



# BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Written Summary of Oral Submissions from Issue Specific Hearing 3 and Responses to Action Points

Document Reference: 9.16

Deadline 4 - November 2025



## Quality information

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## Glossary

Abbreviation	Description
AADT	Annual Average Daily Traffic
AC	Alternating Current
AIL	Abnormal Indivisible Load
AIS	Air Insulated Switchgear
ALC	Agricultural landscape classification
Applicant	Beacon Fen Energy Park Ltd
BAR	Bespoke Access Road
BBC	Boston Borough Council
BESS	Battery energy storage system
BMV	Best and most versatile
CA Guidance	Government guidance 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land'
CCTV	Closed circuit television
CNP	Critical national priority
CSTP	Construction Staff Travel Plan
CTMP	Construction Traffic Management Plan
DC	Direct Current
DCO	Development Consent Order
DMP	Delivery Management Plan
EA	Environment Agency
EIA	Environmental Impact Assessment
EIA Regs	Regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
ESDAL	Electronic Service Delivery for Abnormal Loads
GIS	Gas Insulated Switchgear
GW	Gigawatt
HGV	Heavy Goods Vehicle
HLA	Host Local Authorities
HV	High Voltage
IAIA	International Association for Impact Assessment's
IDB	Internal Drainage Board
IPs	Interested Parties
LCC	Lincolnshire County Council
Low Carbon	Low Carbon Ltd
LWS	Local Wildlife Sites
MF	LCJ Mountain Farms Limited
MW	Megawatts of alternating current
MW AC	Megawatt
MWh	Megawatt-hour
MWp	Megawatt peak

Abbreviation	Description
NESO	National Energy System Operator
NGR	National Grid Reference
NKDC	North Kesteven District Council
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OBSMP	Outline Battery Safety Management Plan
Order	The Beacon Fen Energy Park Order
PCU	Power Conversion Unit
PINS	Planning Inspectorate
Proposed Development	The entire development to be constructed and operated within the Site, as set out in Schedule 1 of the draft DCO
PRoW	Public Right of Way
PS	Planning Statement
PV	Photovoltaic
Site	The entire draft Order Limits or red line boundary located approximately 6.5 km northeast of the village of Sleaford and 2.5 km north of Heckington
SoS	Secretary of State
SPV	Special purpose vehicle

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# 1. Introduction

- 1.1.1 This **Written Summary of Oral Submissions from Issue Specific Hearing 3 and Responses to Action Points (Document Ref. 9.16)** has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant') in support of an application for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 This document summarises the oral submissions made by the Applicant at Issue Specific Hearing 3 (ISH3) held on 13 November 2025 in relation to the application for development consent (Application) for the Beacon Fen Energy Park (the Proposed Development).
- 1.1.3 The structure of this document follows the order of the items listed in the detailed agenda published by the ExA (**EV5-001**) (the Agenda).
- 1.1.4 This document is structured as follows:
- Section 2 provides the summary of oral submissions made at ISH3;
  - Section 3 provides the Applicant's responses to Action Points raised in the ISH3.



## 2. Written Summary of the Applicants Oral Submissions at ISH3

2.1.1 The table below sets out the written summary of the Applicant's Oral Submissions at ISH3 held on 13 November 2025.

Written summary of the Applicant's Oral Submissions at ISH3 – Table 2.1

AGENDA ITEM	WRITTEN SUMMARY OF APPLICANT'S ORAL SUBMISSION
<b>1: Welcome, introductions, arrangements for the Hearing</b>	<p><u>Applicant</u></p> <p>Ian Mack – HSF Kramer (Solicitor)</p> <p>Leon Culot – HSF Kramer (Solicitor)</p> <p>Duncan Rose – SLR (Associate Director, Soil Scientist)</p> <p>Emma Keegan – SLR (Technical Director of Flood Risk)</p> <p>Rachel Graham – SLR (Associate Director of Hydrology and Hydrogeology)</p> <p>Colin Turnbull – DWD (Planning Consultant)</p>
<b>2: Purpose of ISH</b>	<p>The main purpose of the ISH3 is to undertake an oral examination of environmental matters as identified in annex C of the Rule 6 letter, namely matters linked to the Development Consent Order, Land Use, Water Environment and Flood Risk and Cumulative effects.</p>
<b>3: Development Consent Order</b>	<p><b>The ExA requested the applicant briefly provide an overview of each part of the dDCO [Document Ref: 3.1] but with a particular emphasis on Part 2 - Principal Powers, Part 3 - Streets, Part 4 - Supplemental Powers and Part 5 - Powers of Acquisition.</b></p> <p>Mr Mack explained that the Applicant submitted version 3 of the draft DCO at Deadline 2, with the clean and tracked-changes copies noted as REP2-004 and REP2-005 respectively, with the rationale for the changes explained in the updated Schedule of Changes to the draft DCO submitted at the same deadline as REP2-003, but which principally just reflected the output of ongoing engagement with various key stakeholders.</p> <p>The <b>Explanatory Memorandum (Document Ref: 3.2)</b> seeks to explain the purpose and effect of each Article of, and the Schedules to, the Order and also notes the precedent for the provision, the justification for any otherwise bespoke drafting and why the provision is any case needed in relation to the Proposed Development. Alongside</p>

the necessary updates to reflect the correlative changes to the draft DCO (**Document Ref: 3.1**), the latest ExA sought to address the request from ExQ DCO.1.1 to, amongst other things, check for alignment with the most recent precedent and certain additional references have been included to that effect – particularly to the Tillbridge Solar Order.

By way of general overview, the draft DCO (**Document Ref: 3.1**) was prepared having regard to the Government's guidance on the content of DCOs and the Planning Inspectorate's Advice Note 15 alongside practice and precedent of other made DCOs, particularly those in the Solar sector for obvious reasons.

Within the terms of the DCO, as is convention, the Applicant is referred to as the 'undertaker' and the Proposed Development' is referred to as 'the authorised development', with such terms defined in that way under paragraph 2 of Part 1 of the draft DCO (**Document Ref: 3.1**).

The DCO is proposed to be called the Beacon Fen Energy Park Order and, at a high level, would provide development consent for the proposed construction, operation, maintenance and eventual decommissioning of the authorised development, which consists of the works described in Schedule 1 of the draft DCO (**Document Ref: 3.1**).

The draft DCO (**Document Ref: 3.1**) comprises 49 articles which have been grouped into 6 parts and relate to 14 schedules. The draft DCO (**Document Ref: 3.1**) should also be read alongside various spatial and management plans that have been submitted with the DCO application and inform/regulate the powers contained within the DCO, and which are listed as documents and plans to be certified under Schedule 12 to the DCO.

The 6 parts are grouped in familiar format for DCOs of this type:

- Part 1 (Preliminary) – contains the usual citation and commencement provisions confirming the name of the Order and the date on which it will come into force if made. It also includes the interpretation article, setting out the various definitions for particular terms referenced in the Order. The **Explanatory Memorandum (Document Ref: 3.2)** provides specific commentary explaining the approach taken for key terms where it was considered elaboration would be helpful.
- Part 2 (Principal Powers) – contains the principal powers that are sought by the Applicant in respect of the Authorised Development, including:

- Article 3, which would provide the development consent for the Proposed Development as described in Schedule 1;
  - Article 4, which would provide for the operation of the Proposed Development
  - Article 5, which would authorise the maintenance of the Proposed Development; and
  - Article 8, which provides for the disapplication and modification of certain legislative provisions.
- Part 3 (Streets), which relate to potential street works under the Order. The definition of 'street' used under the Order is taken from the New Roads and Street Works Act 1991. To highlight some of the powers and provisions contained within this Part:
  - Article 11 authorises certain street works considered necessary for the purposes of the authorised development. Schedule 3 (streets subject to street works), with reference to the **Streets, Rights of Way and Access Plans (AS-007)** sets out the streets that are subject to such works thereby clarifying the extent of the powers.
  - Article 13 contains powers to alter the layout of existing streets within the order limits, as limited by Schedule 4 (split into two parts, depicting permanent and temporary works respectively), again by reference to the streets, rights of way and access plans or where otherwise not contained within Schedule 4, more generally, but subject to the prior consent of the street authority. Subsequent Article 14 clarifies the maintenance obligations which result from such alterations.
  - Article 16 provides for temporary stopping up or restrictions on use of streets and public rights of way for the purposes of the authorised development, supplemented by further details contained in Schedule 5 and the streets, rights of way and access plans.
  - Article 17 includes powers to create means of access from the public highway network to the Proposed Development, including by reference to Schedule 6 and the streets, rights of way and access plans.
  - Article 19 also provides powers to place temporarily traffic signs and signals in the extents of the roads specified in Schedule 7 (traffic regulation measures) and the streets, rights of way and access plans, or more generally with the consent of the traffic authority concerned.
  - Article 12 was included at Deadline 2 to clarify the interaction between the street works articles of the Order and the application of the relevant permitting schemes of the local highways authority (LCC). This was added to address representations received from LCC who requested the inclusion of such article and confirmed their approval of in their Deadline 3 representation (**REP3-009**). This article is preceded in a number of other DCOs in Lincolnshire, for example, the Tillbridge Solar



Order 2025.

- Part 4 (Supplemental Powers), provides for a series of supplemental powers, including:
  - Article 20, which concerns the discharge of water;
  - Article 21, which concerns protective works to buildings; and
  - Article 22, which contains powers to authorise the ability to survey and investigate land in connection with the Authorised Development.
- Part 5 (Powers of acquisition and possession of land), which contain powers of compulsory acquisition.
  - These powers collectively would allow the Applicant to compulsorily acquire land on a permanent basis, acquire rights over land, create new rights in land or to take temporary possession of land, each in order to deliver the Proposed Development. The different powers of acquisition are shown in different colours on the **Land Plans (REP2-002)**. Articles 26 and 33 each provide for equivalent time limits for the Applicant to exercise its compulsory acquisition powers. Articles 27 (compulsory acquisition of rights and imposition of restrictive covenants and 32 (Temporary use of land for the carrying out of the authorised development) have links to Schedules 8 and 10 respectively, where the extent of the CA powers available are limited to those rights/powers only for certain specified plots.
  - Article 35 contains the usual provision authorising the undertaker to acquire land or rights in land owned by statutory undertakers (such as telecommunications and electricity suppliers) or to interfere with their apparatus by removing or repositioning the apparatus within the Order Land. Such powers are subject to the protective provisions contained in Schedule 11 of the Order, which sets out the controls and processes around the interference, removal, relocation and/or alteration of a statutory undertaker's apparatus
- Part 6: sets out various miscellaneous and general provisions, including Article 42, the mechanism for certifying documents under the DCO, Article 45, which provides for disputes under the draft DCO (**Document Ref: 3.1**) and also Article 46, which provides for procedures in relation to consents and approvals required pursuant to the Order (other than Requirements, which are subject to a separate process and prescribed and governed by Part 2 of Schedule 2).

**Noting the explanatory memorandum for the justification of Article 8, the ExA requested justification as to why the article is required, considering that it should only be allowed in exceptional circumstances.**

Mr Mack summarised the provisions over Article 8, as explained in more detail in paragraphs 4.1.17 to 4.1.24 of the **Explanatory Memorandum (REP2-006)**.

Article 8(1) provides for the disapplication of the provisions of the Neighbourhood Planning Act 2017 in so far as they relate to temporary possession of land under Articles 32 and 34 of this Order. As noted in paragraph 4.1.18 of the Explanatory Memorandum, the reforms to the temporary possession regime have not yet commenced nor been consulted upon and how that may happen is uncertain. As such the detailed implications for the Proposed Development would be uncertain. A DCO should achieve certainty and therefore the Applicant considers it is appropriate and necessary to disapply the reforms, while taking account of their principles in the relevant articles of the DCO. This is heavily precented (for example Mallard Pass Solar Farm Order).

With regards to the proposed amendments to the Hedgerows Regulations 1997 and the Forestry Act 1967, this is clarified in paragraphs 4.1.21 and 4.1.20 respectively of the **Explanatory Memorandum (Document Ref: 3.2)**. The Applicant has amended the position to bring the DCO in line with the position which applies to other planning permissions whereby the need to obtain that consent is disapplied.

Article 8(4) disapplies section 141 of the Highways Act 1980. This section places restrictions on planting in or near carriageways. It has been disapplied to the extent that any tree or shrub planted has been planted with the agreement of the highway authority.

Articles 8(5) and 8(6) clarifies that, for the purposes of the Community Infrastructure Levy Regulations 2010, any buildings within the authorised development fall within the exemption under regulation 6 and will not to be considered as "development" for the purposes of levying the community infrastructure levy.

Article 8(6) confirms that Section 42 of the Local Government (Miscellaneous Provisions) Act 1976 has been disapplied to avoid any future planning enactments undermining the powers and rights provided to the undertaker under the Order.

**The ExA requested clarification on Article 15, specifically how likely it is that the article will be used and why the article is considered necessary for the proposed development, noting that it may interfere with private rights.**

The Applicant outlined that each of the roads in question are principally within the Solar Array Area or otherwise within the Cable Route Corridor as shown on the **Land Plans (AS-005)** and **Works Plans (AS-006)**. Use of such roads would be at different stages in addition to the Bespoke Access Road (BAR) which is the principle means of access for construction. Such details are included within the Application and particularly within the **oCTMP (APP-158)** as they're relevant to construction traffic. While the BAR would be the main access road there may be limited traffic that would use existing private access tracks within the Order limits and that is the means through which Article 15 would be engaged. This is subject to controls that are otherwise set out within the **oCTMP (APP-158)**.

**Action Point 1: Provide additional justification for the need for articles 15 and 24 of the draft DCO. [Post hearing note: Please see the response to Action Point 1 in Table 3.1 below].**

**ExA requested clarification on how likely it is that the applicant will come across minerals within the Site and why Article 24 is required.**

Mr Mack confirmed that the Applicant does not have specific information on how likely this is.

**ExA requested clarification on how likely it is that the applicant will need to use Article 38 and justification as to why it is required.**

Mr Mack confirmed that the Applicant is not aware of reasons by which this Article would be engaged in relation to the Proposed Development; however, it has included on a precautionary basis.

The Applicant acknowledges that recent precedent in the solar DCO sector has been for this article to be removed from the drafting of the made DCO by the SoS. Whilst the Applicant would prefer the drafting was retained for the reasons advanced in paragraphs 8.1.1 to 8.1.4 of the Explanatory Memorandum (**Document Ref: 3.2**), it does not consider its removal would represent an impediment to the scheme and so is content for the ExA to recommend/SoS to determine to the contrary if they consider appropriate and necessary.

**The ExA requested further information in regards to Article 39 and why it is necessary within the DCO.**

Mr Mack outlined that this Article provides that compensation will not be paid under both the Order and other compensation regimes in respect of the same loss or damage. The principle of equivalence, namely that a claimant in a compulsory purchase matter will be compensated for no more than and no less than his loss, is long

established and no part of the compensation code conflicts with this principle. The Applicant therefore considers the inclusion of this provision to be uncontroversial. This Article is substantively similar to equivalent articles in numerous DCOs, for example, Article 41 in the Cottam Solar Project Order 2024, Article 39 of the Gate Burton Energy Park Order 2025, Article 41 of the West Burton Solar Project Order 2025 and Article 42 of the Tillbridge Solar Order 2025.

**The ExA then requested to go through the provisions of Part 6 – Miscellaneous and why these are all justified and needed.**

**The ExA questioned the drafting of Article 44 and how compensation is triggered for the loss or damage arising from the felling or lopping of trees or removal of hedgerows, and whether the applicant considers this the most appropriate way to deal with this matter. The ExA sought assurance from the applicant that if through the process of construction of the development there is significant damage to the roots of trees or hedgerows that will cause the collapse or removal of the tree, is there an automatic system through which the applicant will take responsibility for that tree or shrub? Or is the applicant solely relying on article 44 for that?**

Mr Mack explained that as noted in sections 2.1, 5.1 and 8.1 of the **Arboricultural Impact Assessment (AIA)** (APP-088), desk based surveys have indicated that (at the time the surveys were undertaken) there were no trees protected by a TPO located on or immediately adjacent to the Site. The AIA was prepared to assess the direct and indirect impacts of the Proposed Development on trees and hedgerows and the mitigation, enhancements and working methods included within that assessment will be used to inform the Agricultural Method Stated and Tree Protection Plans which will be developed into a detailed LEMP, secured under the Draft DCO.

The detailed LEMP will be a means by which any replacement planting or environmental mitigation itself would be controlled, including any replacement planting identified as being necessary. The powers under Article 44 are supplementary to that mitigation, and other relevant mitigation under the DCO (principally the BNG strategy and Construction and Environmental Management Plan) and provides security for the landowner by confirming that in carrying out any activity authorised under the article, that the undertaker must do no unnecessary damage and must pay compensation amongst other commitments. In response to questioning about the interaction between the Article and the mitigation secured through the Requirements, Mr Mack clarified that this was the intended

effect of the new paragraph (11) included in the latest version of the **draft DCO (Document Ref: 3.1)** at Deadline 2.

**Action Point 2: Reconsider paragraph 11 of article 44 of the dDCO in relation to the rest of the article and where best to include the information included in the paragraph as to facilitate the best possible interpretation of the article.**

***[Post hearing note: Please see the response to Action Point 2 in Table 3.1 below].***

**The ExA asked the applicant about the scope of Schedule 2 (Requirements), particularly Part 2 Procedure for discharge of requirements.**

The Applicant set out the scope of this requirement and that it is consistent with other DCOs. It sets out time periods within which decisions must be made.

The relevant planning authority must notify the undertaker of its decision within ten weeks. This period starts from the later of:

- The day after the application is received
- The day after the undertaker supplies additional information (if requested); or
- A longer period if mutually agreed in writing by the undertaker and the authority.

If the authority does not decide within this ten-week period, the application is generally deemed to be granted without conditions, except where a report indicates that the application will result in materially new or different environmental effects. In that case, non-determination is treated as a refusal.

If the authority needs more information to make a decision:

- Without a requirement for consultee consultation: The authority must request further information in writing within 20 business days of receiving the application; or
- With a requirement for consultee consultation: The authority must issue the consultation to the requirement consultee within 10 business days of receipt; It must notify the undertaker in writing specifying any further required information within 10 business days of receiving a request from the consultee and, in any event, within 20 business days of receipt of the application (unless a later agreed period applies).

If no notification is given as specified, the authority is deemed to have enough information to proceed.

Similar provisions are contained in numerous made DCOs, with the form of these provisions being based on Schedule 16 to the Mallard Pass Solar Farm Order 2024 (a precedent that has since been followed in a number of more recent solar DCOs; see, for example, Schedule 16 to the Tillbridge Solar Order 2025). The bespoke process is required in order to ensure that applications under requirements are dealt with efficiently so that the delivery of this development of "critical national priority" infrastructure scheme is not unduly delayed. The 10 week decision making period, ability to request additional information, deemed consent and refusal provisions and appeals process are all the same as in these recent precedents.

**The ExA requested the views of HLAs in relation to this matter.**

LCC confirmed that they have no comments on this matter.

NKDC requested to be the relevant authority for discharge of requirement 16. LCC confirmed they are agreeable to this request. The Applicant confirmed also that they are agreeable to this change but requested clarification on whether BBC will also be the relevant authority, which would be the resultant effect in view of the joint authority afforded to BBC and NKDC for their relevant requirements under Requirement 1(b) of Schedule to the draft DCO. NKDC confirmed an action to discuss with BBC. The Applicant noted it would await this clarification before making the change.

**Action Point 3: Consider who should be the appropriate discharging authority for requirement 16 (soils management) at deadline 5, once further input received from NKDC and BCC at Deadline 4.**

**The ExA requested confirmation that the HLAs are agreeable to the discharge timeframes proposed in the Draft DCO.**

NKDC confirmed agreement.

LCC agreed with the timings for discharge of requirements more broadly; however, requested the Article 46 timings align, and requested a 10 week discharge period as opposed to 8 weeks.

**Action Point 4: Consider amendment to article 46 to align the time period with the period for discharge of requirements in Part 2 of Schedule 2.**



**The ExA asked whether there were any other matter that HLAs would like to raise.**

NKDC noted that the definition was amended to reflect the definition of maintain in Tilbridge Solar DCO, but have some outstanding concerns on this issue specifically that the OMP for Springwell include a limit to the replacement of solar panels and requested consideration by the applicant of matching this.

The Applicant confirmed that their position on this is that it is not justified for the reasons set out in response to paragraphs 17.15 and 19.1 of the Applicant's Response to LIRs (**REP2-041**). The Applicant had considered up to date precedent in recently made solar DCOs (the latest, aside from Stonestreet Green, being the Tillbridge Solar Order 2025), and has updated the drafting of the definition of "maintain" in the **Draft DCO (Document Ref: 3.1)** as follows to make the limitations of the definition clear. As such the Applicant does not consider further information is necessary however in relation to wider operational waste, the Applicant will consider the general position and whether an advancement could be made to the position.

**Action Point 5: Consider control provision on operational waste management in response to submissions made by LCC and NKDC.**

Regarding the definition of maintain, Ms Hall for LCC echoed NKDC's request for a restriction on the replacement or at minimum a requirement for annual reporting on the replacement of panels.

The Applicant agreed to consider the points raised by the HLAs and ways to address the underlying concerns.

Ms Hall on behalf of LCC raised Articles 11 and 13, in relation to works in the Highway and the Highway Authority having knowledge and control over these works. LCC suggested that this may be dealt with through the CTMP, and reflecting paragraph 5.4 of the Springwell DCO.

The Applicant noted it did not consider there to be any gap or deficiency within the existing drafting of Articles 11 and 13, but confirmed it would consider the comments/requests made by LCC and to see whether any further clarifications could be made to the CTMP to resolve their concerns.

Regarding Article 43 (felling and lopping of trees), Ms Hall noted that LCC have concerns regarding the clarity of the LEMP. This is a drafting point to reduce cross referencing between documents.

The Applicant noted it would consider the point raised by LCC and whether clarifications could be provided to resolve any potential ambiguity.

**Action Point 6: Consider LCC comments on additions to the Construction Traffic Management Plan and measures to simplify cross-references to figures in the Outline Landscape and Ecological Management Plan.**

BBC suggested a new requirement for the phasing of the authorised development as to provide some certainty in terms of which phase will be discharged at which time and the overall construction timetable, as preceded in the Heckington Fen DCO. BBC also raised whether there needed to be some direction is the requirements to specify some matters within the outline documents to ensure they are appropriately secured. BBC confirmed that they are in discussions with the Applicant with regards to these matters.

The ExA asked BBC to expand on their representations regarding requirement 14 (operational noise), and asked the Applicant why the requirement does not relate to works numbers 5A and 5B that relate to the Bicker Fen substation.

The Applicant explained that the assessment undertaken in the Environmental Statement included works associated with the substation (Works 5A and 5B), however such assessment only identified the need for operational noise mitigation in respect of Works Nos 1, 2 and 3 only, as subsequently secured by Requirement 14.

NKDC noted that they are concerned that BNG (Requirement 8) is currently a very broad provision that does not lock in any BNG percentage commitments.

The Applicant confirmed that as per the discussions in ISH2, Requirement 8 of the draft DCO will be updated to confirm the minimum percentage commitments.

NKDC raised funding for decommissioning (Requirement 19), seeking reassurance that a bond is not required.

With regards to decommissioning funding, the Applicant provided justification that the current requirements adequately address any concerns and that there is no need for a decommissioning fund. As has been explained in written submissions (in response to Action Point 1 in **Written Summary of Oral Submissions from Issue Specific Hearing 1 and Responses to Action Points [REP1-030]**), there is no policy requirement for a decommissioning fund to be imposed. With regards to the Deadline 3 submission from NKDC that asserted that precedent is provided by the Oaklands Farm Solar Park DCO, the Applicant noted that it respectfully considers it does the exact opposite. The recent Oaklands decision letter dated 19 June 2025 at paragraphs 4.21-4.25 and 7.6-7.9 discusses the need for a decommissioning fund, which was included in the **Draft DCO (Document Ref: 3.1)** for this project. The Secretary of State did not consider that imposing a decommissioning fund requirement was necessary and so removed this requirement from the DCO as made. The Secretary of State confirmed that 'this is consistent with paragraph 4.1.16 of NPS EN-1 which stipulates that the Secretary of State should only impose requirements that are, amongst other things, necessary'.

More recently, the matter of the need for a decommissioning fund, or similar, was considered in the Stonestreet Green Solar Order examination. Both the ExA and SoS concluded there was no need for such a fund, with the ExA concluding at paragraph 7.3.15: "that an additional Requirement is not necessary noting that solar panels can be decommissioned relatively easily and cheaply, then this should not be a burdensome financial constraint on the overall viability of the project."

The Applicant therefore remains of the view that a decommissioning fund is not necessary and is not precedent and sees no reason why this project should depart from such well-established precedent.

NKDC referred to the Helios Renewable Energy Project which has recently been recommended and asserted it includes decommissioning security. The Applicant noted it did not refer to the Helios scheme in its submissions on the understanding that this remains at the recommendation stage and so is not precedent; however, insofar as it is following a similar path to the Oaklands Farm example, would suggest that a similar outcome would seem probable.

NKDC raised the prospect of a new requirement to require a percentage limit to the replacement of panels.

	<p>The Applicant confirmed that it maintains its position as previously discussed but noted it had taken away an action to consider whether additional action would be appropriate in relation to operational waste and would update following discussions with LCC and NKDC on this matter.</p>
<b>4: Land Use</b>	<p><b>The ExA asked the applicant to provide an overview of ES Chapter 14 Soils and Agricultural Land (APP-065), particularly the assessment methodology, the assessment of effects, embedded mitigation proposed and any residual effects, if any.</b></p> <p>Mr Rose provided the following summary:</p> <p>The <b>Environmental Statement (ES) Chapter 14 Soils and Agricultural land (APP-065)</b> evaluates the effects of the Proposed Development on soils and agricultural land in the context of the Order Limits and surrounding area. The assessment considers the likely significant effects on:</p> <ul style="list-style-type: none"> <li>• The loss of agricultural land from production, and</li> <li>• Damage, degradation, and loss of soil resources during the construction, operation, and decommissioning phases.</li> </ul> <p>The assessment follows IEMA (2022) guidance, A New Perspective on Land and Soil in Environmental Impact Assessment, which identifies three key sensitive receptors:</p> <ol style="list-style-type: none"> <li>1. Agricultural land</li> <li>2. Soil Resource in terms of Soil loss</li> <li>3. Soil Resource in terms of Soil damage</li> </ol> <p>The Proposed Development comprises three main components being the Solar Array Area (~529 hectares), Cable Route Corridor (~183 hectares) and Bespoke Access Corridor (~45 hectares). Most of the land is actively managed for arable farming, with limited woodland, access tracks, and hardstanding.</p> <p>The Proposed Development will change the agricultural potential of the land over its operational lifespan. Permanent land-take will have a more direct and permanent impact on agricultural potential and is associated mainly with Substation construction, Battery Energy Storage System (BESS) and associated infrastructure, and access roads.</p> <p>These features involve soil stripping and sealing, and are considered permanent in line with IEMA's definition in the guidance. For the purposes of the assessment, they have been considered permanent loss as a worst-case</p>

scenario. However stripped soils will be stored so that the land can be reinstated after decommissioning back to agricultural use.

The Baseline Conditions are discussed in **ES Chapter 14 Soils and Agricultural land (APP-065)**, section 14.5 Agricultural Land Classification (ALC) (Paragraphs 14.5.2 to 14.5.12). Baseline data were derived from detailed field surveys on a 1 point per hectare basis and public datasets:

- Solar Array Area (detailed survey) (**Appendix 14.2 ALC Report 2023 (APP-174)**):
  - Subgrade 3b: 49.5% (261.43 ha)
  - Subgrade 3a: 44.6% (235.51 ha)
  - Grade 2: 2.8% (14.61 ha)
  - 47.4% BMV land
- Cable Route Corridor (desk-based using Provisional ALC data):
  - Grade 2: 79.6% (146.43 ha)
  - Grade 1: 15.4% (28.23 ha)
  - Grade 3: 5% (9.23 ha)

This was assumed as “Very High” sensitivity (worst-case), and detailed surveys would not increase assessed impact significance.

- Bespoke Access Corridor (detailed survey) **Appendix 14.3 ALC Report Beacon Fen Construction Access Track 2024 (APP-175)**:
  - Subgrade 3a: 48.6% (22.08 ha)
  - Grade 2: 36.6% (16.60 ha)
  - Subgrade 3b: 13.6% (6.28 ha)

Overall, much of the Order Limits qualifies as Best and Most Versatile (BMV) agricultural land (defined as being ALC Grades 1, 2, and Subgrade 3a), and Very High and High Sensitivity following IEMA 2022 guidance (see detailed criteria in table 14.2 of the **ES Chapter 14 (APP-065)**).

The Baseline of Soils is discussed in **ES Chapter 14 (APP-065)** through paragraphs 14.5.13 to 14.5.25. Three principal soil associations are present across all three components. The soil profile characteristics were confirmed during the detailed ALC surveys:

- Beccles 3 (711t): heavy clay loam to clay topsoils, over clay subsoils
- Ruskington (512c): sandy loam to sandy clay loam topsoils, over loamy sand or sandy loam subsoils

- Wallasea 2 (813g): silty clay or clay topsoils, over silty clay subsoils

The Solar Array Area and Bespoke Access Corridor are dominated by clay soils with areas of sandy loam soils associated with the Ruskington association. Although not yet surveyed, the Cable Route Corridor is likely to contain these soil associations as well as Agney (812c) soils (deep silty soils) based on the publicly available mapped soil association data.

Overall, soils show medium sensitivity to erosion and compaction, following receptor sensitivity criteria in Tables 14.4 and 14.5 of **ES Chapter 14 (APP-065)**.

The mitigation measures are discussed in section 14.6, paragraphs 14.6.6 to 14.6.11 and comprise:

- Avoidance of BMV Land: Considered during the site selection process; The **Site Selection Report** found at Appendix 2 of the **Planning Statement (APP-277)** concluded that no more suitable alternative sites of the same provisional ALC grade or lower than the proposed Site were identified to make use of the available capacity at Bicker Fen Substation.
- ALC Grade was also considered for Infrastructure Siting: The BESS and substation locations were chosen to avoid Grade 2 land. This is detailed within table 3.4 of **ES Chapter 3 Alternatives and Design Evolution (APP-054)**.
- Embedded mitigation measures are secured through an **Outline Soil Management Plan (OSMP) (Appendix 14.4, REP1-013)** which:
  - Sets out measures for soil handling, soil stripping, storage, and reinstatement.
  - Will be developed into a detailed SMP pre-construction secured by requirement in the **Draft DCO (Document Ref: 3.1)**.
  - Will be overseen by a Soil Scientist and Agricultural Liaison Officer (ALO).
  - Requires detailed record-keeping and monitoring (as per Table 3 of **OSMP**).
- **Outline Construction Environmental Management Plan (CEMP) (Appendix 2.4, REP2-018)** which:
  - Includes pre-entry assessment of existing field drainage systems and details measures to mitigate damage to the system.
  - Outlines the requirement for the protection, diversion, or replacement of field drains as necessary.
- **Flood Risk Assessment (Appendix 11.1, APP-162)** which:
  - Includes a Drainage Strategy for the entire Site.
  - Provides measures to manage water flow and drainage impacts during operation.



	<ul style="list-style-type: none"> <li>Operational Land Management:                             <ul style="list-style-type: none"> <li>Grazing has been considered between solar panels but is not relied upon for the assessment and therefore the ExA should not rely on this in the planning balance.</li> </ul> </li> </ul> <p>The Environmental Impact Assessment is covered for each of the Proposed Development components through sections 14.7 to 14.9 of <b>ES Chapter 14 (APP-065)</b> as follows:</p> <p>For the Construction Phase</p> <p>Agricultural Land:</p> <ul style="list-style-type: none"> <li>Solar Array Area:                             <ul style="list-style-type: none"> <li>Sensitivity: High</li> <li>Magnitude: High (due to &gt;20 ha permanent loss)</li> <li>Effect: Major, Significant</li> </ul> </li> <li>Cable Route Corridor:                             <ul style="list-style-type: none"> <li>Sensitivity: Very High</li> <li>Magnitude: Low (permanent loss of ~3 ha Grade 2 land at substation extension)</li> <li>Effect: Major/Moderate, Significant</li> </ul> </li> <li>Bespoke Access Corridor:                             <ul style="list-style-type: none"> <li>Sensitivity: High–Very High (predominantly BMV land)</li> <li>Magnitude: Low (3.98 ha permanent loss; 18.91 ha temporary)</li> <li>Effect: Moderate, Significant</li> </ul> </li> </ul> <p>Soil Resource – Loss and Damage during construction:</p> <ul style="list-style-type: none"> <li>All Areas:                             <ul style="list-style-type: none"> <li>Sensitivity: Medium</li> <li>Magnitude: Low (due to embedded mitigation)</li> <li>Effect: Minor, Not Significant</li> <li>Embedded measures (careful soil handling and storage) limit erosion and compaction risks.</li> </ul> </li> </ul> <p>For the Operational Phase</p> <ul style="list-style-type: none"> <li>Agricultural Land:                             <ul style="list-style-type: none"> <li>Sensitivity: High</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Magnitude: Low (temporary, reversible use)</li> <li>○ Effect: Minor, Not Significant</li> </ul> <p>To avoid double counting the effects of the Proposed Development, the Major (adverse) impact associated with the permanent land take by built infrastructure during the construction phase is not re-assessed for the operational phase, as the loss and/or disturbance of soil has already occurred by this point.</p> <ul style="list-style-type: none"> <li>• Soil Resource: <ul style="list-style-type: none"> <li>○ No further soil disturbance; continued protection through the detailed SMP</li> <li>○ Effect: Minor, Not Significant</li> </ul> </li> </ul> <p>For the Decommissioning Phase</p> <ul style="list-style-type: none"> <li>• Agricultural Land: <ul style="list-style-type: none"> <li>○ Sensitivity: High</li> <li>○ Magnitude: Low as Land will be returned to agricultural use.</li> <li>○ Effect: Minor, Not Significant</li> </ul> </li> <li>• Soil Resource: <ul style="list-style-type: none"> <li>○ Sensitivity: Medium</li> <li>○ Magnitude: Low</li> <li>○ As with the construction phase embedded mitigation will be in place through the SMP and soils to be reinstated following best-practice restoration.</li> <li>○ Effect: Minor, Not Significant</li> </ul> </li> </ul> <p>The assessment of Cumulative Effects is discussed in section 14.12 of <b>ES Chapter 14 (APP-065)</b>. and in summary:</p> <p>Regarding Intra-Project Cumulative Effects:</p> <ul style="list-style-type: none"> <li>○ There are potential intra-project effects relating to the Soils and Agricultural Land ES Chapter and <b>Chapter 7: Ecology (APP-058)</b> where the benefits of using the land for biodiversity net gain purposes may be favoured over the continued use of the Solar Array Area for agricultural purposes.</li> <li>○ 529 ha of high sensitive farmland not available for agricultural production for the duration of the operational phase. However this is a reversible loss so low impact.</li> <li>○ Effect is: Moderate (Significant) adverse, as a worst-case – (agricultural use if grazing is adopted)</li> </ul>
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**Regarding Inter Cumulative Effects:**

- Assessment carried out across Lincolnshire County Council Administrative area when considering the impact of all considered developments (which are detailed in table 14.15 of **ES Chapter 14 (APP 065)**):
  - Total agricultural land affected: ~11,963 ha (equates to 2% of agricultural land in LCC)
  - BMV land affected: ~4,927 ha (0.82% of total agricultural land – 1.2% of the BMV land)
  - Most developments are solar projects with temporary, reversible land-take.
  - Assuming soil protection measures are in place and there is restoration back to agriculture, cumulative effect: Moderate (Significant).

**The ExA requested clarification on the difference between land and soil resource.**

Mr Rose clarified that 'agricultural land' is referring to the agricultural production potential of that land, using the ALC grading to determine the sensitivity of that land. In terms of soils, these are the soil resources that are present on Site. Different soil types may be found within the Site determined through detailed soil surveys or a desktop study.

**The ExA pointed out the reference in the ES Chapter to soil resource in terms of damage, degradation and loss of the soil resource and requested further clarification on how issues to do with soil disturbance have been taken into consideration as part of the assessment.**

The Applicant confirmed that soil disturbance is considered as part of the assessment and that the assessment highlighted that soils have the potential to be damaged through improper handling and therefore the inclusion of the **OSMP (Appendix 14.4, REP1-013)** will ensure correct handling of the soil.

**The ExA sought further clarification on if that assessment is reflected within agricultural land or soil resources.**

The Applicant confirmed that those are assessed though the impacts on the soil resources but that in turn will if those soils aren't reinstated correctly, there would be resulting agricultural land loss.

**The ExA asked how the Applicant has taken into consideration the impact of disturbance on soil in light of Mr Mountain's (representing LCJ Mountain Farms Limited (LCJMF)) evidence in REP1-043 and REP2-045.**

The Applicant stated that the embedded mitigation in the **OSMP (Appendix 14.4, REP1-013)** (which will be developed into a detailed SMP as secured by Requirement 16) will consider the soil characteristics as part of a restoration target to ensure that the land is reinstated to former quality.

**The ExA questioned how these measures will be effective if the damage to the soil is irreversible or cannot be mitigated against, and how confident the Applicant is that the measures in the OSMP will be effective.**

The Applicant noted that precedent in terms of damage to soil that may have occurred on other projects does not necessarily mean this project would have the same consequence.

The Applicant stated that the SMP would include restoration targets which will be monitored to ensure they're adhered to. The Applicant outlined how the measures in the SMP would ensure that SMP is effective and that these measures will undergo regular checks by the Principal Contractor, soil scientist and Agricultural Liaison Officer.

The Applicant outlined that a key part of ensuring that the soils retain their baseline structure is that they are handled and stored in the correct state. This is covered in Section 5 of the **OSMP (Appendix 14.4, REP1-013)** and the stop conditions. These include suitable weather and field conditions and a two-stage methodology for the field assessment of soil plasticity and suitability for handling. Soil handling would not be able to continue if these tests are not passed.

**The ExA asked how the Applicant has looked at different cabling alternatives and how this has sought to reduce impact on BMV (in light of submissions made by Mr Mountain on behalf of LCJMF).**

Mr Culot for the Applicant explained that the **Planning Statement (APP-257)** (such as the policy compliance table at-page 300) explains how minimising BMV land use was a key consideration in the Applicant's site selection exercise and the preparation of the Application.

The Applicant acknowledged the field-specific soil survey information in Ex2, Ex2b and Ex4 of LCJMF's **REP1-043**. However, neither the 2024 survey nor the Viking Link post-construction survey had been carried out at the time of the Applicant's site selection process. In any event, for the refinement of the Cable Route Corridor, the

Applicant had to evaluate a much broader area and therefore utilised the provisional ALC information obtained from Natural England.

The Applicant noted that in the decision letter providing approval of the Mallard Pass DCO at paragraph 4.71 the Secretary of State writes that the approach taken to site selection was “*proportionate in drawing upon existing mapping data as a starting point for site selection purposes*” and this is an approach that is established across solar projects at all scales given the access to third party land, cost, and temporary impact of carrying out essentially speculative surveys across multiple potential sites where only one would be taken forward. The ExA on the Tillbridge Solar DCO also concluded that it was appropriate for there not to have been a detailed soil survey pre-consent and for pre-commencement soil surveys to be secured by way of requirement. The Secretary of State did not disagree with this conclusion.

Nothing in paras. 5.11.12 or 5.11.34 of EN-1 require applicants to use site-specific ALC surveys as asserted by LCJMF. Doing so in the present case would have delayed the delivery of the whole scheme, contrary to the urgent need for CNP infrastructure clearly expressed in EN-1.

**Following further submissions from LCJMF, the ExA asked how the Applicant had taken BMV into account in considering Cable Route options.**

The Applicant noted that, per para. 4.3.36 of the **Cable Route Corridor Appraisal (APP-079)**, all options were mapped as mostly Grade 2, with areas of Grade 1 near to Bicker Fen substation, and therefore there was little (if any) distinction between them on this metric. The Applicant noted that the field-specific survey information submitted by LCJMF into the examination showed soil in these areas as majority Grade 3a with some Grade 3b – thus, lower than the grade assumed by the Applicant on the basis of the preliminary mapping. This therefore demonstrates that the Applicant's assessment is precautionary and conservative, with the data provided by LCJMF suggesting that soil impacts from the Cable Route Corridor may in fact be less.

The Applicant also noted, by way of context for LCJMF's submissions, that these must be viewed in the context of the extensive history of engagement between the Applicant and LCJMF. This is set out in the **Detailed Land and Rights Negotiations Tracker (REP2-011)** but also with even greater specificity in Ex63 of the exhibits to LCJMF's Written Representation (**REP1-043**), which records “*over 65 hours of emails, calls, and meetings between May 2023 and February 2025*”. That is in addition to discussions during 2021 and later in 2025. The

Applicant explained that it fully appreciates and understands the disappointment of LCJMF and Mr Mountain that the Applicant ultimately decided not to pursue a large area of LCJMF's land on which to site significant components of the Proposed Development. However, just because this decision was taken and a site for the Solar Array Area was selected elsewhere that requires a Cable Route Corridor to cross LCJMF's land, that does not mean that the Applicant's scheme is not appropriate, has not adequately considered alternatives or has failed to incorporate additional development that it is required to deliver the Proposed Development, as is alleged by LCJMF.

Mr Mountain raised further issues in relation to alternatives and related to discussions that formed part of ISH2. The Applicant noted Mr Mountain's requests and agreed to review his submissions. The Applicant pointed to information on the construction programme in the **ES Chapter 2 (APP-053)** within Table 2, and phasing information in Section 2.14. The Applicant also noted the **Grid Connection Statement (APP-285)**.

The Applicant clarified that the earlier reference was to the two other surveys that are in Mr Mountain's submissions rather than the AGR3 survey. The **Cable Route Corridor Appraisal (APP-079)** references the consideration of BMV across the different options and concluded that based on the preliminary mapping there was little distinction between the different options. The detailed surveys submitted by Mr Mountain show that the soil grade in that area is lower than the preliminary mapping shows, which demonstrates that the Applicant's consideration of BMV in the Cable Route Corridor was based on a worst-case scenario.

The Applicant reiterated that it has had extensive engagement with Mr Mountain, and that he has concerns regarding the crossing of the Cable Route Corridor over his land. As already noted, both the records submitted by Mr Mountain and the **Detailed Land and Rights Negotiation Tracker (REP2-011)** demonstrate this. The Applicant appreciates Mr Mountain's disappointment that the option to site panels on his land was not pursued, however this does not call into question the appropriateness of the site and routing that was selected.

**The ExA noted that some of his questions on this specific issue will be referred as written questions.**

**The ExA invited comments from HLAs.**

The Applicant confirmed that it has an action to review the cumulative list, in response to points raised by LCC about specific projects.



**The ExA noted difference in calculations and conclusions between the Applicant and HLAs in relation to soil and development of BMV land. The ExA will explore these in detail with the Applicant and question the methodology and approach used in order to identify the source of any discrepancies.**

Responding to points raised by LCC, the Applicant explained the data that was used and the limitations on that data which may have resulted in discrepancies between the figures for the Proposed Development and One Earth Solar farm. The Applicant stated that, within **Chapter 14 Soils and Agricultural Land (APP-065)** for Table 14.9, the total area occupied by each ALC grade was calculated within the LCC boundary using the Provisional ALC data set and where present the Post 1988 detailed ALC dataset. For Provisional ALC grade 3, a 50/50 split was used to determine the amount of 3a and 3b land. This approach may overestimate the amount of agricultural land due to the resolution of the data and it not being able to pinpoint accurate changes between agricultural and urban land. It also includes woodland and natural land within the data for agricultural land. The shapefiles used for the datasets providing the calculation of agricultural land referenced by LCC are not publicly available.

**Action Point 7: Consider differences between the Applicant's assessment in relation to best and most versatile (BMV) land and the One Earth's data on the percentage of Lincolnshire's BMV Land impacted by each development and its cumulative effects.**

The Applicant responded to comments made by LCC in terms of effects on the wider agricultural economy, noting that the Applicant's response to this was provided in the **Comments on Local Impact Reports (REP2-041)** at 12.28 and 17.17. In summary, no significant potential for significant effects was identified in relation to the agricultural, energy or construction supply chains and accordingly these were not scoped into the assessment, as confirmed within the **Scoping Onion (APP-072)**.

The ExA noted that he would have expected this issue to be covered in the assessment of baseline conditions within the local economy in **ES Chapter 15: Socio-Economics (APP-066)**.

**Action Point 8: Provide further clarification on the applicant's Deadline D4 assessment of the knock-on socio-economic effects of the loss of agricultural land, linking this to the content of ES Chapter 15: Socio-Economics.**

	<p>BBC made submissions in relation to restoration of soil back to the original soil profile, and noted that it is currently in discussions with the Applicant regarding this.</p> <p>The Applicant noted that they are currently in discussions with Natural England regarding the reinstatement of the quality of land and are awaiting comments from Natural England. The Detailed SMP will be informed by the detailed source survey on the Cable Route Corridor as that will detail characteristics of the soil profile for it to be reinstated to the baseline soil profile characteristics. The Applicant's position on this matter is set out in its <b>Comments on Local Impact Reports (REP2-041)</b> (also see the Applicant's response to Natural England's Relevant Representation (RR-015) in the <b>Applicant's Responses to Relevant Representations (REP1-029)</b> at page 59).</p> <p>In response to NKDC comments, the Applicant noted that there is some nuance around what constitutes woodland (in the BNG Strategy) and that this may be more an ecological point, and as such will refer the matter to a response in writing once NKDC provides further information in a written submission.</p>
<b>5: Water Environment and Flood Risk</b>	<p><b>Following on from ISH1, the ExA requested the applicant provide an update on its approach to flood risk and flood risk and what progress has been achieved with the Environment Agency in relation to approving the methodology used.</b></p> <p>The Applicant stated that since ISH1 the Applicant has engaged with the Environment Agency – two meetings were held on 7th and 10th of October to discuss the outstanding matters within their Relevant Representations (RR-006), supplemented by email correspondence and telephone conversations and most recently a meeting on Tuesday 11th November. The details of this consultation are provided in the <b>Statement of Common Ground between the Applicant and the Environment Agency (REP3-003)</b>.</p> <p>As acknowledged by the applicant and the Environment Agency at and prior to ISH1, addressing a number of the RR matters was dependent upon the bespoke fluvial flood model being approved by the Environment Agency. For example, to be able to provide further detail on flood risk mitigation measures such as floodplain compensation.</p> <p>The applicant has been engaging with the Environment Agency with respect to the flood modelling studies since April 2024, initially to agree the modelling methodologies for the baseline model, the extreme event model and the breach model; and subsequently to obtain technical approval of those models. The Applicant's flood risk modelling</p>

specialists at Aegaea have been in direct contact with Mr Philip Sale who is the technical lead at the Environment Agency with respect to the flood modelling for this development.

Since ISH1, the Environment Agency has confirmed that the baseline fluvial flood model is acceptable, this is detailed in the Environment Agency's responses to EXQ1 (**REP2-047**). Furthermore, additional data was issued to the EA along with the final model reporting on Thursday 6th November to address the two minor outstanding matters concerning the credible maximum scenario and the breach scenario. The Environment Agency has reviewed these and, in a letter dated 11 November 2025, has confirmed that these matters are now addressed.

Following approval of the baseline fluvial flood model, the Applicant has been progressing the additional assessments necessary to address the RR matters that were dependent upon the baseline flood modelling being approved.

The Applicant clarified for the ExA that the difference in the flood extents and depths at the site within the approved baseline model for the design flood event are not significantly different to the draft results that were used to determine the mitigation measures outlined within the submitted **Flood Risk Assessment (APP-162)** and, therefore, those flood risk mitigation measures remain appropriate and no changes to the scheme design/mitigation are anticipated as a result. The same can be said for the final extreme event scenario and the breach scenario model results.

The Applicant confirmed it was continuing to liaise with the Environment Agency to reach agreement on these matters, and any such agreements will be reflected within an updated Statement of Common Ground which will be submitted as soon as possible. These assessments will ultimately be included within an updated Flood Risk Assessment report which will similarly be submitted as soon as possible.

**The ExA referred to REP3-012 Appendix A and noted there is some distance between the EA and the Applicant in terms of the flood risk methods and assumptions. The ExA asked the EA how far they are from reaching agreement on these matters.**

The EA noted that they are now in agreement with the hydrology modelling. There are still a number of outstanding matters with regards to the FRA. Specific floodplain loss and compensation schemes are the main

sticking point. The EA also noted that they would be unwilling to agree RR matters are fully resolved until revised documents are formally submitted into the examination.

The Applicant noted that good progress has been made on outstanding matters and they are recently in receipt of EAs approval on the credible maximum scenario and fluvial model. A number of the outstanding issues are dependent on that modelling having been approved to allow design levels to be confirmed so the Applicant can now use that data to undertake the assessments necessary to address EAs concerns. The Applicant feels that the outstanding matters are agreeable and will continue to work closely with the EA.

**The ExA raised concerns that the above may have impacts on the Order Limits and requested confirmation from the Applicant that any additional compensation will be within the existing Order Limits.**

The Applicant confirmed that they are still reviewing the final model results, but from what has been reviewed thus far the results indicate that any compensation or mitigation measures that need to be provided will not be significantly different from those currently proposed and which are already within the boundaries of the Order Limits and so no change to the scheme design is anticipated on that basis. The Applicant acknowledges that a full FRA update is required and this will be proposed and agreement subsequently recorded through the SoCG as discussed earlier in the Hearing.

**The ExA requested that the Applicant also considers the magnitude of the potential impact considering the location of the Proposed Development.**

The Applicant noted this request and confirmed it would incorporate this into its updates to the assessment.

**ExA requested clarity on how far the Applicant is from matters being agreed, particularly the results of the assessment and the impacts with reference to the Outline Battery Safety Management Plan, the Groundwater Protection and Decommissioning Environmental Management Plan.**

The Applicant confirmed that the relevant documents in draft form have been shared with the EA with the intention that those points can be discussed and agreed, and the applicant will submit those documents into the examination at a later date once agreement on the necessary updates to address comments received by the EA has been reached, and accepts that formal acknowledgement of the updated EA position will follow.

	<p>LCC raised concerns with the sequential test, as outlined in their representations <b>REP1-044</b>, <b>REP1-045</b> and <b>REP3-009</b>. LCC consider that the Site Selection Report is insufficient, noting the response received from the Applicant in their <b>Comments on Local Impact Reports (REP2-041)</b> paragraphs 11.19 to 11.21. LCC asserted that there is a lack of detailed rationale for the inputs into each stage of the sequential test. LCC also noted that they have no comment on any technical flood risk matters.</p> <p>The Applicant noted LCC's comments on the sequential test in ISH1 and their points subsequently made in following submissions. Mr Turnbull noted the recently updated Flood Risk Planning Practice Guidance which states that "in applying paragraph 175 a proportionate approach should be taken" and therefore the Government's position is clear that sequential test must be done in a proportionate manner. The <b>Site Selection Report</b> at Appendix 1 of the <b>Planning Statement (APP-277)</b> identifies unconstrained land and explains all the factors that went into identification of alternative sites. The Report goes on to evaluate the potential alternative sites. The Applicant considers that to be a coherent assessment; however, noted it would consider what additional information/clarification could be provided once the detail of LCC's criticisms have been elaborated upon in their summary of oral submissions at Deadline 4.</p> <p><b>Action Point 9: Provide further detail on how the Sequential Test has been carried out, including further information on the selection of Potential Alternative Sites for the different components of the Proposed Development.</b></p>
<b>6: Cumulative Effects</b>	<p>The ExA asked the Applicant to set out, in broad terms how it has assessed the cumulative effects for the construction, operation and decommissioning phases of the Proposed Development.</p> <p>Ms Raine, on behalf of the Applicant, confirmed that an assessment of potential cumulative effects associated with the Proposed Development has been undertaken in accordance with Schedule 4 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This considered both intra-cumulative and inter-cumulative effects.</p> <p>The assessment of inter-cumulative effects was undertaken with regard to the NSIP guidance on Cumulative Effects Assessment (2024, most recently updated in March 2025) which recommends a four staged approach.</p> <p>Ms Raine summarised these stages:</p>

- Stage 1: Establishing the Long List. A Zone of Influence (ZOI) of 5km was proposed within the Scoping Report (APP-071). Following feedback within the **Scoping Opinion (APP-072)** and consultation with the host authorities, it was agreed to extend the ZOI to the entirety of Lincolnshire for DCO developments.
- Stage 2: Establishing the Short List. The longlist was reviewed against a set of criteria to identify a shortlist of schemes for consideration within the cumulative assessment. The host authorities were consulted on these lists. Firstly in December 2023 for the Preliminary Environmental Information Report (PEIR), and again in December 2024 for the ES. Due to the time required to undertake a cumulative assessment it is necessary to have a cut off date for the identification of schemes. The cut off date for the ES was the 31<sup>st</sup> December 2024.
- Stage 3: Information Gathering. Information on each of the developments on the short list was collected to inform the assessment.
- Stage 4: Assessment. Each technical assessment considered the short list in order to identify schemes which would be likely to result in significant effects with the Proposed Development, in relation to the topic under consideration. An assessment of the potential cumulative effects of the Proposed Development with the relevant developments was undertaken and detailed within each technical chapter of the ES. This was summarised within **Chapter 18: Cumulative Effects (APP-069)**.

The methodology for the assessment of intra-cumulative effects has adopted the following principles:

- Residual effects have been taken as the basis for the assessment. Negligible residual effects have been excluded from the assessment on the basis that they have an imperceptible impact on the environment and so are unlikely to contribute any significant adverse intra-cumulative effects.
- The sensitivity of receptors and magnitude of impacts has been identified and combined in order to determine the potential for significant adverse intra-cumulative effects.
- Additional mitigation, if required, has been developed to address any significant intra-cumulative effects.

As there are no specific guidelines on how the assessment of effect interactions should be undertaken, the assessment was undertaken on a qualitative basis using the results of the individual assessments and informed by professional judgement.

Residual effects presented within the technical chapters were reviewed to identify receptors that will experience effects from more than one aspect of the environment, to ensure these are then appropriately considered within the EIA. Effects were tabulated against receptor groups in order to identify potential significant intra-cumulative effects.



**The ExA requested that the Applicant highlight if any significant cumulative effects were identified.**

Ms Raine confirmed that significant inter-cumulative effects were identified in relation to the loss of agricultural land, and significant intra-cumulative effects were identified on the Church of St Andrew, Asgarby.

**The ExA requested clarification in relation to paragraph 18.6.5 of Chapter 18 Cumulative Effects (APP-069) regarding the different effects identified in relation to the Church of St Andrew, Asgarby and how these were considered in the intra-cumulative assessment.**

Ms Raine clarified that the consideration of intra-cumulative effects can often be inherent within a technical chapter as the topic experts have considered other effect interactions. As such, the significant effect on the Church of St Andrew, Asgarby, is reported in **Chapter 8 Cultural Heritage (APP-059)** but also reported as an intra-cumulative effect, as it is the result of various impacts in cumulation on a single receptor.

**The ExA requested clarification in relation to how the potential for double counting was taken into consideration by the Applicant.**

Ms Raine noted that as there is no specific guidance for the assessment of intra-cumulative effects, the Applicant's approach used professional judgement. A matrix approach was not utilised as it can be too simplistic, and lead to the risk of double counting or missing potential effects. The technical experts considered potential intra-cumulative effects inherent within their assessments. The Applicant's EIA Co-ordination team then also reviewed the effects and identified receptors that could experience multiple effects, which are then tabulated in **Chapter 18 Cumulative Effects (APP-069)**. The significant effect on the Church of St Andrew, Asgarby is reported in **Chapter 8 Cultural Heritage (APP-059)** and **Chapter 18 Cumulative Effects (APP-069)** because it is both a heritage effect and an intra-cumulative effect, but it is not intended to be a double counting of the effect.

**The ExA requested clarification in relation to the conclusions at paragraphs 18.6.5 and 18.6.6, considering there are other assets and receptors listed in Tables 18.4 and 18.5.**

Ms Raine clarified that the summaries at paragraphs 18.6.5 and 18.6.6 focus on the identified significant effects only. Within the tables, all receptors which could experience potentially significant cumulative effects are listed in the first column and the potential effect interactions are detailed in the second column. The final column sets out

the embedded mitigation of relevance to these receptors, which the Applicant considers sufficient to reduce these potential effects to a not significant level.

**The ExA sought clarification on the difference between the final columns in Tables 18.4 and 18.5, being ‘significance of residual effect’ and ‘residual significance of effect determined through EIA’.**

Ms Raine confirmed that the difference is a typing error and the intention is for the columns to be providing the same information.

**The ExA requested to go through Table 18.3, the summary of inter-cumulative effects acknowledging that there were points mentioned previously by the HLAs that there may be some discrepancies in terms of projects that were considered and scope. The ExA also requested information on the Applicant’s approach.**

Ms Raine confirmed that the Applicant undertook the four stage approach in accordance with the NSIP guidance. This included the establishment of a long list, and subsequently a short list. The assessment had a cut off date of the 31st of December 2024, for the identification of schemes to consider. The Applicant notes the comments from the HLAs and is currently gathering information on the additional schemes in order to identify what additional work may be required in relation to the cumulative assessment. Each technical author reviewed the shortlist to identify which schemes were likely to result in significant impacts in combination with the Proposed Development, for the topic under consideration. Potential inter-cumulative effects with these schemes were then assessed and presented within each technical chapter. These assessments are summarised within **Chapter 18 Cumulative Effects (APP-069)**.

**The ExA requested further information on the reasoning for landscape and visual cumulative effects and why these were not identified as being significant.**

Ms Raine outlined the approach to the landscape and visual cumulative assessment. The Zone of Influence was identified and relevant schemes that had the potential to result in significant cumulative effects were considered. There are a number of schemes across Lincolnshire which may result in an increased characterising presence of energy infrastructure. However, it is not considered that the Proposed Development will have a significant

contribution to cumulative effects in combination with other schemes, due to how enclosed the Site is and lack of inter-visibility, for both sequential or static views.

**The ExA asked how the Applicant had considered issues previously discussed during the hearings, particularly the Applicant's interpretation of enclosure and how this could affect the assessment of cumulative effects.**

Ms Raine confirmed that the Applicant has taken into consideration the potential effects of enclosure when designing the mitigation for the scheme, taking into consideration the existing landscape character and potential impacts on openness. These aspects have already been considered in the landscape and visual assessment, both in isolation and in cumulation, and therefore it is not anticipated that there will be any changes to these conclusions.

**The ExA requested clarity on how, considering that the baseline information for intercumulative effects was based on the assessment that was carried out by the Applicant, the Applicant is confident that if the assessment changes for this then it is unlikely the conclusion of the cumulative effects would not change.**

The Applicant noted that there is currently significant visual effects identified within the ES. The conclusion of ES **Chapter 18 (APP-069)** is that the Proposed Development's contribution to the cumulative effects in combination with the other schemes would not be significant. While there may be significant effects in isolation, the contribution to the overall cumulative effect is not significant.

**The ExA requested clarification on how cultural heritage effects were taken into account in terms of inter-cumulative effects, in particular in relation to why significant effects to Church of St Andrew at Asgarby are identified within ES Chapter 8 (APP-059) but these are not reflected in the summary of inter-cumulative effects.**

Ms Raine explained that whilst the Applicant has identified significant effects to this asset in isolation and from intra-cumulative effects, that has been reviewed in the context of potential effects from other schemes in the area and it is not considered that there is potential for inter-cumulative effects.

	<p><b>The ExA noted that the Heckington Fen project would likely also be visible from the top of the South Kyme tower, and sought clarity on why there would not be cumulative effects to the asset.</b></p> <p>Ms Raine clarified that both projects have assessed the potential for cumulative effects and neither project considers that there would be significant cumulative effects on the asset. The Applicant's technical heritage expert has visited the site and considered the potential for in combination effects with Heckington Fen and concluded that there would not be significant cumulative effects.</p> <p><b>The ExA reiterated that it is his view that it is not relevant whether the effects of Beacon Fen are greater or less than that of Heckington Fen, but that it is their effects cumulatively, in combination with each other. The ExA also reiterated their concern that a change in the in-isolation assessment could result in a change to the cumulative assessment.</b></p> <p>Ms Raine clarified that the cumulative assessment does consider the Heckington Fen impacts in combination and in addition to the Beacon Fen impacts as set out in Table 18.3 of <b>ES Chapter 18 (APP-069)</b>. Ms Raine confirmed that any changes to in-isolation assessments would also be updated and reflected within an updated cumulative assessment.</p> <p><b>Action Point 10: Revision of the applicant's assessment of cumulative effect assessment in light of any changes to significant effects which may result from the applicant's revision of its own assessments, particularly in relation to biodiversity, landscape and visual and heritage.</b></p>
<b>Review of issues and actions arising</b>	The Applicant will take note of actions and the ExA will publish.
<b>Any other business</b>	South Kyme Parish Council confirmed their issue regarding the speed limit was resolved.

### 3. Responses to action points

3.1.1 Table 3.1 below sets out the written summary of the Applicant's Responses to Action Points raised during the Issue Specific Hearing 1 and the further responses provided by the Applicant post-hearing.

#### Action Points arising during ISH3 – Table 3.1

#	ACTION POINT	APPLICANT'S UPDATE
1	Provide additional justification for the need for article 15 and 24 of the draft Development Consent Order (dDCO).	<p>Article 15: The Applicant has updated the <b>Explanatory Memorandum (Document Ref: 3.2)</b> to provide further justification for the inclusion of Article 15 in the <b>Draft DCO (Document Ref: 3.1)</b>. Please see the updates to paragraphs 5.1.9 – 5.1.13.</p> <p>Article 24: The Applicant has updated the <b>Explanatory Memorandum (Document Ref: 3.2)</b> to provide further justification for the inclusion of Article 24 in the <b>Draft DCO (Document Ref: 3.1)</b>. Please see the updates to paragraphs 7.1.4, 7.1.7 and 7.1.8.</p>
2	Reconsider paragraph 11 of article 44 of the dDCO in relation to the rest of the article and where best to include the information included in the paragraph as to facilitate the best possible interpretation of the article.	The Applicant has considered the placement of paragraph (11) in Article 44 in the <b>Draft DCO (Document Ref: 3.1)</b> and does not consider that any amendments are necessary. This is because changing the placement of the paragraph would not change the legal meaning of the paragraph, and its application to the powers in the article.
3	Consider who should be the appropriate discharging authority for requirement 16 (soils management) at deadline 5, once further input received from North Kesteven District Council (NKDC) and Boston Borough Council (BCC) at deadline 4.	Following the discussions during the hearing in which NKDC requested to be the relevant discharging authority for this Requirement (as it relates to NKDCs administrative area), the Applicant sought and received confirmation from BBC that it is agreeable to being the relevant planning authority for discharge of the requirement as it relates to BBC's administrative area. As such, the Applicant has made the relevant updates to the Draft DCO ( <b>Document Ref: 3.1</b> ) which will be submitted at Deadline 4.
4	Consider amendment to article 46 to align the time period with the period for discharge of requirements in Part 2 of Schedule 2.	Following the discussions during the hearing, the Applicant has updated the determination period in Article 46 of the <b>Draft DCO (Document Ref: 3.1)</b> from 8 weeks to 10 weeks.

5	Consider control provision on operational waste management in response to submissions made by LCC and NKDC.	The Applicant is currently considering the necessity of such a provision and will provide a response to this action at Deadline 5. Please also refer to the response provided under the heading "Waste" in Table 7.1 of the <b>Applicant's responses to Deadline 3 submissions (Document Ref: 9.11)</b> .
6	Consider LCC comments on additions to the Construction Traffic Management Plan and measures to simplify cross-references to figures in the Outline Landscape and Ecological Management Plan.	<p>In relation to LCC's comments on the <b>OCTMP (Document Ref: 6.3.78)</b>, the Applicant has reviewed LCC's comments provided in their <b>Local Impact Report (REP1-044)</b> and on the draft Statement of Common Ground, which will be submitted at Deadline 4. The Applicant has considered the information provided by LCC, and has submitted an updated <b>OCTMP (Document Ref: 6.3.78)</b> at Deadline 4.</p> <p>With regards to the measures to simplify cross-references to figures in the <b>OLEMP (Document Ref: 6.3.19)</b>, the Applicant is considering the comments made by LCC and will provide an updated <b>OLEMP (Document Ref: 6.3.19)</b> at Deadline 5.</p>
7	Consider difference between Applicant's assessment in relation to best and most versatile (BMV) land and One Earth's data on the percentage of Lincolnshire BMV land impacted by each development and its cumulative effects.	A response to this action will be provided at Deadline 5. The Applicant has reached out to arrange a meeting with the One Earth Solar team to discuss this matter.
8	Provide further clarification on the Applicant's assessment of the knock-on socio-economic effects of the loss of agricultural land, linking this to the content of ES Chapter 15: Socio-Economics.	<p>The potential impacts of restricted access to land and economic displacement of farming activities have been assessed within <b>Chapter 15 Socio-economics (APP-066)</b> at paragraphs 15.6.30 – 15.6.36 for construction; 15.6.60 – 15.6.63 for operation; and 15.6.76 – 15.6.78 for decommissioning. Due to the low level of effects identified in relation to the economic displacement of farming activities in isolation (negligible to minor adverse) potentially significant cumulative effects on this aspect were not considered likely, and therefore this aspect was not considered within the cumulative assessment.</p> <p><b>Chapter 14 Soils and Agricultural Land (APP-065)</b> sets out how the Applicant has sought to avoid and reduce the amount of BMV agricultural land used for hard infrastructure associated with the Proposed Development, and <b>Appendix 14.4 Outline Soil Management Plan (oSMP) (APP-176)</b> details the measures to mitigate impacts to the soil.</p>

		<p>The temporary and reversible nature of the majority of the Proposed Development, along with the measures within the oSMP, will allow for reinstatement of the Site to agricultural production following decommissioning.</p> <p>The UK Food Security Report 2024 analyses land use change and concludes that “<i>food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments.</i>” Footnote 62 of the National Planning Policy Framework was amended in December 2024 and now omits the consideration of the availability of land for food production. The Written Ministerial Statement of 15th May 2024 refers to food production and restates the Government’s objective of broadly maintaining current levels of production. The potential reduction of food production from the Site would be negligible when viewed in the context of UK food production.</p>
9	Provide further detail on how the Sequential Test has been carried out, including further elaboration on the selection of Potential Alternative Sites for the different components of the proposed development.	A response to this action will be provided at Deadline 5. The Applicant is working to address this matter, however there was not sufficient time between the action request and Deadline 4 to prepare a comprehensive and accurate response.
10	Revision of the applicant’s assessment of cumulative effect assessment in light of any changes to significant effects which may result from the applicant’s revision of its own assessments, particularly in relation to biodiversity, landscape and visual and heritage.	<p>The Applicant notes that it is currently making updates to a number of assessments within the Environmental Statement. The Applicant will consider any changes in the outcomes of these assessments and ensure that <b>ES Chapter 18 Cumulative Effects (APP-069)</b> is reviewed and updated where relevant.</p> <p>Noting that the assessment reviews are ongoing, an updated <b>ES Chapter 18 Cumulative Effects (APP-069)</b> (if required) will be submitted at a future deadline.</p>