm Statement</b>. This has also been submitted at Deadline 4.</p> <p>Taking each of the points raised in turn:</p> <ol style="list-style-type: none"> <li>1. <b>In relation to providing an assessment of the significance of the Scopwick and Blankney Conservation Areas, the contribution made by their setting and the potential impact of the Proposed Development;</b></li> </ol> <p>An assessment of the significance (including the contribution made by setting) of Scopwick Conservation Area and Blankney Conservation Area was provided within <b>Annex 12 of ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] [REP3-023]</b>. This concluded that significance of the conservation areas derived from their character and appearance as rural settlements and in the case of Blankney from its history as an estate village. It concluded that the importance of the conservation areas was medium (in line with the methodology agreed at Scoping), and that the contribution of setting to their significance included the agricultural character of the surroundings, though there were limited opportunities to experience this from within the conservation areas. It further concluded that the presence of the Proposed Development within the setting of these conservation areas, following embedded mitigation, would result in a low level of harm to their significance. This harm would equate to impacts of minor adverse magnitude resulting in effects of slight adverse significance which would not be significant. As a result of ongoing engagement with the Local Authorities, clarifying detail of this assessment is presented within Annex 14 of the updated <b>ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] [REP3-023]</b> that is submitted at Deadline 4. The assessment concludes that there would be a low level of less than substantial</p>

ExQ2 Ref	Question	Applicant's Response
		<p>harm to these designated heritage assets as reported in the updated <b>Heritage Harm Statement</b> at Appendix 5 of the <b>Planning Statement</b> [EN010149/APP/7.2.2] [AS-018] submitted at Deadline 4. The assessment provides sufficient information to allow the Examining Authority and the Secretary of State to reach a reasoned conclusion on the potential impact of the Proposed Development on these assets in accordance with Regulation 14(3)(b) and NPS-EN1. No additional likely significant effects have been identified as a result of the supplementary material. The approach to assessment and the level of harm is agreed with Historic England, NKDC and LCC. This agreement is recorded in the agreed <b>Statement of Common Ground - Historic England</b> [EN010149/APP/8.3.3] [REP3-061] submitted at Deadline 4 and will be recorded in the SoCGs with LCC and NKDC that will be updated at Deadline 5.</p> <p><b>2. In relation to Scopwick Mill and Thompson's Bottom Farm, that sufficient information has been provided to allow the Secretary of State to reach a reasoned conclusion on the potential impact of the Proposed Development on these assets:</b></p> <p>An assessment of the significance (including the contribution made by setting) of Scopwick Mill and Thompson's Bottom Farm listed buildings was provided within <b>Annex 12 of ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment</b> [EN010149/APP/6.3.4] [REP3-023]. This concluded that the significance of these assets derives from their architectural and historic interest as 19<sup>th</sup> century buildings with agricultural or related uses and that the contribution of setting to this significance included the agricultural character of their surroundings. It further concluded that the presence of the Proposed Development within the setting of these listed buildings, following embedded mitigation, would result in a low level of harm to their significance. This harm would equate to impacts of minor adverse magnitude resulting in effects of slight adverse significance which would not be significant. As a result of ongoing engagement with the Local Authorities, clarifying detail of this assessment clarifying detail of this assessment is presented in Annex 14 of the updated <b>ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment</b> [EN010149/APP/6.3.4] [REP3-023] that is</p>



ExQ2 Ref	Question	Applicant's Response
		submitted at Deadline 4. This assessment concludes that there would be a low level of less than substantial harm to these designated heritage assets as reported with the updated <b>Heritage Harm Statement</b> at Appendix 5 of the <b>Planning Statement [EN010149/APP/7.2.2]</b> <a href="#">[AS-018]</a> submitted at Deadline 4. It is agreed with Historic England, LCC and NKDC that there is sufficient detail within this assessment to allow the Secretary of State to reach a reasoned conclusion on the potential impact of the Proposed Development on these assets in accordance with Regulation 14(3)(b) and NPS-EN1. The level of harm to Scopwick Mill is agreed with Historic England, NKDC and LCC. The assessment concludes that there will be a low level of less than substantial harm to Thompson's Bottom Farmhouse, but this is not agreed with NKDC (LCC has indicated that it will defer to NKDC on this point and Historic England will also defer to the local authorities). This agreement is recorded in the agreed <b>Statement of Common Ground - Historic England [EN010149/APP/8.3.3]</b> <a href="#">[REP3-061]</a> submitted at Deadline 4 and will be recorded in the SoCGs with LCC and NKDC that will be updated at Deadline 5.
Q2.7.2	<p><b>Archaeological Desk Based Assessment – Scopwick Mill and Thompson's Bottom Farm</b></p> <p>Annex 14 of the updated Archaeological Desk-based Assessment (ADBA) <a href="#">[REP3-023]</a> doesn't cover Scopwick Mill or Thompson's Bottom Farm. However, the ExA note that the SoCG with NKDC <a href="#">[REP3-059]</a> provides a response to concerns in relation to these assets at ref 11-5a and 11-5e. Provide an update to Annex 14 of the archaeological desk-based assessment to include the consideration of Scopwick Mill and Thompson's Bottom Farm.</p>	<p>These assets were omitted from the version of <b>ES Volume 3, Appendix 9.1: Archaeological Desk Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4]</b> <a href="#">[REP3-023]</a> submitted at Deadline 3 in error. A revised version has been submitted for Deadline 4. It is agreed with NKDC and LCC that the level of information provided within the updated Appendix 9.1 is sufficient to reach a reasoned conclusion on the level of harm to significance.</p> <p>The level of harm to the significance of Scopwick Mill (concluded by the assessment to be at the lower end of less than substantial harm) is agreed with LCC and NKDC. The level of harm to the significance of Thompson's Bottom Farm (also concluded by the assessment to be at the lower end of less than substantial harm) is not agreed with LCC and NKDC. These will be recorded in the SoCGs with LCC and NKDC that will be updated at Deadline 5.</p>
Q2.7.3	<p><b>Archaeological Desk Based Assessment and outline Written Scheme of Investigation</b></p> <p>The Applicant has produced an updated ADBA</p>	Question directed to Lincolnshire County Council and Historic England.



ExQ2 Ref	Question	Applicant's Response
	<p>and an updated Outline Written Scheme of Investigation (oWSI). LCC and HE are asked to:</p> <ol style="list-style-type: none"> <li>Identify any outstanding concerns.</li> <li>Advise if it is acceptable for these matters to be resolved in detailed design stage; and</li> <li>Advise whether you consider that the oWSI provides satisfaction that these matters will be addressed post-consent.</li> </ol>	
Q2.7.4	<p><b>Scopwick Mill</b> Inspection point 10 of the Accompanied Site Inspection (ASI) [EV9-001] walked the route of the proposed permissive footpath through fields Bk06, Bk04 and Rw01. The ExA noted that there was intervisibility at a number of points along this route with the upper floor windows of Scopwick Mill. Explain how this intervisibility with the Proposed Development has been accounted for within the assessment of the impact on setting of the heritage asset.</p>	<p>The assessment of Scopwick Mill is presented within <b>Annex 14 of ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] [REP3-023]</b>. This includes consideration of views of and from the listed building which has informed the conclusion of no significant effects on this listed building from the changes to its setting. The route of the proposed permissive footpath through fields Bk06, Bk04 and Rw01 affords several views of the mill in which its architectural and historic interest can be appreciated. Not all of the views currently possible will continue to be so during the operation of the Proposed Development, however the creation of the permissive path will overall increase access to viewpoints in which the mill can be appreciated.</p> <p>The assessment of Residential Amenity for Scopwick Mill (as detailed in the response to Q2.10.5) is distinct from the assessment of any impacts to its heritage significance.</p>
Q2.7.5	<p><b>Temple Bruer - Heritage Impact Review</b> At D3 an Interested Party (IP) [REP3-083] submitted an independent report on the impact of the Proposed Development on the Temple Bruer Preceptory Church Tower Grade I Listed Building and Scheduled Monument.</p> <ol style="list-style-type: none"> <li>Applicant, provide a detailed response to the findings and conclusions of the report including the following points that are raised: <ul style="list-style-type: none"> <li>The extent to which the former Knights</li> </ul> </li> </ol>	<p>a. As noted within Annex 14 of <b>ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4] [REP3-023]</b> submitted at Deadline 3 the former estate of the Knights Templar Preceptory contributes to its significance and forms part of the agricultural setting in which it is experienced. Further explanation of this is provided within the updated Annex 14 of <b>ES Volume 3, Appendix 9.1: Archaeological Desk- Based Assessment and Stage 1 Setting Assessment [EN010149/APP/6.3.4]</b> submitted for Deadline 4 and shared with Historic England, LCC and NKDC during ongoing engagement ahead of Deadline 4. The changes to the land use, character and appearance of parts of the former estate, including the changes to views along Warren Lane, will result in a slight reduction in the contribution that the setting makes to the significance of the scheduled monument and listed building.</p>

ExQ2 Ref	Question	Applicant's Response
	<p>Templar Estate boundary forms the setting of the heritage assets and contributes to the significance of these assets.</p> <ul style="list-style-type: none"> <li>The impact on kinetic views of the Preceptory along Warren Lane and how intervisibility between the Preceptory and the Proposed Development in this location has been considered.</li> </ul> <p>b. LCC, NKDC and HE, the ExA note that in the relevant SoCGs with the Applicant, it is agreed that these assets can be scoped out of the ES. Does the independent report submitted at D3 highlight any issues that would change the position of the Councils and/or Historic England (HE)?</p>	<p>The impact on the significance of these heritage assets overall is considered to be negligible, there will be no physical impact on the designated heritage assets, and their setting has already been altered by modern development in their immediate surroundings. This effect is not considered to be significant, and it is agreed with Historic England that this asset is rightly scoped out of the ES. This agreement is detailed within the updated <b>Statement of Common Ground - Historic England [EN010149/APP/8.3.2]</b> <a href="#">[REP3-061]</a>.</p> <p>The level of harm is reported within the Planning Statement so that the determining authority can have appropriate regard to it in accordance with NPS-EN1, NPPF and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>It should be noted that of the viewpoints presented in <a href="#">[REP3-083]</a>, Viewpoint A is included within the ES as Viewpoint 29 of <b>ES Volume 4, Landscape Visualisations Part 6 [EN010149/APP/6.4.2]</b> <a href="#">[REP3-027]</a>. Viewpoints B and C appear to have been taken from field entrances and are not representative of the overall character of the views from Warren Lane and Viewpoints D1-4 and E would have solar arrays behind the viewer when looking towards Temple Bruer.</p> <p>Part b of this question is directed to Lincolnshire County Council, North Kesteven District Council, and Historic England.</p>
Q2.7.6	<p><b>Collective value of Non-Designated Heritage Assets</b></p> <p>Annex 14 of the updated ADBA <a href="#">[REP3-023]</a> includes the Applicant's assessment of the impact of the Proposed Development on the collective value of non-designated farmsteads. LCC are asked to comment on the Applicant's conclusion of slight impact (not significant) and explain its position if it disagrees with the Applicant.</p>	<p>Question directed to Lincolnshire County Council.</p>

Table 1-8: Draft Development Consent Order (DCO) Questions

ExQ2 Ref	Question	Applicant's Response
Q2.8.1	<p><b>Article 6</b></p> <p>The Applicant has made an alteration to Article 6 (5) in the dDCO [REP3-006] to make clear that it does not include development authorised by Schedule 1 of the Order. However, the ExA remain of the view that the Applicant has not sufficiently demonstrated the need for it to apply to non-NSIP development that has not been consented by the DCO. Provide further justification for this part of the article.</p>	<p>The Applicant is not applying to develop non NSIP development that has not been consented by the DCO. The article is simply trying to create clarity on the position that would exist <i>if</i> an application was made in the future. The Applicant elaborates further on this below.</p> <p>Firstly, the Article is intended to make clear what the legal position is, rather than introducing something that is not already provided for under the Planning Act 2008.</p> <p>Secondly, the purpose of the Article is to make clear what happens if a TCPA planning permission is granted for development within the Order limits. The Article is essentially making it clear which development could be consented by a TCPA planning permission and therefore would not be a breach of the terms of the DCO if undertaken within the Order Limits (in the context of sections 33 and 115 of the 2008 Act having the effect that to the extent non-NSIP development is consented by a DCO, such development could not be the subject of a subsequent TCPA planning permission) by setting out the categories of development where that would not be the case.</p> <p>It does this by setting out that the Applicant could not rely upon a TCPA planning permission to consent development if the effect of that was essentially to introduce a “work around” for amending what could be done under the DCO pursuant to the 2008 Act or the requirements of the DCO itself. Therefore the Article’s purpose is to clarify the position where a TCPA planning permission <i>could</i> be granted (i.e. by making clear when undertaking development under a TCPA planning permission would amount to a breach of the DCO, as effectively seeking to use the TCPA regime as a work around and so where development is not one of these categories, TCPA permission could be granted), by setting out that:</p> <ol style="list-style-type: none"> <li>1. If the development is a NSIP, required to be authorised by the 2008 Act, then that clearly is not the type of development that would be immune from a breach by virtue of being consented under a TCPA planning permission;</li> <li>2. If the development has been authorised by Schedule 1 of the Order, whilst that development may be non-NSIP development, that cannot be the subject of a TCPA planning permission, as that would be effectively opening the door to amending the Order via TCPA planning permissions, which, as set out in response to ExA’s First Written Question Q1.8.2, is not the intention in the context</li> </ol>

ExQ2 Ref	Question	Applicant's Response
		<p>of sections 33 and 115 of the 2008 Act; and</p> <p>3. If the development is needed to complete or enable the maintenance, use or operation of the authorised development in Schedule 1 to the Order. This again could be non-NSIP development, however, being able to have that development consented via a TCPA planning permission allowing development in breach of the Order is, similar to 2 above, circumventing the need to seek an amendment in order to do that development pursuant to the Order.</p> <p>It is important to emphasise, however, that none of this drafting gives permission for development that is not categories 1-3 above - it simply provides clarity that such development could be granted permission and not be a breach of the DCO in the future. Whether such permission is granted, however, would be a matter for the LPA at the time the application is granted.</p> <p>Article 6(5) is therefore not creating the ability to undertake non-NSIP development under a TCPA planning permission and for that development to not amount to a breach of the Order.</p>
Q2.8.2	<p><b>Articles 40 and 41</b></p> <p>Following discussions at ISH4 [EV7-006] [EV7-007] and a subsequent meeting between the parties, the Applicant has made changes to the oLEMP [REP3-037] and the oOEMP [REP3039], including the addition of a maintenance schedule. Confirm whether these alterations address your remaining concerns.</p>	Question directed to Lincolnshire County Council and North Kesteven District Council.
Q2.8.3	<p><b>Disapplication of Railway Related Legislation</b> At ISH4 [EV7-006] [EV7-007], the Applicant set out that discussions were ongoing in terms of the disapplication of railway related legislation. Provide an update on these discussions.</p>	The Applicant has had further discussions with Network Rail and has agreed not to disapply the local legislation it was concerned with. As a result, paragraphs 1(c) and 1(d) from Schedule 3 of the <b>Draft DCO [EN010149/APP/3.1.3]</b> [REP3-004] have been removed. This amendment is made to the <b>Draft DCO [EN010149/APP/3.1.4]</b> submitted at Deadline 4.
Q2.8.4	<b>Requirement for Electrical Noise</b>	The Parties continue discussions of final wording of Requirement 20 and are nearing

ExQ2 Ref	Question	Applicant's Response
	The Applicant has set out [REP3-067] [REP3-075] that discussions relating to electrical noise are still ongoing with the MoD. Provide an update on these discussions and when it is anticipated an agreement will be reached.	agreement, with proposed wording being discussed on 16 September 2025, and latest drafting included in the updated <b>Draft DCO [EN010149/APP/3.1.3]</b> [REP3-004] submitted at Deadline 4.  The proposed final wording has been shared with the MoD, following the call on 16 September, for agreement by Deadline 5, and the Parties will continue discussions and meetings to reach agreed wording. The <b>Draft Statement of Common Ground - Ministry of Defence [EN010149/APP/8.7.2]</b> [REP3-067] will be finalised and submitted at Deadline 5.
<b>Q2.8.5</b>	<b>Requirement 3</b> The Applicant has proposed a number of changes to R3 of the dDCO [REP3-005]. Do you consider such changes to be acceptable?	Question directed to Lincolnshire County Council and North Kesteven District Council.

Table 1-9: Land, Soils and Groundwater Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.9.1</b>	<b>Temporary or Permanent Effects</b> NKDC has identified [REP3-080] a number of other Nationally Significant Infrastructure Project (NSIP) solar farms where land that has been judged to be sealed under hardstanding (as a result of access tracks, Battery Energy Storage System, substation and other fixed equipment) has been taken as a permanent loss of agricultural land. a. What is the Applicant's reply? b. Provide a similar list of decisions where such effects have been considered temporary.	The Applicant has reviewed the other NSIP solar farms identified by NKDC in their Post-Hearing Submission [REP3-080] and disagrees that these projects have considered the loss of agricultural land that has been sealed under hardstanding as permanent following mitigation. All of those developments commit to the removal of hardstanding during the decommissioning phase of the project and to restoring the agricultural land to the same ALC grade, therefore committing to no permanent loss of agricultural land from the areas sealed under hardstanding. This is the same approach that has been undertaken by the Applicant for the Proposed Development. The Applicant has also carried out a review of other NSIP solar farms and this approach is consistent with all other projects with a time limited consent, including, Mallard Pass, Heckington Fen, Gate Burton and Cottom Solar Farm, whereby the impacts to land sealed under hardstanding are considered temporary following the implementation of mitigation in the form of an Outline Soil Management Plan, as this land can be returned to agricultural use following reinstatement.
<b>Q2.9.2</b>	<b>Soil Handling</b> The draft SoCG [REP3-063] with NE shows	Question directed to Natural England.

ExQ2 Ref	Question	Applicant's Response
	that there is still some disagreement over soil handling. The Applicant has amended the Outline Soil Management Plan (oSMP) [REP3-042] and added NE as a consultee in R18 of the dDCO [REP3-004]. Confirm whether this has addressed your concerns.	

Table 1-10: Landscape and Visual Impact Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.10.1</b>	<p><b>Cumulative Landscape and Visual Impact</b> The Applicant's assessment of landscape and visual impact is limited to the directly affected character areas. However, the Local Authorities have made a number of submissions during the examination that the cumulative landscape and visual effects should be considered at a county-wide scale.</p> <p>In its D3 submission [REP3-079], LCC set out its promoted approach to the assessment of cumulative impact on the county-wide landscape character and visual receptors, by extracting common landscape attributes of the area from the multiple character area assessments that cover the region to determine the baseline for assessment.</p> <p>a. Can the Applicant provide an assessment of county-wide landscape and visual impacts using the methodology suggested by LCC? If the Applicant doesn't consider this necessary or appropriate, provide justification.</p>	<p>a) The Applicant notes that the scope of the LVIA was agreed with both LCC and NKDC during the pre-application stage following extensive consultation. <b>ES Volume 3, Appendix 5.2: Scoping Opinion [EN010149/APP/6.3]</b> [APP-076] confirmed that the Inspectorate agreed that effects on character areas beyond the two host character areas could be scoped out of the EIA. The approach now being advocated by the Local Authorities was not communicated to the Applicant prior to submission at Deadline 3 and it is not considered to be consistent with the Scoping Opinion.</p> <p>Notwithstanding the Applicant's position above and having reviewed the approach advocated by the Local Authorities, the Applicant would make the observation that the proposed methodology has no basis in published guidance. The proposed approach suggests selectively extracting 'common characteristics' from published descriptions of multiple different district level landscape character areas which is immediately problematic as the character areas, by definition, exhibit different landscape characteristics. For example, whilst it is true that the Lincolnshire region has relatively subtle variations in landform compared to some other parts of the UK, within North Kesteven alone, the Fens Landscape Character Type (LCT) is described as 'very flat', whilst the Central Plateau LCT is described as 'gently undulating' and the Lincoln Cliff LCT is described as an 'escarpment' and a 'dramatic topographical feature'. Field pattern and vegetation cover varies considerably across the landscape and this can be seen even within the Order Limits where notably the landscape in Springwell East (in LCA 11) is discernibly more vegetated than in Springwell West (in LCA 7).</p>

ExQ2 Ref	Question	Applicant's Response
	<p>b. Provide a response to LCC's position that cumulative change of the landscape character through an extensive land use change, would directly affect the perceived openness, and rural tranquillity at a county-wide scale.</p> <p>c. Provide a response to LCC's judgement that sequential visual effects across two or more schemes could be experienced by visual receptors travelling through the wider landscape on both Public Rights of Way (PRoW) and road corridors.</p>	<p>The Applicant does not therefore consider it appropriate to attempt to define some generalised characteristics for the county of Lincolnshire as a whole and assess effects against them. Should the ExA decide that it is necessary to report landscape effects or cumulative landscape effects at a wider scale, the National Character Area Profiles published by Natural England and identified in <b>ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1]</b> <a href="#">[APP-050]</a> provide a more appropriate and broad 'regional scale' unit of landscape character description. These are more robustly based on geographical variations in character rather than administrative boundaries.</p> <p>b) As previously recorded in Table 1-10 of the <b>Response to First Written Questions (ExQ1) [EN010149/APP/8.14]</b> <a href="#">[REP1-071]</a>, the Applicant does not consider that Springwell Solar Farm, either alone or cumulatively with other approved and proposed NSIP and TCPA solar farm applications, would result in a significant effect on landscape character at the NCA level. If multiple NCAs were taken together as a proxy for Lincolnshire county, the Applicant believes this conclusion would remain true.</p> <p>Annex 1, Table 1 of the <b>Applicant's Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]</b> <a href="#">[REP3-075]</a> provides a quantitative summary of the land area that would be occupied by solar farm development if all NSIP and TCPA projects in planning were constructed. The table demonstrates that in this scenario, approximately 1% of NCA 47 would be occupied by solar farm development. The vast majority of landcover within the NCA would therefore remain agricultural. The Applicant considers an approximately similar density of operational or proposed solar farm development occurs across Lincolnshire as a whole.</p> <p>The Applicant acknowledges that in any update to the published landscape character descriptions at both local and national level, solar farm development would likely be recorded as a new feature of the landscape although as most landscape character assessments in the UK are over 10 years old, this would probably also be the case for landscape character assessments in most regions of the UK. Solar farms are now relatively frequent but localised features of the UK landscape alongside other longer established infrastructure such as highways and grid infrastructure and this change is typical of a constantly evolving landscape over time. That is not to suggest however that other defining characteristics of the landscape would be diminished. Any effects on a</p>



ExQ2 Ref	Question	Applicant's Response
		<p>sense of openness and rural tranquillity would be highly localised to each solar farm development. Across the vast majority of the regional landscape there would be a negligible effect on openness and tranquillity.</p> <p>The Applicant is of the opinion that rather than it being a case of there being a significant effect on landscape characteristics such as openness or tranquillity across the Lincolnshire region as a whole, it is more appropriate to think of there being pockets or tracts of the region where effects would be significant.</p> <p>c) Sequential cumulative visual effects in LVIA are usually discussed in relation to recognised linear routes for example a specific A-road, a long distance footpath, cycle route, canal or railway. The only A-road from which the Proposed Development would be visible is the A15 and it is acknowledged in <b>ES Volume 1, Chapter 10:Landscape and Visual [EN010149/APP/6.1]</b> <a href="#">[APP-050]</a> that there would be a significant visual effect on views from a length of this route as it passes through Springwell West. However the A15 does not pass through any other operational or proposed solar farms between at least Lincoln and Sleaford or indeed for some distance either side. Consequently the Applicant does not consider there to be any significant cumulative effect with other solar farms on this route.</p> <p>The parallel B1188 which passes close to Springwell East would experience a very brief view of Springwell Solar Farm but again no other solar farms between Lincoln and Sleaford are particularly noticeable (the scheme at Branston is just glimpsed when passing in winter months). The Applicant does not consider this would constitute a significant cumulative effect on views.</p> <p>There would be no view of the Proposed Development from the A607, therefore, even in the event that there was any glimpse of other solar farms west of the Lincoln Cliff from this road there could be no cumulative effect with Springwell Solar Farm.</p> <p>None of the recognised long-distance footpaths pass both Springwell Solar Farm and another solar farm or would have views of both. The Viking Way which runs along the top of the Lincoln Cliff may have views across the vales to the west and see multiple solar farms if they were constructed but there would be no view of Springwell Solar Farm from</p>



ExQ2 Ref	Question	Applicant's Response
		<p>this route. Therefore Springwell Solar Farm would not contribute to any cumulative visual effects on footpaths across the Lincoln Cliff.</p> <p>Whilst in theory, it would be possible to undertake a journey by car or along a series of interconnected footpaths from east to west passing first Springwell Solar Farm and then eventually passing over the Lincoln Cliff where there may be views of Leoda or Fosse Green DCO solar farms, linkages east to west across the Central Plateau are limited and there are no recognised walking or cycling routes which would encourage this. All of the main connections in the landscape run north to south along the Central Plateau and in the event that a visual receptor was to travel past Springwell Solar Farm and then another solar farm in the wider landscape, there would be a considerable break in the journey between views of the different schemes.</p> <p>In summary, the Applicant does not consider there would be any significant sequential visual effects in association with the Springwell Solar Farm.</p>
Q2.10.2	<p><b>Statement of Common Ground with Lincolnshire County Council</b></p> <p>It was understood by the ExA at ISH2 [EV5-002] [EV5-003] that there is currently disagreement between the Applicant and LCC on the Landscape character effects both in the wider area generally and within the area of Springwell east in year 10 of operation but this does not appear to be reflected in the SoCG. Provide an updated SoCG that accurately reflects the current position.</p>	<p>Following ongoing discussion with both NKDC and LCCC, and subsequent email exchanges to clarify this point. It is understood that a position of disagreement with both NKDC and LCC, and will be recorded in the final SoCG to be submitted at Deadline 5. The Applicant's assessment presented in <b>ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1]</b> [APP-050] is that at Year 10, effects in LCA 11 (covering Springwell East) would be moderate adverse but that this would not be significant. The Applicant considers that by Year 10 when mitigation planting has achieved a height of 3m although there would remain some views of the Proposed Development, the geographical extent of the effect within LCA 11 would be much reduced and the effect would be not significant.</p>
Q2.10.3	<p><b>CCTV Posts</b></p> <p>Given that Closed Circuit Television (CCTV) posts are shown to be visible from various viewpoints, should CCTV posts be included in the list under R5(1) for a similar reason that lighting and signs are included?</p>	<p>The Applicant has updated its <b>Draft DCO [EN010149/APP/3.1.3]</b> [REP3-004] at Deadline 4 to include CCTV columns in requirement 5(1)(g) of Schedule 2.</p>

ExQ2 Ref	Question	Applicant's Response
Q2.10.4	<p><b>Temporary Hoarding for Glint and Glare Mitigation</b></p> <p>It is not clear where the approval of the temporary hoarding covered by the dDCO [REP3-005]. R9(6) refers to temporary fencing needing to be removed on completion of construction and R9(7) refers to permanent fencing being installed prior to commissioning. Neither of which would appear to cover the required timescale for the glint and glare hoarding, therefore is a further subparagraph required? In addition, should R9 generally refer to 'details' rather than 'written details' so that the relevant planning authority will have sight of drawn details in the approval process?</p>	<p>The Applicant confirms that paragraph 4.1.4 of the <b>oLEMP [EN10149/APP/7.9.3]</b> <a href="#">[REP3-037]</a> requires temporary mitigation to be implemented to mitigate glint and glare impacts and that this temporary mitigation may include temporary screening or suitable alternative mitigation that will be confirmed in the detailed LEMP. The <b>oLEMP [EN10149/APP/7.9.3]</b> <a href="#">[REP3-037]</a> requires that the colour and materials of temporary barriers to be designed to be sensitive to their context in accordance with the <b>Design Commitments [EN010149/APP/7.4.2]</b> <a href="#">[REP3-030]</a>.</p> <p>The detailed LEMP will be approved under requirement 8 of the <b>Draft DCO [EN010149/APP/3.1.3]</b> <a href="#">[REP3-004]</a> by the relevant planning authority and must be substantially in accordance with the <b>oLEMP [EN10149/APP/7.9.3]</b> <a href="#">[REP3-037]</a>. The approval of the temporary mitigation is therefore secured as part of the approval of the detailed LEMP under requirement 8.</p> <p>Construction of the temporary mitigation screening will be authorised as part of Work No. 9(f) of Schedule 1 and so the relevant planning authority must approve the detailed design for this element of the authorised development under requirement 5(1). The details must be in accordance with the Design Commitments and details approved under requirement 8 (landscape and ecology management plan). Therefore, the approval mechanism is pursuant to requirement 8 and requirement 5 of the <b>Draft DCO [EN010149/APP/3.1.3]</b> <a href="#">[REP3-004]</a>.</p> <p>The Applicant does not consider that the temporary mitigation screening falls within the scope of requirement 9 (<i>fencing</i>), as this relates to approving the details of any fences, walls or other means of enclosure. The proposed temporary mitigation does not fall within this category, as it is screening (the exact details of which are to be confirmed) rather than a means of enclosure. Therefore, a new sub-paragraph is not required to be included in requirement 9. The Applicant has updated its <b>Draft DCO [EN010149/APP/3.1.3]</b> <a href="#">[REP3-004]</a> at Deadline 4 to include change 'written details' to 'details' in requirement 9 of Schedule 2.</p>
Q2.10.5	<p><b>Residential Visual Amenity Assessment - Scopwick Mill</b></p> <p>Inspection point 10 of the ASI [EV9-001]</p>	<p>For the avoidance of confusion, the Applicant would note that the dwelling which comprises the former windmill on Heath Road is known as The Windmill. The property known as Scopwick Mill is a separate adjacent two storey dwelling. The Applicant</p>

ExQ2 Ref	Question	Applicant's Response
	walked the route of the proposed permissive footpath through fields Bk06, Bk04 and Rw01. The ExA noted that there was clear intervisibility at a number of points along this route with the upper floor windows of Scopwick Mill. Should this property therefore be assessed in the Residential Visual Amenity Assessment? If not, provide justification.	<p>assumes that in referring to Scopwick Mill, the ExA are referring to The Windmill which has elevated windows orientated in multiple directions including towards Springwell Central which is the nearest part of the Proposed Development to the property.</p> <p>The Applicant does not consider it necessary to include The Windmill or Scopwick Mill in the Residential Visual Amenity Assessment (RVAA). Paragraph 10.9.98 of <b>ES Volume 1, Chapter 10: Landscape and Visual [EN010149/APP/6.1]</b> <a href="#">[APP-050]</a> acknowledges that there would be a significant effect on private views from The Windmill in both Years 1 and 10 of operation. However as explained in Section 1.2 of <b>ES Volume 3, Appendix 10.5: Residential Visual Amenity Assessment [EN010149/APP/6.3]</b> <a href="#">[APP-111]</a>, the purpose of carrying out a RVAA is to form a judgement, to assist decision makers, on whether a proposed development is likely to change the visual amenity of a residential property to such an extent that it becomes a matter of 'Residential Amenity'.</p> <p>Paragraphs 1.5 and 1.6 of Landscape Institute Technical Guidance Note TGN 2/19 notes that: <i>"Changes in views and visual amenity are considered in the planning process. In respect of private views and visual amenity, it is widely known that, no one has 'a right to a view'. This includes situations where a residential property's outlook / visual amenity is judged to be 'significantly' affected by a proposed development [...]"</i></p> <p>RVAA is therefore not principally concerned with identifying 'significant' visual effects on residential receptors in EIA terms (although this is part of the process and helps to inform the LVIA) but with a higher test, namely, whether the Proposed Development would be so 'over bearing' or 'dominating' at any residential property that the resulting visual effect would widely be regarded to render the property an 'unpleasant' or 'unattractive' place to live.</p> <p>The study area for the RVAA was a 200m radius from the solar farm (extended further around the BESS and Springwell Substation but not relevant in the context a discussion regarding The Windmill). A full justification for this study area is provided in <b>ES Volume 3, Appendix 10.5: Residential Visual Amenity Assessment [EN010149/APP/6.3]</b> <a href="#">[APP-111]</a>.</p> <p>The Windmill and Scopwick Mill would lie over 400m from the nearest visible infrastructure</p>

ExQ2 Ref	Question	Applicant's Response
		in Springwell Solar Farm. At this distance, notwithstanding the fact there would be a significant visual effect on views from upper windows of The Windmill, under no circumstances could the effects be considered to be so 'over bearing' or 'dominating' at the property that the resulting visual effect would widely be regarded to render the property an 'unpleasant' or 'unattractive' place to live.
<b>Q2.10.6</b>	<b>Design Commitments</b> The ExA note that following discussion with the Local Authorities, the Applicant has updated the Design Commitments [REP3-030] to include revised wording for commitments D17 and D20 as well as additional commitments D25 and D26. Are you content with the updates made?	Question directed to Lincolnshire County Council and North Kesteven District Council.
<b>Q2.10.7</b>	<b>Inter-Project Cumulative effects with National Grid Navenby Substation</b> The ExA note that in ES Chapter 16 [REP3-014] the Applicant states that "at a meeting between the Applicant's landscape consultant, LCC and NKDC on 08 July 2025, it was agreed that additional hedgerow planting alongside the A15 north of Gorse Hill Lane (as initially suggested by both LPAs) was unlikely to result in a material difference to the overall significance of effect on views from the A15. It was agreed by all parties that this additional planting was not essential." Do LCC and NKDC now consider this matter agreed?	Question directed to Lincolnshire County Council and North Kesteven District Council.

Table 1-11: Noise and Vibration Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.11.1</b>	<p><b>Noise Impact on Users of PRow</b></p> <p>The Applicant is asked to provide a detailed response to the concerns raised in an IP's D3 submission [REP3-083] in relation to noise impacts on users of PRow in construction and operation with particular reference to how the World Health Organisation guidance should be applied, i.e. whether the environment of 'outdoors, in parkland and conservation areas' in the guidance more closely aligns with the PRow than a garden or balcony setting.</p>	<p>The use of the World Health Organisation guidance during the hearing was used to place the likely noise levels, at discrete positions from both construction and operation of the development on the PRow, in context. The intention was not to infer that any use of the WHO, and the criteria within it would apply to users of the PRow in this case.</p> <p>WHO guidance is clear in that the noise criteria applies to long term exposure within balconies, terraces and outdoor living areas, all of which would be considered as highly sensitive spaces used for prolonged periods of time. The inherent use of these highly sensitive spaces to that of the PRow is considered different, with a variable and very short term exposure receiving position as users of the PRow move through the area. For this reason, it would also be unreasonable to apply consistency in the application of sensitivity across disciplines. The lack of specific noise guidance for the PRow would suggest agreement with this approach, one which reduces the sensitivity of the PRow to a low level due to the limited exposure time that users of the PRow would experience.</p> <p>With regards to noise in 'outdoors, in parkland and conservation areas', in a similar manner to that of a fixed receptor position, it would be unreasonable to align this environment with that of a PRow. Whilst it is recognised that both areas are outdoors, the linear pathways and transient use of the PRow is dissimilar to that of a defined outdoor space of a parkland and conservation area.</p> <p>Whilst it is recognised that both construction and operational noise may be perceptible and occasionally, the dominant source of noise for users of the PRow at discrete positions, the anticipated levels would not result in a prolonged impact along any individual route. The transitory nature of users of the PRow would ensure they are not exposed to elevated noise levels for extended periods. Given the low sensitivity of the PRow to noise and limited exposure times users of the PRow would experience, the noise impact is not significant. As a result, it is considered that the first aim of the Noise Policy Statement for England is achieved, by avoiding significant adverse effects.</p>

ExQ2 Ref	Question	Applicant's Response
		Notwithstanding the above, all reasonable steps to mitigate and minimise adverse effects along the PRow have been accounted for within the embedded mitigation, as secured in the <b>Design Commitments [EN010149/APP/7.4.2] [REP3-030]</b> . Through the implementation of the <b>oCEMP [EN010149/APP/7.7.4] [REP3-032]</b> and implementation of Best Practicable Means (BPM) as defined by the Control of Pollution Act 1974 noise impacts along the PRow would be minimised during the construction phase. As a result, it is considered that the second aim of the Noise Policy Statement for England is achieved.

Table 1-12: Population Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.12.1</b>	<b>Skills and Education Package</b> In relation to a skills and education package, the ExA note in the SoCG between the Applicant and NKDC [REP3-059] that there is ongoing engagement on the potential for an agreement, subject to the Applicant being satisfied that such a package would meet the tests for planning obligations. Provide the draft s106 agreement into the examination.	<p>A draft section 106 agreement is provided at Deadline 4 and attached to this response document at Appendix 2. This represents discussions between the parties involving comments on the draft agreement and calls between the Applicant and the Councils.</p> <p>The principle of the obligations in the draft agreement is agreed, and the one area that is not agreed is the way in which the Skills and Education Contribution would be administered (in particular, whether that would be pursuant to "Part C" of Schedule 2 only, or "Part C" and/or "Part B").</p> <p>The parties expect to reach agreement on the outstanding point shortly with a view to completing the agreement before the end of the Examination. This update has been agreed with the Councils.</p>
<b>Q2.12.2</b>	<b>Loss of Agricultural Jobs and Operations</b> NKDC are asked to provide comment on the Applicant's response to paragraph 20.17 of its Local Impact Report, as set out in the Applicant's D2 submission [REP2-023] (Table 2-10). In particular, the ExA would like to understand NKDC's position on: a. Whether sufficient information has been provided by the Applicant in relation to	Question directed to North Kesteven District Council.

ExQ2 Ref	Question	Applicant's Response
	<p>quantifying the loss of agricultural jobs associated with land-use change.</p> <p>b. Whether the Council agree with the Applicant's assessment in the ES that change in employment and agricultural land would result in a slight adverse (not significant) effect on the agricultural economy.</p>	
<b>Q2.12.3</b>	<p><b>Effects on Tourism</b></p> <p>Action Point 14 from ISH3 was <i>'Applicant and NKDC to hold further discussions in relation to the data used to assess tourism effects and monitoring measures that could be put in place to understand the impact on tourism related to the use of PRow and stepping out network.'</i></p> <p>The ExA understand that a meeting was due to take place between the Applicant and NKDC on 13 August 2025. Both Parties are asked to provide an update on discussions and set out their position in relation to the following matters:</p> <p>a. What data should be used to assess possible tourism effects related to the use of PRow and stepping out network?</p> <p>b. What measures can be put in place to monitor and mitigate the impact of the Proposed Development on tourism related to the use of PRow and stepping out network in construction and operation?</p>	<p>A meeting took place between the Applicant and NKDC on 13<sup>th</sup> August 2025 to follow up on Action Point 14 from ISH3.</p> <p>NKDC and the Applicant discussed the inherent difficulties in linking PRow usage with a direct effect from the Proposed Development, given the number of variables and externalities, and broadly agreed that direct monitoring of a financial effect from the Project alone would not be possible. This reflects the discussion between the parties and in response to the ExA's questioning in ISH3.</p> <p>It is the Applicant's understanding that in the meeting, NKDC confirmed that the wider concern is regarding cumulative effects with other solar projects on the perception of walking/tourism, which the Council considers may lead to a wider need to adapt the tourism strategy for the district, noting that the Tourism Strategy considers that walking and experience of a traditional rural environment is a strength of the district and the Stepping Out network in particular.</p> <p>NKDC collect the following data relevant to PRow usage and tourism (including some monitoring data):</p> <ol style="list-style-type: none"> <li>1. STEAM data – at the district level, annual and monthly data estimating the value and volume of tourism in North Kesteven, including visitor numbers, visitor nights/days, type of spending, type of accommodation used, and jobs supported.</li> <li>2. A business perception survey, which summarises self-reported perception of challenges/opportunities from businesses in the tourist sector to inform the Tourism Strategy; and</li> <li>3. User counts for PRow at point-based locations across the network.</li> </ol>

ExQ2 Ref	Question	Applicant's Response
		<p>At the meeting on 13<sup>th</sup> August 2025, the Applicant and NKDC discussed using footfall and STEAM monitoring data to review usage and tourism activity, and then using this to make physical alterations to the PRoW network or promotion of the network, should the data collected warrant it. NKDC suggested adding new monitoring on the PRoW network (both additional points on existing circular Stepping Out walks in the Site, and on the new permissive paths proposed.</p> <p>The Applicant raised several concerns with this approach – in summary:</p> <ol style="list-style-type: none"> <li>1. STEAM data reflects wider trends at a district scale, which are influenced by wider external factors than PRoW enjoyment and reflect generally fluctuating levels of tourism activity at a wider scale. There would not be any way to relate wider changes in tourism to a single intervention (such as the Proposed Development).</li> <li>2. There are several factors that influence use of PRoW aside from the subjective visual experience of users – it would not be possible to extract the effects of the Proposed Development from other factors during monitoring. Additionally, any monitoring would not account for the potential for local displacement, or other displaced activity from any users of PRoW that might negate any change in spending activity that could affect tourism volume or value. Furthermore, such hypothetical monitored change in PRoW usage would not be translatable into an economic effect – it would not be known whether PRoW users were tourists or residents, and in either case whether they would have spent money locally.</li> <li>3. There was a discussion about the purpose and usefulness of the proposed PRoW user count data (in leading to mitigation) – the data from additional monitoring would be ‘new’ i.e. couldn’t be comparable to the existing baseline, and wouldn’t reveal information about tourist vs local use, and as such wouldn’t be relatable to any mitigation.</li> <li>4. The Applicant and NKDC also discussed the potential for adding to the existing business perception survey NKDC run, and focusing it on the areas around the Site – this would be delivered by NKDC and the Applicant could help in defining the questions and approach. However, it was acknowledged that any information collected by NKDC may be so granular as to be commercially sensitive, and again open to multiple variables.</li> </ol> <p>The Applicant considers that monitoring proposed would not meet the test of ‘evidence’ as</p>



ExQ2 Ref	Question	Applicant's Response
		<p>set out for socio-economic impact assessments at paragraph 5.13.10 of EN-1 (<i>The Secretary of State may conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence</i>).</p> <p>The Applicant remains of the view expressed at ISH3 and in writing at Table 2, Item 8.1 <b>Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 Revision 1</b> [EN010149/APP/8.22] [REP3-075].</p>

Table 1-13: Traffic and Transport, including Public Rights of Way Questions

ExQ2 Ref	Question	Applicant's Response
<b>Q2.13.1</b>	<p><b>Abnormal Load Movements</b></p> <p>The draft SoCG [REP1-084] between National Highways (NH) and the Applicant noted that NH has been invited to provide further comment on the suitability of their network from Immingham to the A15 junction. Whilst the latest SoCG [REP3-071] notes this action is agreed, it does not confirm that NH is content with the route from Immingham to the A15 junction. Please confirm if the route is acceptable.</p>	<p>Question directed to National Highways.</p>
<b>Q2.13.2</b>	<p><b>Link 14</b></p> <p>The ExA visited this link during its second Unaccompanied Site Inspection [EV1-002]. An IP has raised concern [RR-137] that the ES [APP-054] underestimates the potential effects of the Proposed Development on this link. Further, it is suggested [REP3-102] that Heavy Goods Vehicle traffic should not use routes through Scopwick whilst children are travelling to and from school and pedestrian crossing</p>	<p><b>Comments raised in [RR-137]:</b></p> <p><b>High occurrence of accidents:</b> Only one "Slight" accident has been recorded on Link 14 in the last five years (the accepted review period) according to the online resource crashmap.co.uk. This occurred in 2023 and involved a young driver (someone under the age of 25) at the junction of the B1191 and B1188. This one incident involving an inexperienced driver cannot be described as a high occurrence as noted in [RR-137].</p> <p><b>Damage from traffic:</b> A highways survey and wear and tear arrangement is proposed in the Section 4.3 of the oCTMP [EN010149/APP/7.8.3] [REP3-035]. This addresses any concerns relating to road damage.</p>

ExQ2 Ref	Question	Applicant's Response
	facilities should also be provided. Provide a detailed response to each of the concerns raised in both representations.	<p><b>Traffic movements and road safety:</b> Road safety has been examined in line with guidance in Paragraphs 14.10.49 - 14.10.66 in <b>ES Volume 1, Chapter 14: Traffic and Transport [EN010149/APP/6.1.2] [AS-010]</b>. No significant effects were identified on Link 14.</p> <p><b>Traffic Movements:</b> The HGV number quoted in <a href="#">[RR-137]</a> has been incorrectly doubled. Table 7.1 of <b>ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3] [APP-123]</b> notes that all development traffic flows are two-way. The correct HGV traffic flow is 80 vehicles per day. The reference to an increase of 131% relates solely to HGV movements on the link. This equates to 3.3 vehicles one way per hour and not one vehicle per minute.</p> <p><b>Significance of Impact:</b> The significance reported related to the IEMA guideline assessment. This correctly concludes that the traffic impact, post mitigation, is not significant as defined in the guidelines.</p> <p><b>Planning Application 23/1283/FUL:</b> The addition of 14 residential units would not change link sensitivity as noted in Table 14.20 of <b>ES Volume 1, Chapter 14: Traffic and Transport [EN010149/APP/6.1.2] [AS-010]</b>. Properties with frontages are already accounted for, although the housing development does not have direct frontage access. The assessment is therefore correct in its review and conclusions.</p> <p><b>Comments raised in <a href="#">[REP3-102]</a>:</b></p> <p><b>Difficulty in passing on rural roads:</b> The road network is capable of accommodating passing HGV traffic. Link 14 in Scopwick already has a parking layby area on the B1191 to ease two-way operation through the village. Lincolnshire County Council, as local highway authority, has not raised any concerns with the ability of traffic being able to pass in safety in Scopwick.</p> <p><b>Bus Stops:</b> There is one bus stop in this section of the B1191 at "The Granaries". As noted in <a href="#">[RR-137]</a>, crossing points are being provided by application 23/1283/FUL, thus addressing those concerns.</p>

ExQ2 Ref	Question	Applicant's Response
		<p><b>HGV Embargo:</b> The submission has previously incorrectly stated the number of HGV movements as being 160, when it is 80. This is less than 3.3 HGV movements one way per hour (i.e. an HGV every 18 minutes, one way). This level of traffic is insufficient to create a significant safety concern within Scopwick. The latest version of the <b>oCTMP [EN010149/APP/7.8.3] [REP3-035]</b> contains a commitment to remind drivers of school pupil movements in Scopwick at the site induction and toolbox talks.</p> <p><b>CTMP Management:</b> Chapter 8 of the <b>oCTMP [EN010149/APP/7.8.3] [REP3-035]</b> sets out the management, monitoring and enforcement measures proposed. Should a contractor not follow the CTMP, they would be in breach of the CTMP and their contractual obligations and would be subject to disciplinary / contractual sanction. Should a contractor break the law, i.e. speeding, dangerous driving etc. This is a criminal matter and would be dealt with by the Police. The Applicant does not consider that an embargo period for HGV traffic in Scopwick is required. Lincolnshire County Council, as highway authority, have not raised any similar concern.</p>
<b>Q2.13.3</b>	<p><b>Cumulative Traffic Assessment</b></p> <p>The Applicant [REP3-075, Appendix 3] has undertaken a cumulative traffic note to include the proposed NGNS and other relevant developments. The assessment states: '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'. Given this, the ExA is concerned that potential cumulative effects on other links in the study area has not been assessed.</p> <p>a. Applicant, provide a further assessment that considers the whole traffic and transport study area.</p>	<p>Part a: An updated cumulative traffic note is provided at Deadline 4 as an appendix to this <b>Response to Second Written Questions (ExQ2) [EN010149/APP/8.26]</b>. The updated assessment includes the recently published Fosse Green Energy cabling traffic and notes that cumulative traffic only uses the A15 within the agreed Springwell study area road network.</p> <p>Part b is directed to Lincolnshire County Council.</p>

ExQ2 Ref	Question	Applicant's Response
	b. LCC, are the assumptions used for traffic generation and flows for each relevant development, the ruling out of the Leoda project and the overall findings of the assessment accepted?	
Q2.13.4	<p><b>Outline Construction Traffic Management Plan</b> Action Point 2 from ISH4 [EV7-008] required the Applicant to provide a revised Outline Construction Traffic Management Plan (oCTMP) to include figures showing the Local Goods Vehicles routeing and to add that shift patterns will be agreed with the Local Authorities to avoid workers using the A15/B1202 junction during embargo periods. Neither of these amendments appear to have been made [REP3-035]. Provide a revised oCTMP that includes these agreed changes.</p>	An updated oCTMP [EN010149/APP/7.8.3] <a href="#">[REP3-035]</a> has been provided at Deadline 4.
Q2.13.5	<p><b>Public Rights of Way</b> The Outline Public Rights of Way and Permissive Paths Management Plan (oPROWPPMP) [REP3-044] has been updated to address the outstanding concerns of LCC. Further, the Applicant has noted [REP3-075] that the creation of new PRoWs should include the dedication of such new paths and agrees a deed of dedication would ordinarily be required. However, under the powers in the dDCO [REP1-006], the Applicant does not consider any further amendments are required in this respect, as Article 11 of the dDCO [REP3-004] does the same job and no additional provision in this respect is</p>	Question directed to Lincolnshire County Council.

ExQ2 Ref	Question	Applicant's Response
	necessary.	
	a. Have the amendments to the oPROWPPMP fully addressed your concerns?	
	b. Is the Applicant's view with regard to the dedication of new paths accepted?	
<b>Q1.13.6</b>	<b>Peterborough to Lincoln Railway Line</b> The latest SoCG [REP3-069] sets out that Network Rail remain concerned about potential impacts on the safe operation of the railway during construction and operation and there is dialogue with the Applicant on this matter. Please provide an update on your position.	Question directed to Network Rail.

Table 1-14: Water Questions

ExQ2 Ref	Question	Applicant's Response
	No further questions at this stage. However, it should be noted that there are relevant matters to Flood Risk in the ExA's proposed changes to the dDCO.	Response not required.

Table 1-15: Other Matters, including Waste

ExQ2 Ref	Question	Applicant's Response
<b>Q2.15.1</b>	<b>Decommissioning</b> Further to discussions at ISH3 [EV6-008] [EV6-009], the ExA consider that there is currently insufficient information to demonstrate that decommissioning will be	The Applicant has provided an updated <b>Funding Statement [EN010149/APP/4.2.2]</b> <a href="#">[REP1-010]</a> at Deadline 4 which clarifies at paragraphs 2.2.2 and 2.2.3 that the Applicant's total cost estimate for the Proposed Development of £650 million - £750 million includes the costs of decommissioning. On this basis, the Examining Authority can be satisfied that the Applicant has sufficient funds to construct, prepare, supervise,

ExQ2 Ref	Question	Applicant's Response
	<p>suitably funded, particularly as decommissioning costs have not been included in the Funding Statement [REP1-010] that supports the application (notwithstanding its purpose in relation to Compulsory Acquisition matters). Provide a new funding statement or additional information that clearly demonstrates that decommissioning can be suitably funded by the Applicant.</p>	<p>acquire land (including compensation for compulsory acquisition), purchase equipment, install, commission, export power and decommission the Proposed Development. However, the Applicant maintains that including this in the Funding Statement is not strictly required because the purpose of the statement is to demonstrate how an order that contains the authorisation of compulsory acquisition (as the <b>Draft DCO [EN010149/APP/3.1.3]</b> [REP3-004] does) is proposed to be funded, in compliance with Regulation 5(2)(h) of the APFP Regulations.</p> <p>Further to the Applicant's submissions at ISH3 as recorded in the Applicant's <b>Written Summary of Oral Submissions at Issue Specific Hearings 2, 3 and 4 [EN010149/APP/8.22]</b> [REP3-075] the Applicant reiterates the conclusions of the Secretary of State in its decision letter for the Oaklands Farm Solar Park Order 2025. At paragraphs 4.38 – 4.45 of the decision letter, the Secretary of State concluded that securing a decommissioning fund was unnecessary because policy did not require it, and that sufficient information had been provided elsewhere to demonstrate how decommissioning would be secured. The Applicant can provide the ExA with the same assurances that satisfied the Secretary of State in the Oaklands Farm Solar Park Order 2025 decision: Requirement 19 of the Applicant's <b>Draft DCO [EN010149/APP/3.1.3]</b> [REP3-004] covers decommissioning and restoration including timing of decommissioning, and gives the relevant planning authority and other stakeholders the opportunity for input into the final Decommissioning Environmental Management Plan which must be substantially in accordance with the <b>oDEMP [EN010149/APP/7.13.4]</b> [REP3-046] before the relevant planning authority approves it and decommissioning works can subsequently be carried out.</p>
Q2.15.2	<p><b>Working Hours</b> The SoCG [REP3-059] notes that NKDC wish to see a change to the proposed working hours to 7am to 6pm Monday through to Friday and 8am to 1pm on Saturdays. Provide further justification for this request and set out if there is any precedence for such hours in made DCOs for solar farm projects.</p>	<p>Question directed to North Kesteven District Council.</p>

ExQ2 Ref	Question	Applicant's Response
Q2.15.3	<p>Microlight Aircraft Site IPs [REP1-159] [REP3-107] [REP3-115] have referred the 'Renewable energy developments: solar photovoltaic developments CAST Aerodrome Safeguarding Guidance Note, July 2023'.</p> <p>a. Does the Applicant agree that this document is a relevant consideration?</p> <p>b. If so, set out how the Proposed Development accords with this guidance in all respects, and not just in terms of glint and glare.</p>	<p>a. The Applicant agrees that the 'Renewable energy developments: solar photovoltaic developments CAST Aerodrome Safeguarding Guidance Note, July 2023' (latest issue in February 2024) is a relevant consideration when considering the impact of the Proposed Development upon aviation activity; more specifically for General Aviation and unlicensed aerodromes and this has been considered in <b>ES Volume 3, Appendix 5.4: Glint and Glare Study [EN010149/APP/6.3.2] [REP1-028]</b>.</p> <p>b. The Proposed Development accords with this guidance and the most recent February 2025 version, particularly related to the consideration of safety considerations, engine failure after take-off, rescue and firefighting services and birds and wildlife. This has been undertaken through engaging with airfields and aerodromes in proximity of the Proposed Development, MoD and AAT (now disbanded) and undertaking a full glint and glare study. Further detail is set out in <b>ES Volume 3, Appendix 5.4: Glint and Glare Study [EN010149/APP/6.3.2] [REP1-028]</b> which includes consideration towards the matters outlined in this guidance. The below sets out how the Proposed Development accords with this guidance</p> <ul style="list-style-type: none"> <li>- 2.1/2.2/2.2.1 Safety Considerations/Safety Impacts/Glint &amp; Glare: Impacts upon ATS personnel (where applicable) and pilots has been assessed within <b>ES Volume 3, Appendix 5.4: Glint and Glare Study [EN010149/APP/6.3.2] [REP1-028]</b> considering the sensitive receptors as defined by the aerodromes following consultation and engagement.</li> <li>- 2.2.2 Engine Failure after take-off (EFATO): The Applicant has engaged with aerodromes and the AAT in relation to the 'loss of land' in the event of an emergency landing as a result of EFATO.</li> <li>- 2.2.4 Birds and Wildlife: This has been discussed with the MoD and mitigation in the form of lateral clearances and setback distances is detailed and secured within the <b>oLEMP [EN010149/APP/7.9.3] [REP3-037]</b>.</li> <li>- 2.2.5 Rescue and firefighting services (RFFS): The Applicant has engaged with the aerodrome operators in relation to RFFS. This has been considered in the design of the Proposed Development, and no impacts are anticipated due to the distance from operational airfields and due to the available access between and into Solar PV fields if required.</li> </ul>

ExQ2 Ref	Question	Applicant's Response
		<ul style="list-style-type: none"><li>- 2.2.6 Communication, Navigation and Surveillance: The Applicant has engaged with aerodrome operators outlining the distances between electrical infrastructure and CNS equipment. Where no CNS equipment exists, no impact is possible.</li><li>- 2.2.7 Aerodrome operator safety assurance: The Applicant has engaged with aerodromes and safeguarding bodies to understand the sensitive receptors when undertaking technical assessments.</li></ul>



# Appendix 1 – Cumulative Transport Note



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# 1. Introduction

## 1.1. 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 and concentrates on the A15, this being the road corridor with greatest accumulation of traffic, where the majority of traffic capacity sensitivities are located and the only link where the three cumulative schemes coincide with traffic associated with the Proposed Development.
- 1.1.3. Where cumulative flows affect other roads forming part of the Springwell Solar Farm study area, these have also been considered.
- 1.1.4. Where assumptions have been made for certain cumulative schemes, these have been identified and justifications provided where possible.
- 1.1.5. Discussions with neighbouring developers have been undertaken to discuss and confirm details and the Applicant wishes to record their thanks to those developers who have provided information.

## 1.2. Background

- 1.2.1. **ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3]** [\[APP-123\]](#) for the Springwell Solar Farm application included a review of committed and cumulative developments that may occur on the A15 corridor and wider study area road network during the same time as the peak of construction traffic associated with the Proposed Development.
- 1.2.2. This approach is standard in Transport Assessment submissions, with new development applications considering any cumulative impacts, which may require further mitigation works.
- 1.2.3. Since the submission of the application, further schemes have been submitted or have further progressed, leading to the ExA requesting further information on the likely cumulative impact on the network.
- 1.2.4. These new schemes may or may not have included the Proposed Development in their assessments.
- 1.2.5. Summary information from this report will be included in the updated version of **ES Volume 1, Chapter 16: Cumulative Effects [EN010149/APP/6.1.4]** [\[REP3-014\]](#) provided at Deadline 4.

## 2. Methodology

### 2.1. Springwell Solar Farm Study Area

2.1.1. The study area roads that are considered in the Springwell Solar Farm assessment area as follows:

- A15;
- B1202;
- B1188;
- B1191;
- Gorse Hill Lane;
- Navenby Lane; and
- Temple Road.

2.1.2. Roads outside of these links have not been considered in the DCO application and as such, cannot be considered in this cumulative review.

### 2.2. Site Review

2.2.1. 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 Development.

2.2.2. The potential cumulative developments have been drawn from the shortlist of cumulative developments supplied to the hearing.

2.2.3. 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 (in construction or operational) 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.

2.2.4. These criteria set if a project can have a cumulative impact, i.e. could lead to significant traffic occurring during the construction period of the Proposed Development during the proposed construction period.

2.2.5. The sifting review has considered these criteria and has colour-coded the applications for ease of reference in **Annex 1**. This includes Navenby Substation, Leoda Solar Farm and Navenby Heath BESS, as well as other sites in proximity to the Proposed Development.

2.2.6. The projects that may have a cumulative impact are:

- 25/0533/FUL: Brant Energy Storage;

- EN010154: Fosse Green; and
- 25/0699/EIASCO: Navenby Substation.

2.2.7. The projects that will not have a cumulative impact are:

- EIA/37/22 / 25/0491/FUL: Navenby 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;
- EN0110016: Leoda Solar Farm; and
- 24/1470/FUL: Burton Gorse Plantation Solar Farm.

2.2.8. 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.

## 2.3. Leoda Solar Farm

2.3.1. Further discussions with the developer of Leoda Solar Farm have been undertaken, as agreed at Issue Specific Hearing 2.

2.3.2. The only publicly available data for the project is the Scoping Report<sup>1</sup>.

2.3.3. Engagement with the developer has been undertaken and as of 6<sup>th</sup> August 2025, the developer has advised that detailed traffic generation, assignment and distribution of construction traffic for construction activities have not been completed.

2.3.4. The developer has advised that in lieu of more detailed information, that the cumulative review should only consider the Scoping Report.

2.3.5. 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"*;

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

- 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.
- 2.3.6. 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.
- 2.3.7. Further details for the Leoda Solar Farm project are not expected to be published before the close of examination for the Proposed Development.
- 2.3.8. When the application for Leoda Solar Farm is submitted, it will be required to consider the Springwell Solar Farm traffic and mitigation measures, should the study areas overlap.

## 2.4. Navenby BESS

- 2.4.1. The Framework Construction Traffic Management Plan (CTMP)<sup>2</sup>, submitted to NKDC in support of the Navenby BESS planning application advises that the proposed BESS scheme will commence construction in late 2032 and would be complete in early 2034.
- 2.4.2. The Framework CTMP acknowledges that the Proposed Development (Springwell) will be complete prior to work commencing on the BESS scheme. As such, there will not be a cumulative construction traffic impact arising between the two projects.
- 2.4.3. LCC Highways has commented on the BESS application leaving no objection, subject to suitably worded planning conditions. LCC have not requested a cumulative assessment that considers the Proposed Development.

## 2.5. Brant Energy Storage

- 2.5.1. The proposed Brant Energy Storage project includes 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 B1178, Harmston and Broughton Lane.
- 2.5.2. The application is currently pending determination by North Kesteven District Council (NKDC).
- 2.5.3. A Construction Traffic Management Plan (CTMP)<sup>3</sup> for the proposed development has been produced. This indicates that construction would commence in 2027 if planning permission 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.
- 2.5.4. Construction is predicted to take up to 24 months to complete.

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<sup>2</sup> [https://planningonline.n-kesteven.gov.uk/online-applications/files/ABAEFC66FF1ED0C2383C8860C137DFD2/pdf/25\\_0491\\_FUL-TRAFFIC\\_MANAGEMENT\\_PLAN-2375954.pdf](https://planningonline.n-kesteven.gov.uk/online-applications/files/ABAEFC66FF1ED0C2383C8860C137DFD2/pdf/25_0491_FUL-TRAFFIC_MANAGEMENT_PLAN-2375954.pdf)

<sup>3</sup> [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](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)

- 2.5.5. The Brant Energy Storage CTMP 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.
- 2.5.6. The Environmental Impact Assessment (EIA) for the project excludes transport and traffic effects, given the predicted level of traffic on the network.
- 2.5.7. 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.
- 2.5.8. 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
<b>A15 North</b>	22	10	32
<b>A15 South</b>	38	10	48

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

## 2.6. National Grid Navenby Substation

- 2.6.1. National Grid submitted an EIA Scoping Report Request to NKDC on 13<sup>th</sup> June 2025 with a Scoping Opinion issued by NKDC on 6<sup>th</sup> August 2025. In the EIA Scoping Report, the applicant proposes to scope traffic and transport matters out of the wider EIA for the site. NKDC as local planning authority does not share this opinion and has asked for more detail on traffic generation during the construction phase.
- 2.6.2. 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.
- 2.6.3. 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 (Navenby).
- 2.6.4. To enable the cumulative assessment to be undertaken, engagement with National Grid has been undertaken. National Grid has advised that at the peak of construction activities, they expect 200 HGV movements per day.
- 2.6.5. National Grid has not been able to provide any further details at present and has advised that they hold no data for LGV traffic generation or the distribution of construction trips at present. Full traffic generation estimates for both LGV and HGV traffic is currently being developed as their design evolves, however the Applicant has been advised that this information will not be forthcoming during the examination period for Springwell Solar Farm.

- 2.6.6. 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.
- 2.6.7. 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
<b>A15 North</b>	31	100	131
<b>A15 South</b>	53	100	153

- 2.6.8. These traffic flows will split North / South at the junction of the A15 / Heath Lane.
- 2.6.9. When the National Grid Navenby Substation application is submitted, 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.

## 2.7. Fosse Green Energy

- 2.7.1. The DCO application documents for Fosse Green Energy were made available on the National Infrastructure Project website in late August 2025.
- 2.7.2. Whilst the majority of construction traffic for this scheme does not cross over with the study area for the Springwell Solar Farm, noting that the Fosse Green Energy Cumulative traffic review states *“Springwell Solar Farm....has been screened out of this cumulative assessment due to the lack of overlap between the Proposed Development and this scheme. The operational phase is also expected to generate a negligible increase in traffic on the highway network”*.
- 2.7.3. The cabling elements for Fosse Green Energy however contradict the transport chapter, as these will use the A15 corridor and roads leading from it. The Traffic and Transport Chapter<sup>4</sup> for the Fosse Green Energy project notes that up to 60 vehicles may be present at the peak of construction traffic in 2032 on the A15 corridor.
- 2.7.4. Whilst the Proposed Development will be complete in 2032, no data for traffic flows in 2031 have been provided in the Fosse Green Energy application documents. As such, the cumulative review will need to consider the 2032 data.
- 2.7.5. The submitted documents suggest that HGV traffic for Fosse Green will not operate at traditional peak hours, i.e. 08:00-09:00 hrs and 17:00-18:00 hrs.
- 2.7.6. The peak month traffic data presented does not provide a split between LGV and HGV traffic. As such it is assumed that split of 20 LGV and 40 HGV occurs per day, with all traffic arriving from the A15 north (from the A15 / B1178 junction). Traffic is assumed to divide equally between the north and south.

<sup>4</sup> [EN010154-000127-6.1 Chapter 13 Traffic and Transport.pdf](#)



2.7.7. The resultant traffic data is presented in Table 2.3.

Table 2.3 Fosse Green Energy Peak Daily Traffic (Two-way traffic flows)

Road Link	Car & LGV Traffic	HGV Traffic	Total Traffic
<b>A15 (North of Green Man Lane)</b>	10	20	30
<b>A15 (South of Green Man Lane)</b>	10	20	30

## 2.8. Cumulative Scheme Link Effects

2.8.1. A review of the cumulative development traffic distribution to the network has been undertaken to ascertain if the cumulative effects will only be located on the A15 or if they spread to other links in the study area. This review is summarised in Table 2.4.

Table 2.4 Cumulative Traffic Distribution Effects on Road Links

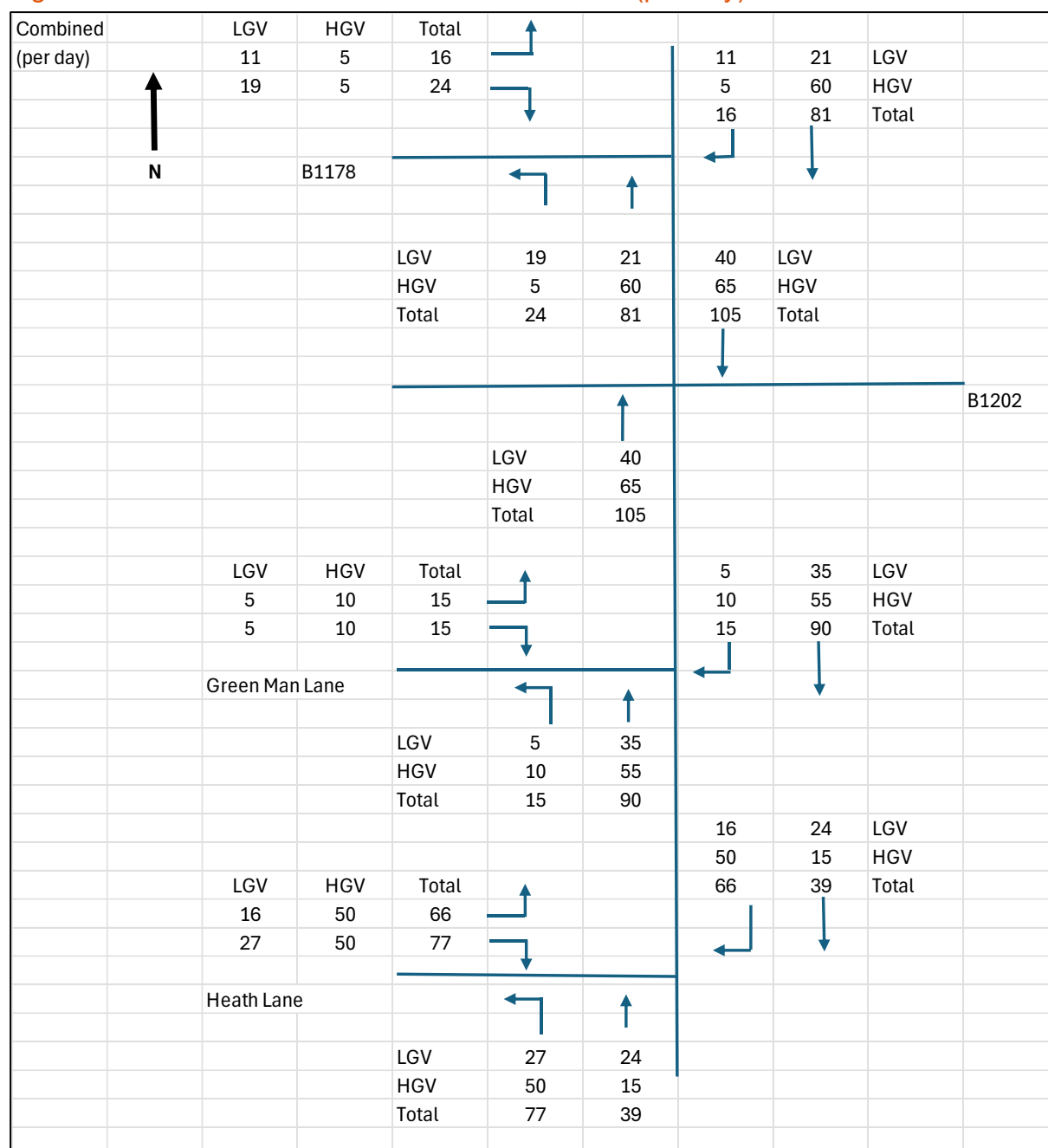
Road Link	Brant Energy Storage	National Grid Navenby Substation	Fosse Green Energy
<b>A15</b>	Yes	Yes	Yes
<b>B1202</b>	No	No	No
<b>B1188</b>	No	No	No
<b>B1191</b>	No	No	No
<b>Gorse Hill Lane</b>	No	No	No
<b>Navenby Lane</b>	No	No	No
<b>Temple Road</b>	No	No	No

2.8.2. The only road link within the Proposed Development's study area that is also experiences cumulative development is the A15. No other road links will experience cumulative effects.

## 2.9. Combined New Cumulative Scheme Traffic

2.9.1. The combined cumulative traffic is illustrated in Figure 2.1.

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



2.9.2. 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.

## 2.10. Other Committed Developments

- 2.10.1. The committed schemes already assessed with **ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3]** [\[APP-123\]](#) remain unaffected and will be included in the revised assessment presented in this Cumulative Transport Review.

### 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. The proposed Springwell Solar Farm embargo would not apply to other cumulative developments.
- 3.1.5. The timing of the construction phases has not changed from the original application.
- 3.1.6. With the exception of the peak hour embargo, there are no changes to development traffic flows.

## 4. Traffic Impact Summary

### 4.1. Percentage Impact Review

- 4.1.1. The traffic impact associated with the new cumulative developments has been estimated using the traffic flow figures in **ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3] [APP-123]**. 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. This illustrates daily traffic flows for the year 2028 for a variety of scenarios, namely:
- 2028 Base + Original Com Dev: The 2028 baseline traffic flows with the original committed / cumulative traffic flows as noted in the Transport Assessment;
  - 2028 Base + Original Com Dev + Proposed Development: The 2028 baseline traffic flows with the original committed / cumulative traffic flows and Proposed Development traffic flows as noted in the Transport Assessment;
  - Development Traffic: The Proposed Development peak traffic flows;
  - 2028 Base + Original Com Dev + New Cum Dev: The 2028 baseline traffic flows with the original committed / cumulative traffic flows and new cumulative traffic flows are described in this report;
  - 2028 Base + Original Com Dev + Proposed Development + New Cum Dev: The 2028 baseline traffic flows with the original committed / cumulative traffic flows, new cumulative traffic flows are described in this report and proposed development traffic flows.
- 4.1.3. The Proposed Development traffic impact, expressed as a percentage, is also provided in Table 4.1 in parenthesis. This illustrates the impact of the Proposed Development traffic when compared against the baseline + cumulative development traffic flow scenarios.

Table 4.1 Traffic impact review

Location	Scenario	Northbound Traffic Flow (vehicles)	Southbound Traffic Flow (vehicles)
<b>A15 North of B1202</b>	2028 Base + Original Com Dev	7780	7301
	2028 Base + Original Com Dev + Proposed Development	8243	7764
	Proposed Development Traffic	463	463
	New Cumulative Traffic	194	194
	2028 Base + Original Com Dev + New Cum Dev	7974	7495
	2028 Base + Original Com Dev + New Cum Dev + Proposed Development	8437	7958
	<i>Development Traffic % Impact (without New Cum Dev)</i>	<i>(5.95%)</i>	<i>(6.34%)</i>
	<i>Development Traffic % Impact (with New Cum Dev)</i>	<i>(5.81%)</i>	<i>(6.18%)</i>
<b>A15 Between Green Man Lane &amp; Gorse Hill Lane</b>	2028 Base + Original Com Dev	6871	6373
	2028 Base + Original Com Dev + Proposed Development	7328	6830
	Development Traffic	457	457

Location	Scenario	Northbound Traffic Flow (vehicles)	Southbound Traffic Flow (vehicles)
	New Cumulative Traffic	210	210
	2028 Base + Original Com Dev + New Cum Dev	7081	6583
	2028 Base + Original Com Dev + New Cum Dev + Proposed Development	7538	7040
	<i>Development Traffic % Impact (without New Cum Dev)</i>	<i>(6.65%)</i>	<i>(7.17%)</i>
	<i>Development Traffic % Impact (with New Cum Dev)</i>	<i>(6.45%)</i>	<i>(6.94%)</i>
<b>A15 South of B1191</b>	2028 Base + Original Com Dev	7549	6914
	2028 Base + Original Com Dev + Proposed Development	7869	7234
	Development Traffic	320	320
	New Cumulative Traffic	232	232
	2028 Base + Original Com Dev + New Cum Dev	7781	7146
	2028 Base + Original Com Dev + New Cum Dev + Proposed Development	8101	7466

Location	Scenario	Northbound Traffic Flow (vehicles)	Southbound Traffic Flow (vehicles)
	<i>Development Traffic % Impact (without New Cum Dev)</i>	(4.24%)	(4.63%)
	<i>Development Traffic % Impact (with New Cum Dev)</i>	(4.11%)	(4.48%)

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

## 4.2. Junction Impact

- 4.2.1. The addition of cumulative traffic to the A15 / B1202 will exacerbate existing junction capacity issues. Given that Springwell Solar Farm has agreed an embargo during peak hours, when the junction capacity issues occur, the removal of Springwell Solar Farm traffic will lead to comparable results as reported in **ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3] [APP-123]**.
- 4.2.2. The predicted peak hour traffic associated with new cumulative development traffic is expected to be 26 vehicles northbound and 26 vehicles southbound, this level of additional traffic equates to (circa one additional vehicle per every two minutes by direction).
- 4.2.3. The traffic impacts reported on the A15 are all below the 30% IEMA thresholds for EIA assessment<sup>5</sup> and below the 10% variation normally associated with the change in traffic flows that naturally occurs during daily variation.
- 4.2.4. 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.

## 4.3. Significant Effects

- 4.3.1. 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 6.9%, well below the IEMA assessment criteria of 30% noted in **ES Volume 3, Appendix 14.1: Transport Assessment [EN010149/APP/6.3] [APP-123]**.
- 4.3.2. Both Navenby Substation, Fosse Green Energy 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.

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



- 4.3.3. 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 Proposed Development study area road network has been examined in detail for Leoda Solar Farm, Fosse Green Energy, Navenby BESS, National Grid Navenby Substation and other nearby developments.
- 5.1.2. Three additional cumulative developments have been included. Publicly available data and realistic assumptions have been used to develop traffic flows.
- 5.1.3. These cumulative traffic flows all occur on the A15 corridor, the most sensitive part of the road network. There are no cumulative effects on other roads within the Proposed Development study area road network.
- 5.1.4. The imposition of additional cumulative traffic has been considered. No additional adverse effects are predicted.
- 5.1.5. 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.

## **Annex 1: Cumulative Development Sifting (as at 14/09/2025)**

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 BESS	NKDC	Not determined	The CTMP <sup>6</sup> states that up 160 LGV and 66 HGV movements are predicted at the peak of construction activity. <b>Transport and access however have been scoped out of the EIA assessment.</b>	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 <sup>7</sup> 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
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 <sup>8</sup> 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 <sup>9</sup>	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

<sup>6</sup> [https://planningonline.n-kesteven.gov.uk/online-applications/files/ABAEFC66FF1ED0C2383C8860C137DFD2/pdf/25\\_0491\\_FUL-TRAFFIC\\_MANAGEMENT\\_PLAN-2375954.pdf](https://planningonline.n-kesteven.gov.uk/online-applications/files/ABAEFC66FF1ED0C2383C8860C137DFD2/pdf/25_0491_FUL-TRAFFIC_MANAGEMENT_PLAN-2375954.pdf)

<sup>7</sup> <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010151-000189-6.3.76a%20Appendix%209.1%20Transport%20Assessment%20Part%201.pdf>

<sup>8</sup> <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010123-000481-6.1.14%20-%20Chapter%2014%20-%20Transport%20and%20Access%20-%20Rev%202.pdf>

<sup>9</sup> [https://planningonline.n-kesteven.gov.uk/online-applications/files/D6D02044284A2FE903E66D8AFEB9FECE/pdf/23\\_1419\\_FUL--2364220.pdf](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 <sup>10</sup> .	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 <sup>11</sup> .	Yes. Up to 24 month construction period, starting in mid-2027.	Yes	Yes	Potential for traffic interaction during construction phase	Yes
25/0470/FUL	Erection of 6no. silos and concrete base (retrospective)	NKDC	Retrospective application	No. No transport documents submitted <sup>12</sup> .	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 <sup>13</sup> 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

<sup>10</sup> <https://planningonline.n-kesteven.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3DVT0LL04Q00>

<sup>11</sup> [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](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)

<sup>12</sup> <https://planningonline.n-kesteven.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SV40PLLLIO800>

<sup>13</sup> <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 <sup>14</sup> 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 <sup>15</sup> 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 <sup>16</sup> . The scoping documents suggest a peak of 65 HGV on the road network, with the peak of traffic occurring in 2032.	Planning documents suggest construction would commence in 2031 and lasts two years. The peak is predicted to occur in 2032.	The recently published Fosse Green Energy ES Transport Chapter notes that some traffic may use the A15 for access for cabling.  The main works area for this project does interact with the Springwell Solar Farm study area.	Yes	There is a minor crossover of study areas.	Yes
EN0110016	Leoda Solar	SoS / Planning Inspectorate	Scoping	The only documents available at the time of assessment was the scoping opinion <sup>17</sup> . 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
25/0699/EIASCO	Navenby Substation	NKDC	Scoping	Yes	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

<sup>14</sup> [https://planningonline.n-kesteven.gov.uk/online-applications/files/49CF71BE33D0ADF082866AA2E2ED8B13/pdf/24\\_1470\\_FUL-TRAFFIC\\_MANAGEMENT\\_PLAN-2335399.pdf](https://planningonline.n-kesteven.gov.uk/online-applications/files/49CF71BE33D0ADF082866AA2E2ED8B13/pdf/24_1470_FUL-TRAFFIC_MANAGEMENT_PLAN-2335399.pdf)

<sup>15</sup> [https://planningonline.n-kesteven.gov.uk/online-applications/files/8F70AE58DBBDF5E114C0A0D90C812925/pdf/24\\_0959\\_FUL-TRANSPORT\\_ASSESSMENT-2293034.pdf](https://planningonline.n-kesteven.gov.uk/online-applications/files/8F70AE58DBBDF5E114C0A0D90C812925/pdf/24_0959_FUL-TRANSPORT_ASSESSMENT-2293034.pdf)

<sup>16</sup> <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010154-000011-EN010154%20-%20Scoping%20Report.pdf>

<sup>17</sup> <https://www.leodasolarfarm.co.uk/wp-content/uploads/2025/02/Leoda%20EIA%20Scoping%20Report.pdf>

# Appendix 2 – Draft S106 Agreement



697346.07000/AC36

**DATED** \_\_\_\_\_

**DRAFT AS AT 22 SEPT 2025**

- (1) NORTH KESTIVEN DISTRICT COUNCIL
- (2) LINCOLNSHIRE COUNTY COUNCIL
- (3) SPRINGWELL ENERGYFARM LIMITED
- (4) BLANKNEY ESTATES LIMITED
- (5) HSBC UK BANK PLC

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**DEED OF DEVELOPMENT CONSENT  
OBLIGATIONS**

**Agreement under section 106 Town & Country  
Planning Act (as amended)  
relating to Springwell Solar Farm on land at Blankney  
Estate**

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Pinsent Masons



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**THIS DEED** is made on [REDACTED] 2025

**BETWEEN**

- (1) **NORTH KESTEVEN. DISTRICT COUNCIL** of District Council Offices, Kesteven Street, Sleaford, Lincolnshire, NG34 7EF ("**NKDC**");
- (2) **LINCOLNSHIRE COUNTY COUNCIL** of County Offices, Newland, Lincoln, LN1 2YL ("**LCC**");
- (3) **SPRINGWELL ENERGYFARM LIMITED** of Alexander House 1 Mandarin Road, Rainton Bridge Business Park, Houghton Le Spring, Sunderland, England, DH4 5RA (the "**Developer**");
- (4) **BLANKNEY ESTATES LIMITED** of The Estate Office Temple Grange, Navenby, Lincoln, England, LN5 0AX (the "**Owner**"); and
- (5) **HSBC UK BANK PLC** of 1 Centenary Square, Birmingham, B1 1HQ (the "**Mortgagee**").

**BACKGROUND**

- (A) NKDC and LCC are the local planning authorities for the purposes of the 1990 Act for the area within which the Site is situated and by whom the obligations and covenants contained in this Deed are enforceable.
- (B) The Local Authorities are the local authorities for the purposes of the 1972 Act and the 2011 Act and are known as the relevant planning authorities and/or relevant county authority for the purposes of the 2008 Act.
- (C) The Owner is the freehold owner of the Site registered at HM Land Registry under part of title numbers LL300861, LL302336, LL67013, LL67016, LL302908, LL67017, LL302729, LL95436, LL302706, LL302402, LL302918, LL227464, LL226988 by virtue of an option agreement made between the Owner and the Developer, the Developer has a right to call down a leasehold interest in the Site.
- (D) The Developer submitted the Application to the Secretary of State on 20 November 2024.
- (E) To facilitate the Project the parties have agreed to enter into this Deed under the 1990 Act in order to secure the planning obligations contained in this Deed which are necessary to mitigate the impacts of the Project and to make the Project acceptable in planning terms.
- (F) The parties in entering into this Deed do so to create planning obligations pursuant to section 106 of the 1990 Act in respect of the Owner's and the Developer's respective interest(s) in the Site and the Owner and the Developer agree to be bound by and to observe and perform the covenants agreements conditions and stipulations hereinafter contained on terms of this Deed.

**NOW THIS DEED WITNESSED AS FOLLOWS:**

**1. DEFINITION AND INTERPRETATION**

1.1 In this Deed the following terms and expressions shall have the following meaning:

"1972 Act"	means the Local Government Act 1972 (as amended)
"1990 Act"	means the Town and Country Planning Act 1990 (as amended)
"2008 Act"	means the Planning Act 2008 (as amended)

<b>“2011 Act”</b>	means the Localism Act 2011
<b>“Application”</b>	means the application for a development consent order under section 37 of the 2008 Act in relation to the Project submitted to the Secretary of State on 20 November 2024 and allocated reference number EN010149;
<b>“Commence”</b>	has the same meaning as in Article 2 of the Development Consent Order and the words <b>“Commencement”</b> and <b>“Commenced”</b> and cognate expressions are to be construed accordingly;
<b>“Date of Decommissioning”</b>	means the date on which the Developer commences the decommissioning of the Project in accordance with the Decommissioning Environmental Management Plan approved under Requirement 19 of the Development Consent Order;
<b>“Development Consent Order”</b>	means the development consent order statutory instrument made by the Secretary of State pursuant to the Application;
<b>“Index”</b>	means the Retail Prices Index;
<b>“Index Linked”</b>	means such increase to any sum or sums payable under this Deed on an annual basis or <i>pro rata per diem</i> from the date of this Deed to the date of payment based upon the relevant Index last published before the date of this Deed;
<b>“Interest”</b>	means 4% above the base lending rate of the Bank of England from time to time;
<b>“Lease”</b>	means the lease to be granted to the Developer in accordance with the Option for Lease or any other lease arrangement entered into with any third party in respect of the Project;
<b>“Local Authorities”</b>	means NKDC and LCC (and their successors in function);
<b>“Option for Lease”</b>	means the option for lease dated XXXX granted by the Owner to the Developer;
<b>“Plan 1”</b>	means the plan annexed to this Deed at Schedule 1 and marked section 106 Plan identifying the Site;
<b>“Project”</b>	means the "authorised development" as defined in Article 2 and Schedule 1 of, and to be authorised by, the Development Consent Order which is to be located on the Site;
<b>“Responsible Body”</b>	means the body responsible for applying the Skills and Education Contribution for the Skills and Education Contribution Purpose on behalf of the Developer, as chosen pursuant to the process set out in Part C of Schedule 2, and the words “Responsible Bodies” are to be construed accordingly;
<b>“Secretary of State”</b>	means the Secretary of State for the Department for Energy Security and Net Zero (or such other Secretary of State that has the responsibility for determining projects relating to energy development and/or the Application);

**“Skills and Education Contribution”** means the sum of (fifty thousand pounds) £50,000.00 per annum (subject to Schedule 2) to be used/expended in line with Schedule 2 for the Skills and Education Contribution Purpose;

**“Skills and Education Contribution Annual Meeting”** means a meeting with the Developer, Local Authorities and any proposed Responsible Body or Responsible Body that has already been appointed (as appropriate) to occur annually ahead of payment of the Skills and Education Contribution instalment, to discuss:

- (a) the use of the Skills and Education Contribution for the Skills and Education Contribution Purpose for the upcoming twelve months; and
- (b) the Responsible Body for the upcoming twelve months;

**“Skills and Education Contribution Purpose”** means increasing employment, education and skills opportunities in the local area (primarily within North Kesteven District but to include neighbouring authority areas where necessary) for individuals in the renewable and sustainable development sector, which may include the provision of training and apprenticeships and education bursary payments;

**“Statutory Undertaker”** means any company, corporation, board, or authority at the date of this Deed authorised by statute to carry on an undertaking for the supply of telephone and television communications, electricity, gas, water, or drainage and any authorised successor to any such undertaking;

**“the Site”** means the area of land which is shown edged red on Plan 1 and more particularly described in Schedule 1; and

**“a Working Day”** means any day from Monday to Friday (inclusive) other than Christmas Day, Good Friday and any statutory Bank or public holidays or holiday agreed by either party for all employees of that party.

- 1.2 Where in this Deed reference is made to any Clause, paragraph, Schedule, plan or recital such reference (unless the context otherwise requires) is a reference to a Clause, paragraph, Schedule, recital or plan in this Deed.
- 1.3 Where in any Schedule or part of any Schedule reference is made to a paragraph such reference shall (unless the context requires otherwise) be to a paragraph of that Schedule or (if relevant) part of that Schedule.
- 1.4 References to any party to this Deed shall include reference to their successors in title and assigns and to persons claiming or deriving title through or under them and in respect of the Local Authorities shall include the successors to their respective statutory functions.
- 1.5 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 1.6 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 1.7 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.

1.8 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.

1.9 "notify" and "notification" mean the transmission of written information by means of email from one party to another **PROVIDED THAT** if the said email is received prior to 10.00am on any Working Day the time periods for response laid out in this Deed shall commence from that Working Day whereas if the email is received after 10.00am the aforesaid time period shall commence from the following Working Day.

## 2. **LEGAL BASIS**

2.1 This Deed is made pursuant to section 106 of the 1990 Act, section 111 of the 1972 Act, and section 1 of the 2011 Act.

2.2 The covenants restrictions and requirements imposed upon the Owner and the Developer under this Deed create planning obligations pursuant to section 106 of the 1990 Act and are intended to be enforceable by the Local Authorities.

2.3 The obligations in this Deed shall not be enforceable against any mortgagee or charge (including the Mortgagee), unless such mortgagee or chargee has become a mortgagee in possession of the Site (or relevant part of the Site), in which case such mortgagee or chargee shall be bound by those obligations in this Deed which were binding upon the person from whom it derives its interest provided that the mortgagee or charge shall not be liable for any breach unless committed or continuing at a time when that party takes possession of the Site (or part thereof).

## 3. **CONDITIONALITY**

This Deed is conditional upon the grant of the Development Consent Order AND Commencement SAVE FOR the provisions of Clauses 4.2 (land charge), 4.6 (notice of ownership change) and 5.1.2 (legal fees) which shall come into effect immediately upon completion of this Deed.

## 4. **AGREEMENTS AND DECLARATIONS**

4.1 The parties agree and declare that the provisions of this Deed shall not be enforceable under the Contracts (Rights of Third Parties) Act 1999.

4.2 This Deed shall be registrable as a land charge by NKDC as the local planning authority.

4.3 The covenants given in this Deed shall cease to have effect if the Development Consent Order:

4.3.1 is quashed revoked superseded or otherwise withdrawn at any time; or

4.3.2 expires prior to Commencement; or

4.3.3 is modified by any statutory procedure without the consent of the Developer prior to Commencement.

4.4 Following the performance and satisfaction of all the obligations contained in this Deed NKDC shall effect the cancellation of all relevant entries made in the register of local land charges in respect of this Deed at no cost to the Developer or the Owner.

4.5 No person or party shall be liable for a breach of the restrictions covenants and obligations contained in this Deed after that person or party has parted with all its interest in the Site or the part in respect of which the breach occurs but without prejudice to any liability for any breach committed prior to such parting.

- 4.6 The Developer agrees to give the Local Authorities written notice of any change in ownership of its or the Owner's interest in the entire Site occurring before all the obligations under this Deed have been discharged within 10 Working Days of the change occurring.
- 4.7 Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with and to the extent permitted by a certificate of lawful use, a planning permission, development consent order (other than the Development Consent Order) or other statutory authority granted (whether or not on appeal) before or after the date of this Deed.
- 4.8 Nothing contained in this Deed shall prejudice or affect the rights powers duties and obligations of the Local Authorities in the exercise of their functions as local authority and their rights powers duties and obligations under all public and private statuses byelaws and regulations may be as fully and effectually exercised as if the Local Authorities were not a party to this Deed.
- 4.9 If any severable provision of this Deed shall be held to be invalid illegal or unenforceable the validity legality and enforceability of the remaining provisions shall not in any way be deemed thereby to be affected or impaired.
- 4.10 Where the agreement approval consent or expression of satisfaction is required by the Developer from the Local Authorities under the terms of this Deed such agreement approval consent or expression of satisfaction shall not be unreasonably withheld or delayed.
- 4.11 Any notices requests demands or other written communications pursuant to this Deed shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as appropriate) of the relevant party.
- 4.12 The obligations in this Deed shall not be enforceable against a Statutory Undertaker after the transfer of statutory apparatus and land upon or in which statutory apparatus is situated to that Statutory Undertaker nor enforceable against any highway authority which may be responsible for any public highways maintainable at public expense.
- 4.13 The obligations of this Deed shall not be enforceable against the Owner (save for the event in which the Owner takes possession of any part of the Site from the Developer, in which case the Owner shall be liable for the terms of this Deed).
- 4.14 If any financial contribution due under this Deed is paid late Interest will be payable from the date payment is due until the date payment is made save that, for the avoidance of doubt, in the event that paragraph 5 of Schedule 2 is relevant and there is disagreement as to the proposed beneficiary of the Skills and Education Contribution then no Interest shall be payable unless and until a beneficiary is jointly agreed between the Local Authorities and the Developer.

## **5. OWNER'S AND DEVELOPER'S COVENANTS**

- 5.1 The Owner and the Developer covenant with the Local Authorities so as to bind the Site into whosoever hands the same may fall:-
- 5.1.1 to comply with its obligations as set out in Schedule 2; and
- 5.1.2 to pay to the Local Authorities on completion of this Deed their reasonable legal costs of negotiating and completing this Deed.
- 5.2 In the event that:
- 5.2.1 any person other than the Developer is appointed as an "undertaker" (as defined in the Development Consent Order) for the purposes of the Site under the Development Consent Order; or

- 5.2.2 powers of the "undertaker" under the Development Consent Order are devolved to any other person in relation to the Site,

and the provisions of this Deed are not otherwise made directly enforceable against any such person (the "**Transferee**"), then the Developer will without delay require the Transferee to enter into a deed in favour of the Local Authorities that the Transferee shall observe and perform such of the covenants and obligations on the Developer under this Deed as relate to the exercise of the powers which have been transferred as though the Transferee had been an original party to this Deed and for the avoidance of doubt this requirement shall apply to the provisions of Schedule 2 of this Deed.

## **6. THE LOCAL AUTHORITIES' COVENANTS**

The Local Authorities covenant with the Owner and the Developer to comply with their obligations as set out in Schedule 2.

## **7. DEVELOPER'S INTEREST AND INDEMNITY TO OWNER**

The Developer shall not incur any liability for any breach of the obligations contained in this Deed save for the obligation contained in Clause 5.1.2 unless and until it completes the Lease and is in possession of the Site.

## **8. JURISDICTION**

This Deed shall be governed by and interpreted in accordance with the law of England.

## **9. WAIVER**

No waiver (whether expressed or implied) by the Local Authorities, the Owner or the Developer of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Local Authorities the Owner or the Developer from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

## **10. DISPUTE RESOLUTION**

- 10.1 In the event of there being a dispute arising out of this Deed or the subject matter thereof the following provisions shall apply:

- 10.1.1 The parties shall use their reasonable endeavours to resolve the dispute by agreement.
- 10.1.2 If agreement cannot be reached the matter in dispute shall be referred to and settled by a single expert to be nominated by the President of the Royal Institution of Chartered Surveyors on the application of either party after giving notice in writing to the other party to this Deed.
- 10.1.3 The person to be appointed pursuant to Clause 10.1.2 shall be a person having five years or more post qualification experience of projects comprising works of the scale and nature of the Project.
- 10.1.4 Reference to the expert shall be on terms that determination shall take place within 20 Working Days of the expert accepting their instructions (or such other period as agreed by the parties).
- 10.1.5 The expert shall have the power to award costs of the determination in favour of either party to the dispute at the expense of the other party and failing such determination such costs shall be borne by the parties in equal shares.

10.1.6 The expert shall be limited in their findings to the matter in dispute referred to them and shall provide written reasons for their decision.

10.1.7 The findings of the expert shall (other than in the case of a manifest material error or fraud) be final and binding on the parties to the dispute.

11. **EXECUTION AND DELIVERY**

This document is executed as a deed and is delivered on the date stated at the beginning of this Deed.

**EXECUTED AS A DEED** by the parties on the date which first appears in this Deed

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## **SCHEDULE 1**

### **DETAILS OF OWNER'S TITLE AND DESCRIPTION OF THE SITE**

Land at Blankney Estate as shown edged red on the Plan and being part of the land registered at HM Land Registry under part of title numbers LL300861, LL302336, LL67013, LL67016, LL302908, LL67017, LL302729, LL95436, LL302706, LL302402, LL302918, LL227464,

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## SCHEDULE 2

### SKILLS AND EDUCATION CONTRIBUTION

#### PART A – OVERARCHING OBLIGATIONS

1. The Developer shall provide the Skills and Education Contribution in accordance with Part B or Part C of this Schedule, in the following instalments:
  - 1.1 £50,000 (Index Linked) on or before Commencement; and
  - 1.2 £50,000 (Index Linked) annually on each anniversary of Commencement occurring until the Date of Decommissioning

subject to the total amount payable pursuant to this Schedule (regardless of whether provided under Part B or Part C) not exceeding £2,100,000 Index Linked, with such amounts to be applied for the Skills and Education Contribution Purpose (and each individual payment of £50,000 (Index Linked) will be referred to in this Schedule as a **“Skills and Education Contribution instalment”**).
2. On or before Commencement the Developer and the Local Authorities will agree and record in writing whether the Skills and Education Contribution will be provided and used for the Skills and Education Contribution Purpose in accordance with Part B or Part C of this Schedule, and in the absence of any agreement in writing pursuant to this paragraph, the Developer shall provide the Skills and Education Contribution in accordance with Part C of this Schedule.
3. The Developer and Local Authorities may agree in writing at any time:
  - 3.1 that the Skills and Education Contribution will be provided and applied in accordance with a different Part (being Part B or Part C) to the Part determined pursuant to paragraph 2 of this Schedule; or
  - 3.2 that the Skills and Education Contribution will be provided and applied in accordance with a different Part (being Part B or Part C) to the Part determined pursuant to paragraph 3.1 of this Schedule; and
  - 3.3 in relation to any agreement pursuant to paragraph 3.1 or 3.2, the detail of how and when the provision and application of the Skills and Education Contribution shall change to the different Part.
4. For the avoidance of doubt, until the Date of Decommissioning:
  - 4.1 the Skills and Education Contribution will continue to be provided and applied in accordance with Part B or Part C as determined pursuant to paragraphs 2 or 3 of this Schedule;
  - 4.2 any individual Skills and Education Contribution instalment provided pursuant to paragraph 1 of this Schedule shall only be provided pursuant to one of Part B or Part C as determined pursuant to paragraphs 2 or 3 of this Schedule; and
  - 4.3 unless otherwise agreed in writing by the Developer and the Local Authorities, where a Skills and Education Contribution instalment has been provided pursuant to one of Part B or Part C and the Part pursuant to which subsequent Skills and Education Contribution instalments are provided changes to a different Part (pursuant to paragraph 3 of this Schedule), the instalment(s) provided pursuant to a Part (being Part B or Part C) shall continue to be applied for the Skills and Education Contribution Purpose in accordance with the Part pursuant to which it was originally provided.
  - 4.4 In the event that the Project is decommissioned prior to the 40 year operational lifetime, no payment or provision of the Skills and Education Contribution is due under paragraph 1 (or any other provision of this Schedule) following the Date of Decommissioning.

## **PART B – ADMINISTRATION OF THE CONTRIBUTION BY LCC**

5. This Part B shall only have effect in relation to Skills and Education Contribution instalments confirmed as being paid pursuant to Part B, pursuant to paragraph 2 or 3 in this Schedule.
6. The Developer shall pay the Skills and Education Contribution to LCC in accordance with the instalments set out in paragraph 1 to this Schedule.
7. LCC shall, before the payment of each Skills and Education Contribution instalment payable pursuant to this Part, arrange and chair a meeting with the Developer and Local Authorities to discuss the Skills and Education Contribution Purpose with regards to the use of the Skills and Education Contribution.
8. The Local Authorities and the Developer covenant to attend the annual meeting arranged by LCC pursuant to paragraph 7 to discuss the expenditure of the Skills and Education Contribution and the Skills and Education Contribution Purpose and to act reasonably in discussions and suggesting potential beneficiaries of the contribution for the forthcoming year.
9. LCC shall have regard to reasonable representations and suggestions from the Local Authorities and the Developer as to potential beneficiaries for the Skills and Education Contribution.
10. LCC covenants to use or expend the Skills and Education Contribution for the Skills and Education Contribution Purpose.
11. Upon receipt of a request in writing from the Developer to be made to LCC within 12 months of the Date of Decommissioning, LCC must repay to the Developer or its nominee any part of the Skills and Education Contribution that at the time of the request remains unspent, unless LCC is contractually committed to expenditure of the Skills and Education Contribution and unless otherwise agreed in writing by the Developer and LCC.

## **PART C – ADMINISTRATION OF THE CONTRIBUTION BY THE DEVELOPER & RESPONSIBLE BODY**

12. This Part C shall only have effect in relation to Skills and Education Contribution instalments confirmed as being paid pursuant to Part C, pursuant to paragraph 2 or 3 in this Schedule.
13. The Developer shall, before the payment of each Skills and Education Contribution instalment payable pursuant to this Part, either:
  - 13.1 arrange and chair the Skills and Education Contribution Annual Meeting; or
  - 13.2 ensure measures are in place that require the Responsible Body to arrange, chair and attend the Skills and Education Contribution Annual Meeting.
14. The Local Authorities and the Developer covenant to attend the Skills and Education Contribution Annual Meeting arranged pursuant to paragraph 13 to discuss the expenditure of the Skills and Education Contribution and the Skills and Education Contribution Purpose and to act reasonably in discussions and in suggesting potential Responsible Bodies for the forthcoming year.
15. The Developer shall have regard to reasonable representations and suggestions from the Local Authorities as to potential Responsible Bodies for the Skills and Education Contribution.
16. The Developer covenants with the Local Authorities to:
  - 16.1 within 20 Working Days of the annual meeting, submit to the Local Authorities for approval details of the proposed Responsible Body for the forthcoming year(s) (the “**Notice of the Responsible Body**”);

- 16.2 following approval of the Responsible Body by the Local Authorities pursuant to paragraph 17 below:
- 16.2.1 pay to the Responsible Body the Skills and Education Contribution instalment(s) as agreed pursuant to paragraphs 13 - 15 of this Part and in accordance with the instalments and triggers in paragraph 1 of this Schedule;
  - 16.2.2 put appropriate measures in place to:
    - (a) ensure the Responsible Body uses or expends the Skills and Education Contribution for the Skills and Contribution Purpose in the 12 months following receipt of the Skills and Education Contribution instalment; and
    - (b) require the Responsible Body to convene, chair and attend the Skills and Education Contribution Annual Meeting if required to do so by the Developer; and
  - 16.2.3 provide evidence of compliance with paragraphs 16.2.1 and 16.2.2 to the Local Authorities within 20 Working Days of the date of payment to the Responsible Body;
- 16.3 in the event of default due to disagreement on the proposed Responsible Body or if the Responsible Body becomes unable to accept the payment, by the trigger date within paragraph 1 above, hold the money for the Skills and Education Contribution Purpose and engage with the Local Authorities to jointly decide on an appropriate Responsible Body to receive the Skills and Education Contribution for the calendar year(s) in which the payment was missed.
17. The Local Authorities covenant to:
- 17.1 not unreasonably withhold or delay consent / approval of the Responsible Body for the Skills and Education Contribution and, in any event, respond to the Developer (as relevant) with a decision within 20 Working Days of the Notice of the Responsible Body; and
  - 17.2 in the event of default due to disagreement on the proposed Responsible Body or if the Responsible Body becomes unable to accept the payment by the trigger date within paragraph 1 above (and the Developer has confirmed this to the Local Authorities), to engage with the Local Authorities and the Developer to jointly decide on an appropriate Responsible Body to receive the Skills and Education Contribution for the calendar year(s) in which the payment was missed.

Executed as a Deed (but not delivered until the date of this Deed) by affixing the common seal of in the presence of **NORTH KESTEVEN DISTRICT COUNCIL**

.....  
Full Name (Director)

.....  
Signature of Director

.....  
Full Name (Director/Secretary)

.....  
Signature of Director/Secretary



Common Seal

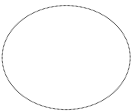
Executed as a Deed (but not delivered until the date of this Deed) by affixing the common seal of in the presence of **LINCOLNSHIRE COUNTY COUNCIL**

.....  
Full Name (Director)

.....  
Signature of Director

.....  
Full Name (Director/Secretary)

.....  
Signature of Director/Secretary



Common Seal

Executed as a Deed (but not delivered until the date of this Deed) by **SPRINGWELL ENERGYFARM LIMITED** acting by

.....  
Full Name (Director)

.....  
Signature of Director

.....  
Full Name (Director/Secretary)

.....  
Signature of Director/Secretary

Executed as a Deed (but not delivered until the date of this Deed) by **BLANKNEY ESTATES LIMITED** acting by

.....  
Full Name (Director)

.....  
Signature of Director

.....  
Full Name (Director/Secretary)

.....  
Signature of Director/Secretary

Executed as a Deed (but not delivered until the date of this Deed) by **HSBC UK BANK PLC** acting by

.....  
Full Name (Director)

.....  
Signature of Director

.....  
Full Name (Director/Secretary)

.....  
Signature of Director/Secretary



[springwellsolarfarm.co.uk](http://springwellsolarfarm.co.uk)