



# BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Response to Other Parties' Deadline 3 Submissions

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## Glossary

Abbreviation	Description
AC	Alternating Current
AIS	Air Insulated Switchgear
Applicant	Beacon Fen Energy Park Ltd
BESS	Battery energy storage system
CCTV	Closed circuit television
DC	Direct Current
DCO	Development Consent Order
EA	Environment Agency
GIS	Gas Insulated Switchgear
HV	High Voltage
IDB	Internal Drainage Board
LCC	Lincolnshire County Council
Low Carbon	Low Carbon Ltd
MW	Megawatts
NGR	National Grid Reference
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
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
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



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## Appendices

BFEP Appendices

# 1. Introduction

- 1.1.1 This **Applicants Response to Other Parties' Deadline 3 Submissions (Document Ref: 9.11)** 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').

## 2. Fidra Response to Deadline 3 Submission

Table 2.1 – Fidra Response to Deadline 3 Submission

TEXT	RESPONSE
<p><b>INTRODUCTION</b></p> <p>1. Fidra Energy Limited (<b>Fidra</b>) has submitted a relevant representation (RR-020) (the <b>Relevant Representation</b>), a written representation respect of the Application (REP1-040) (the <b>Written Representation</b>) and its deadline 2 submission (REP2-048) (the <b>Deadline 2 Submission</b>).</p>	<p>All submissions made by Fidra to date have been responded to by the Applicant (<b>Applicant Responses to Relevant Representations (REP1-029), Applicants Comments on Written Representations (REP2-043), Applicant's Response to Other Parties Deadline 2 Submissions (REP3-016)</b> and the Applicant is separately engaging with Fidra to seek to resolve the points raised.</p>
<p>2. Fidra is a UK-based battery and energy storage developer currently progressing a 1.2 GW Battery Energy Storage System (<b>BESS</b>) project located adjacent to the Bicker Fen Substation in Lincolnshire, under the subsidiary Bicker Drove Limited (the <b>Fidra Project</b>). The Relevant Representation and the Written Representation set out Fidra's concerns in respect of the Project and the Application.</p>	
<p>3. Fidra is making this submission at Deadline 2 in respect of the following matters:</p> <p>(a) the Applicant's Comments on Written Representations (REP2-043); and</p> <p>(b) the Applicant's Responses to Examining Authority's First Questions (<b>ExQ1</b>) (REP2-040).</p>	



## RESPONSE TO THE APPLICANT'S COMMENTS ON WRITTEN REPRESENTATIONS

4. The Applicant's response to Fidra's Written Representation is set out at Table 8.1 of REP2-043.

5. Fidra welcomes the Applicant's:

(a) commitment to specific targeted survey work in the vicinity of the substation to inform cable routing possibilities which would facilitate a practical way forward for both projects; and

(b) confirmation that it requires a 30 metre working area for the construction of the Cable Route and then can reduce this down to only a 12 metre easement for the operation of the Proposed Development.

6. Fidra expects that these measures combined will provide further clarity on the siting and routing of the cable route. However, the Applicant's comments do not address why Work No 4A currently covers such a broad area (over 100m in width) and why the entirety of Plot 18-11 is currently subject to compulsory acquisition. Fidra will continue to engage with the Applicant with a view to resolving this conflict.

### ***CNP Status and Mitigation Hierarchy***

7. In responding to Fidra's comments on the compelling case in the public interest, the Applicant provides a short response which references the Proposed Development's status as CNP and NSIP infrastructure. It is only the solar element of the Proposed Development which meets the NSIP threshold and is prescribed CNP status pursuant to the NPS.

8. Prior to the introduction of the Infrastructure Planning (Electricity Storage Facilities) Order 2020 (the **Order**), the Fidra Project (and the energy storage element of the Proposed Development) would also have met the NSIP

The Applicant confirms that it requires a 30 metre working area for the construction of the Cable Route and then can reduce this down to a 12 metre easement for the operation of the Proposed Development.

As illustrated on the Constraint Masterplan for Bicker Fen Substation (AS-032) as referenced to in the Applicant's **Written Summary of Oral Submissions at CAH1 and response to Action Points (Document Ref. 9.17)**, the area around the Bicker Fen substation is highly constrained by third party development. This means that an appropriate degree of flexibility is required over the Cable Route approaching the substation.

The Applicant is engaging with Fidra to seek to find a way forward.

The Applicant notes this comment and reconfirms the importance of the Proposed Development as an NSIP and CNP status project that both generates and stores electricity.

threshold criteria. As the Explanatory Memorandum to the Order makes clear, the rationale for removing large-scale energy storage projects from the DCO regime was to ensure quicker and more proportionate consenting given the significance of such infrastructure; it does not mean that such infrastructure is less significant, just that a different consenting regime applies. Therefore, the capacity contribution of the Fidra Project is material to both the planning case and the compulsory acquisition case for the Proposed Development.

9. In any event, the CNP status which the Applicant refers to is always subject to the application of the mitigation hierarchy (see Para 4.2.10 and Para 4.2.11 of NPS EN-1); the mitigation hierarchy has not been applied by the Applicant in respect of the impact of the Proposed Development. The statement that the Applicant makes in response to Fidra's comments is that: *"It is not possible to avoid Fidra's proposed development, regardless of the Cable Route taken"*. This statement:

(a) is not considered to be accurate, as:

(i) there are alternative cable routes that have been consulted on and which do not sterilise development and cause the same impacts as the Proposed Development would cause on the Fidra Project; and

(ii) a reduction in the extent of Work No.4A and Plot 18-11, or a commitment to locate the cable in the road or to the west of the road, would avoid the Fidra Project; and

(b) if accurate, only considers the first of the four steps set out in the mitigation hierarchy (avoidance) and does not consider reduction, mitigation or compensation. To date, the Applicant has not demonstrated any steps to reduce, mitigate or compensate the impact on the Fidra Project through the development of the Proposed Development, although Fidra welcomes the work which is now underway to address this.

The Applicant maintains that it has followed the mitigation hierarchy across its application for the Proposed Development. Notwithstanding this, the Applicant will continue to work with Fidra to resolve concerns raised.



10. CNP policy applies following the application of the mitigation hierarchy to the residual effects. CNP policy does not allow for an Applicant to avoid the steps required in the mitigation hierarchy, and until the Applicant has sought to reduce, mitigate and compensate the impacts on the Fidra Project the CNP policy will not apply.

11. Even where there are residual effects having applied the mitigation hierarchy, the CNP status does not automatically mean that the benefit of the Proposed Development would outweigh the harm caused to the Fidra Project and the consequent loss of benefits that the Fidra Project would provide (see Para 4.2.15 of the NPS).

#### *Approach to NPS Assessment*

12. The Applicant has misunderstood Fidra's representation on the requirements of Para 5.11.8 in its response. This policy does not require a cumulative assessment of the impacts of the Proposed Development and the Fidra Project; it requires an assessment of the impact of the Proposed Development on the Fidra Project.

Paragraph 5.11.8 of NPS EN-1 states that an ES should identify "*any effects of... preventing a development or use on a neighbouring site from continuing*". The Applicant is not preventing the proposed Fidra Project from continuing and therefore no such assessment is required. The Applicant is engaging with Fidra to determine the potential implications for the BESS project and potential mitigants that can be followed to mitigate any potential for an adverse effect on Fidra's site.

#### *Conclusion on the Applicant's Response*

13. The Applicant's submission in respect of the cable route does not justify why such a huge swathe of land is included at Plot 18-11. In effect, the Applicant's position is that the inclusion of the grid connection infrastructure (which is associated development) is premature as the Applicant does not understand: 1) where it will connect to the grid; and 2) the environmental condition of the land over which it is seeking rights. This is not a justification for the impact on the Fidra Project.

As noted in the Applicant's **Written Summary of Oral Submissions at CAH1 and response to Action Points (Doc Ref. 9.17)**, the Applicant's approach to compulsory acquisition, both generally and in relation to plot 18-11, is proportionate and appropriate. The Applicant will continue to engage with Fidra to resolve concerns raised.

### 3. LCJ Mountain Farms Response to Deadline 3

1. Given that LCJMF's submission repeats a number of points made previously in the Examination and responded to by the Applicant at previous deadlines, it is not responded to line-by-line. The Applicant has extracted material new points and provided a response to those as follows.

**Table 3.1 - LCJ Mountain Farms Response to Deadline 3**

SUMMARY	RESPONSE
LCJMF requests additional infrastructure to be delivered as part of the Proposed Development – namely (i) a "parallel 33kV duct" from the Solar Array Area to LCJMF land and (ii) a "mapped spur-node" on LCJMF land.	<p>The Applicant does not consider that any law or policy requires it to install "spur-ready nodes and parallel 33 kV ducting" to benefit, as the Applicant understands it, future hypothetical projects (i.e. projects that the Applicant understands to be contemplated in draft Heads of Terms only, rather than any extant planning application) to be brought forward by LCJMF rather than being to the general benefit of the wider transmission network.</p> <p>This notwithstanding, the Applicant continues to engage with LCJMF to further understand its requests in this regard and evaluate whether any infrastructure can be feasibly delivered as part of a land agreement with LCJMF. The Applicant met with LCJMF to this end on 31 October 2025.</p> <p>As a starting point and from a technical perspective, the Applicant does not oppose the principle of installing additional ducting for a future project if LCJMF were willing to pay for the additional works. There are however technical, planning and legal challenges that are unlikely to be resolvable in the short to medium term.</p> <p>The duct has been discussed in the context of making use of the 600 MW BESS and utilising what LCJMF calls the "200 MW headroom". The Applicant does not accept that framing or analysis for the reasons that were discussed in ISH 2. However, in any event, to achieve a 200 MW connection at 33kV,</p>

cabling would likely require a minimum of two dual circuits (up to 12 ducts + fibre) and therefore a similar or larger trench section than the Proposed Development's 400kV single circuit. This would have accordant land take and environmental impacts.

Any additional 33kV circuits/ducts would also need to be in a separate trench to the Proposed Development's 400kV circuit. This is to ensure that the circuits do not impact one another from a heat/rating perspective, to ensure there is no overlap of easements and to allow for access for repairs to either circuit. The likely installation scenario would be for the haul road to run in between the two trenches. Again, this would have land take, working width and environmental impact consequences.

In relation to what LCJMF terms the "capped spur node", the Applicant is concerned that what is being requested would be difficult to achieve and could likely require multiple circuits and potentially an additional super grid transformer (SGT). However, the applicant would require a detailed electrical design of LCJMF's proposal to confirm the full impact. LCJMF has submitted that the infrastructure requested could be used to provide power to a data centre. However, data centres are likely to require full redundancy – i.e. 2 x 200 MW circuits from different grid supply points (GSPs). That is not something the Proposed Development could provide.

The Applicant would also need to scrutinise its regulatory arrangements and licensing before agreeing to any private wire supply. LCJMF has not provided any proposal to manage the regulatory and licensing requirements for the applicant to consider.

<p>LCJMF requests provisions in the DCO securing compensation for alleged PV/BESS opportunity loss across the Cable Route permanent easement.</p>	<p>Compensation is not a matter for the examination of a DCO application and the provisions proposed by LCJMF are not appropriate to include within a DCO. If the Applicant obtains a DCO with compulsory acquisition powers and exercises those powers over LCJMF's land, LCJMF would be entitled to claim compensation in the normal manner, with any dispute to be resolved by reference to the Upper Tribunal (Lands Chamber).</p>
<p>LCJMF requests adequate protection for its future proposed "heat-reuse main" between a data centre and glasshouse.</p>	<p>As per the Applicant's previous submissions (including in REP2-043), LCJMF has not provided any evidence that its proposals for development on its land are at anything other than a nascent stage, with no planning applications submitted (or indeed understood to be contemplated in the near future). Therefore, whilst the Applicant has been, and remains, open to constructive dialogue with LCJMF on ways to mitigate impacts to its land from the Cable Route Corridor, the consenting and delivery of the Proposed Development – an NSIP with critical national priority ("<b>CNP</b>") status – should not be hindered or delayed to ensure that there are no constraints on other future hypothetical projects that may, or may not, be applied for within the Cable Route Corridor. Such an approach is not required by law or policy and, indeed, would run counter to the urgent need for CNP infrastructure which the Government intends to be "<i>progressed as quickly as possible</i>" (EN-1 para. 3.3.63).</p> <p>Provided the deliverability of the Proposed Development is maintained, the Applicant is willing to discuss ways in which it can make passive provision for future development on LCJMF land. Indeed, core provisions regarding future crossings of the Applicant's Cable Route are already included in the form of Heads of Terms that have been agreed with the Land Interest Group and submitted to LCJMF in land negotiations. In the ordinary course of negotiations, the Applicant is willing to consider reasonable amendments to this drafting to provide additional reassurance to LCJMF.</p>

<p>LCJMF requests "cumulative coordination" with the On Path Energy wind turbine</p>	<p>LCJMF's Deadline 3 submission is the first occasion on which a potential On Path Energy wind project in this area has been referenced, and the Applicant is unaware of any settled proposals for such a project. As a result, there is no requirement to undertake any form of cumulative assessment. In relation to not precluding future projects on LCJMF's land, the Applicant refers to the row directly above.</p>
<p>LCJMF requests a matrix re-testing Cable Route Corridor options against LCJMF's alternative proposed route, considering a number of factors.</p>	<p>The Applicant has taken an action point from CAH 1 to consider what further analysis it can undertake to demonstrate its robust consideration of alternatives to the Cable Route Corridor. The Applicant understands that LCJMF has submitted material for publication at Deadline 4 that will inform this exercise and the Applicant will provide an update to the ExA at Deadline 5.</p>
<p>LCJMF requests further testing of alternative siting of solar PV panels and/or BESS on LCJMF's land.</p>	<p>As per the Applicant's comments in ISH 3, LCJMF's request for further consideration of alternative siting of the solar PV panels and/or BESS must be viewed in practical terms as to what this would mean for the Proposed Development.</p> <p>It is clearly not feasible for the Applicant to fundamentally redesign the scheme or add large additional areas of PV panels and/or BESS midway through the examination. Government guidance makes clear that a materially different project would require a fresh DCO application. To the extent that LCJMF is saying that the scheme should be withdrawn and redesigned, that does not accord with its comments that it "<i>supports Beacon Fen</i>" (REP3-015) and is not attempting to block it (REP1-043), as well as running contrary to the urgent need for critical national priority infrastructure which the Government intends to be "<i>progressed as quickly as possible</i>" (EN-1 para. 3.3.63). Such an outcome would be an affront to policy and this urgent need for new energy infrastructure.</p>

To the extent that LCJMF's inference is that the Proposed Development should not be granted consent because there has been a deficient consideration of LCJMF's purported alternatives for solar PV panels and/or BESS, this likewise runs contrary to LCJMF's purported support for the scheme and national policy. There is no basis in law or policy to conclude that the design of the scheme has been in any way deficient. The Applicant has explained how it has fully complied with law and policy on the consideration of alternatives in response to Action Point 6 in its **Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030)**. EN-1 is clear that, given the *"level and urgency of need for new energy infrastructure"*, the Secretary of State should be guided by the principles that consideration of alternatives *"should be carried out in a proportionate manner"* and *"only alternatives that can meet the objectives of the proposed development need to be considered"* (para. 4.3.22). Para. 4.3.23 continues that the Secretary of State *"should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity... in the same timescale as the proposed development"*. At the time that LCJMF made his August 2023 offer, reworking the scheme would have added significant programme time and thus hindered the achievement of the project objectives. Reconsidering that offer now, midway through the examination of the Applicant's scheme, would also fall foul of this policy.

This is a sufficient answer to LCJMF's argument. However, to go even further, LCJMF's proposals for PV panels and/or BESS on either the 516-acre site proposed in 2021 or the 618-acre site proposed in 2023 have significant drawbacks which mean that they are not the *"practical, fully worked alternative"* claimed by LCJMF. The Applicant has already noted these drawbacks in response to Action Point 6 in its **Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030)**. They are, in summary, the ALC grade of LCJMF's land, the fact that the vast majority of the proposed site areas are in Flood Zone 3 and the fact that both LCJMF proposals constituted four separate and non-contiguous land parcels.

Desktop mapping has overstated the ALC grade of LCJMF's land.

As above, there is no law or policy requirement for the Applicant to consider LCJMF's proposed alternatives to the siting of the Solar Array Area and/or BESS. However, the Applicant provides the following comments on the issue of respective BMV land use for the Solar Array Area vs. LCJMF's land:

Ex2 in LCJMF's REP1-043 shows soil survey results for the AGR3 site. It shows majority Subgrade 3a, with some Grade 2. The Applicant's desktop data showed this area as within a Grade 2 contour. Therefore, using either the desktop mapping or the survey result, it is comprised entirely of BMV land.

Ex2b is a survey result for a very small field parcel (2.5 ha). This shows majority Subgrade 3a with some Subgrade 3b. Again, this survey demonstrates that the land is predominantly BMV (albeit at a lesser grade than the desktop mapping).

Ex4 is a survey for a parcel of land used by the Viking Link project. It is said by LCJMF to demonstrate that the parcel is majority Subgrade 3a with some Grade 2. The desktop data showed this as Grade 1. Therefore, as above, the survey shows this parcel to be BMV land (albeit at a lesser grade than the desktop mapping).

Given the above, nothing in LCJMF's surveys indicate that his land parcels would result in the use of less BMV land than the Applicant's Solar Array Area, or even the use of lower grade BMV land. The Solar Array Area is just under 50% BMV and, of that BMV land, the majority is Subgrade 3a with a small amount of Grade 2 – see **Chapter 14 Soils and Agricultural Land** ([APP-065](#)).

What LCJMF's submissions regarding the ALC grade of its land do support is that the Applicant's consideration of BMV land use in the Cable Route Corridor is conservative. The Applicant has undertaken its assessment on the basis of the provisional ALC data and has therefore assumed that the Cable Route Corridor is predominantly Grade 2 land with portions of Grade 1 and Grade 3. If LCJMF's submissions and survey information are taken as representative of the wider area in the vicinity of LCJMF land, the Cable Route



	Corridor will likely utilise less Grade 1 and/or Grade 2 land and instead more Subgrade 3a and/or Subgrade 3b land. This shows that the Applicant has considered a reasonable worst case in this regard.
The Applicant has 200 MW "head room" by virtue of having 400 MW of solar PV capacity and a 600 MW capacity BESS.	Please see the Applicant's Summary of Oral Submissions from Issue Specific Hearing 2 (REF) which discuss this point in detail.
There need to be safeguards for LWS 4722 if the Applicant's Cable Route Corridor is retained, including relocating Construction Compound 4, mandating right-angle crossings only and no longitudinal haul within the LWS, LWS-specific access controls, haul-road material limits, seasonal windows, ecologist-led watching brief and reinstatement standards with verifiable success criteria.	<p>The Applicant has assessed the likely impacts on Local Wildlife Sites (including Great Hale Eau, referred to by LCJMF as LWS 4722) in <b>Section 7.6.34 of ES Chapter 7: Ecology (REP2-015/16)</b>. These impacts have been considered in light of the embedded mitigation (as detailed in Table 7.8 of <b>ES Chapter 7: Ecology (REP2-015/016)</b>) including pollution prevention measures secured within Section 4 of the <b>oCEMP (REP2-017/018)</b>.</p> <p>The location of Construction Compound 4 has been selected to facilitate the proposed trenchless crossing of the Cable Route under the South Forty Foot Drain and the compound itself lies approximately 90 m south of the Great Hale Eau LWS. Pollution prevention measures secured within Section 4 of the <b>oCEMP (REP2-017/018)</b> will ensure there is no significant impact on the LWS as a result of this location.</p> <p>The access roads for construction will follow existing tracks/crossings where practical to avoid significant impacts on the LWS. Vehicles will use the existing access track to the north of the LWS where possible, or the northern edge of the field to the south of the LWS where required. The southern route was identified as the existing crossing over the Great Hale Eau is wider in this location, flexibility has been retained to cross at either location, both of which will be crossed at right angles to the LWS.</p>

With regards to longitudinal haul, materials will be brought to the Site (including construction compounds) using the most efficient means, causing minimum impact on the local highway network. Vehicles will not be loaded or unloaded until they reach their destinations.

Pollution from any surface run off will be controlled with the measures secured within **Section 4** of the **oCEMP (REP2-017/018)** and buffers at a minimum of 5 m will be in place, as set out in **Section 6.7.5** the **oCEMP (REP2-017/018)**.

Section 6.7 of the **oCEMP (REP2-017/018)** sets out how the Applicant will use appropriate seasonal windows where feasible, however due to the construction timetables and the differing seasonal requirements of species which could be present it is not possible to avoid all works at a certain time of year. Pre-construction surveys, secured in **Section 6.7.6** of the **oCEMP (REP2-017/018)**, will provide an update on the presence and location of certain species. For example, nesting bird checks and appropriate buffers around active nests are outlined in **Section 6.7.10** of the **oCEMP (REP2-017/018)**. The provision of an Ecological Clerk of Works (ECOW) to undertake monitoring in line with appropriate licences and other method statements is secured in **Section 6.7.16** of the **oCEMP (REP2-017/018)**.

With the measures detailed above there is assessed to be no significant impact on Great Hale Eau or other LWSs.

For the area of the Order limits near to the area previously used by Viking Link, additional disturbance to soil needs to be more fully assessed as part of the cumulative assessment.

The disturbance to soils within the area previously used by Viking Link are assessed as a considered development as part of the Inter Cumulative effects Assessment with **Chapter 14 Soils and Agricultural Land (APP-065)**. The assessment assumes that the Viking Link development involves the temporary disruption of agricultural land and assuming appropriate guidance and mitigation measures are in place the associated impact on agricultural land can be minimised. The degree of success of the management of mitigation measures for one project should not form part of the assessment

of effects for another. It is assumed as part of any project's Soil Management Plan, and following industry best practice, that any remedial works to repair damage will be undertaken and the land quality reinstatement targets will be met.

**The Outline Soil Management Plan (REP1-013)** is an outline plan which will be developed into a detailed Soil Management Plan (SMP) pre-construction, as stated within **Chapter 14 Soils and Agricultural Land (APP-065)** and secured by Requirement 16 of the **draft DCO (REP2-004)**. The detailed SMPs will be substantially in accordance with the OSMP. This provided embedded mitigation to ensure the protection of soil resources and successful reinstatement of agricultural land.

The detailed SMP will be informed by a detailed soil survey of the Cable Route Corridor carried out pre-construction. In accordance with normal industry best practice the detailed SMP will consider the following soil characteristics to form the restoration target:

- Soil texture
- Soil Structure
- Horizon depth
- Stone content

As listed in Table 3 of the **oSMP (Appendix 14.4, REP1-013)**, the soil handling and restoration works will be monitored by the Principal Contractor, Soil Scientist and Agricultural Liaison Officer (ALO). The verification of the restoration standard will be the responsibility of the soil scientist and ALO, with assessments made after reinstatement and again after any remedial works if required. It also states that aftercare reports will be produced annually until the site is unrestricted. The Site becomes unrestricted at the end of the restoration period/once the verification of land restoration has

	<p>been confirmed. It would be when control of the site has been fully handed over.</p> <p>A restoration period will be required to allow for the successful reinstatement of agricultural land, as covered in paragraph 7.6.9 of the oSMP (Appendix 14.4, REP1-013): "The reinstatement of any stripped topsoil and subsoil, a suitable cover crop to reduce bare soil exposure should be implemented prior to cultivation for the first arable crop". The establishment of a suitable cover crop or grass will allow for the stabilisation of the soil profile and ensure there is no excessive settlement or compaction within the soil profile.</p> <p>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 <b>oSMP (Appendix 14.4, REP1-013)</b> – 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.</p>
There needs to be further cumulative assessment with Heckington Fen,	<p>As the Applicant noted in its <b>Response to Relevant Representations (REP1-029), Chapter 18 Cumulative Effects (APP-069)</b> sets out how the Applicant has assessed cumulative impacts, including with Heckington Fen. Table 18.3 summarises the inter-cumulative effects with Heckington Fen across relevant EIA topics. The Applicant is confident that the manner in which it has considered cumulative impacts with Heckington Fen is in accordance with law and policy.</p>
Whilst not alleging any breach of section 44 of the Planning Act 2008, the Applicant did not engage LCJMF at a time when they could shape route/siting.	<p>As the Applicant noted in its oral submissions at ISH 3, there is an extensive history of engagement between the Applicant and LCJMF. This is set out in the <b>Detailed Land and Rights Negotiations Tracker (REP2-011)</b> but also with even greater specificity in Ex63 of the exhibits to MF's <b>Written Representation (REP1-043)</b>, which records <i>"over 65 hours of emails, calls, and meetings</i></p>

	<p><i>between May 2023 and February 2025".</i> That is in addition to discussions during 2021, when LCJMF made its first land offer, and later in 2025.</p> <p>Those discussions with LCJMF informed the Applicant's consideration of alternatives for components of the Proposed Development. In relation to the Cable Route Corridor, LCJMF's alternative proposal was specifically considered in the <b>Cable Route Corridor Appraisal (APP-079)</b>.</p> <p>The Applicant fully appreciates and understands the disappointment of LCJMF that the Applicant ultimately decided not to pursue LCJMF's land 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 some of LCJMF's land does not mean that LCJMF has not been properly engaged with, nor that its submissions were not considered by the Applicant.</p>
<p>The Applicant should reconcile its ES ecological baseline with LCJMF's independent ecological survey information.</p>	<p>LCJMF was invited in the Applicant's REP2-043 to submit the full underlying ecological reports commissioned so that the Applicant could review these. This has not been done.</p> <p>The Applicant has reviewed the summary reports and comparisons in Ex55-60 of the exhibits in LCJMF's REP1-043 and has noted the following:</p> <p>The points raised in Ex55-60 appear to focus on the baseline reports which were designed to provide a factual record of the survey results on the date(s) of the survey. Interpretation of these reports was made, and appropriate mitigation detailed in <b>ES Chapter 7: Ecology (REP2-013/14)</b>.</p> <p><b>Appendix 7.15: Botanical Survey (Cable Route and Access Road) (APP-104)</b> focuses mainly on botanical status and therefore mammals were not assessed. While drilling approaches are not mentioned in the <b>Botanical Survey</b> as suggested in Ex55, construction impacts on ditches have been considered in Section 7.6 of <b>ES Chapter 7: Ecology (REP2-015/16)</b> and</p>

mitigation to prevent pollution and regarding buffers around ditches is secured in Section 6.7 of the **oCEMP (REP2-017/018)**.

Section 4.1.1 of **Appendix 7.19: Riparian Mammal Survey Report (Cable Route and Access Road) (APP-108 to APP-111)** refers to 521 historic records of water vole and 19 otter in the desktop survey area. The Applicant emailed LCJMF on 15<sup>th</sup> August 2024 and enquired if any data could be shared for water voles or other protected species. No response was received and no previous baseline reports were made available, however the number of historic records mentioned above demonstrated the value of the site to water vole. Section 3.2.4 of the **Riparian Mammal Survey (APP-108)** sets out the definition of 'low suitability' which does not preclude the presence of water vole as intimated by Ex56. The surveys followed standard practice survey guidance and the impact assessment and a commitment to preconstruction surveys have been outlined in **ES Chapter 7: Ecology (REP2-015/16)** and the **HRA (REP2-013/14)**, secured in **Section 6.7.7** of the **oCEMP (REP2-017/018)** and have been discussed and agreed with Natural England in the meetings held 16<sup>th</sup> May and 5<sup>th</sup> November 2025, and in line with Natural England's note received 11<sup>th</sup> November 2025.

**Appendix 7.22: Breeding Bird Survey Report (Cable Route and Access Road) (APP-114-116)** details the results of the breeding bird surveys along the Cable Route Corridor. A diverse range of breeding birds were found and, as per the above, LCJMF has not provided the full Rachel Hacking Ecology report for the Applicant to be able to compare its findings with the findings in that report. There is only the potential for impacts from the proposed works in the breeding bird season (March to August dependant on species). To mitigate against such impacts, pre-construction checks will be undertaken by an ECoW as detailed in the **oCEMP (REP2-017)** in accordance with industry standard practice and will identify nests at the time of works. Following the identification of nests the ECoW will advise on suitable working buffers around the nests, and sequencing of the works to avoid disturbing nesting

birds, or damaging nests. With the proposed pre-construction checks no significant impacts on nesting birds are anticipated.

**Appendix 7.21: Great Crested Newt Survey Report (Cable Route and Access Road) (APP-113)** details the results of the great crested newt (GCN) surveys within 500 m the Cable Route Corridor and Bespoke Access Corridor. Some waterbodies had been previously assessed in **Appendix 7.12 (APP-101)** which covered the Solar Array Area, therefore the tests were not repeated. However, figure ST19595-379 in **Appendix 7.21 (APP-113)** summarises the results of all survey work within 500m. LCJMF's Ex58 suggests that only one pond was assessed with eDNA. However, as stated in Section 3.3.1 of **Appendix 7.21 (APP-113)**, in fact 26 ponds were assessed using eDNA, of which five had positive results for GCN eDNA and formed the basis for the draft licence application which has been agreed with Natural England within the Letter of no impediment received 23<sup>rd</sup> September 2025.

LCJMF's Ex59 refers to bat activity surveys and contends the surveys focused on the Cable Route Corridor and Bespoke Access Corridor only. The surveys covered the Cable Route Corridor and Bespoke Access Corridor along with land outside of the Order Limits, in line with the bat survey good practice guidance (Collins 2023<sup>1</sup>). This allowed for a comparison of locations and habitat types to determine the use of the whole Site by bats (that is, a landscape scale assessment), throughout the year. The survey followed good practice guidelines with visits throughout the year and static detectors left out each month. Weather data is given in Appendix 2 and 3 of **Appendix 7.18: Bat Activity Survey Report (APP-107)**.

LCJMF's Ex60 refers to bat tree roosts. **Appendix 7.16: Bat Roost Assessment Report (APP-105)** was a ground level tree assessment to identify likely significant impacts along the Cable Route Corridor. The Applicant has committed in Section 6.14.4 and Section 2.4 of the **oCEMP (REP2-017)** to avoid hedgerow tree removal where feasible. The Applicant would like to raise

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<sup>1</sup> Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines. 4<sup>th</sup> Edition. Bat Conservation Trust, London.



the point that contrary to Ex60, it is not possible to obtain licences from Natural England for potential roost loss (or any other precautionary licences where impact has not been demonstrated). To obtain a licence under the Conservation of Habitats and Species Regulations the Applicant must demonstrate that there is no alternative, including to do nothing. Natural England confirmed that they do not issue precautionary draft licences for NSIP in a meeting with the Applicant in November 2025.

## 4. Environment Agency Response to Deadline 3

Table 4.1 – Environment Agency Response to Deadline 3

TEXT	RESPONSE
<p>This response constitutes the Environment Agency's (EA) Deadline 3 response. We have reviewed the Deadline 2 submissions, in particular:</p> <ul style="list-style-type: none"> <li>• Appendix 2.4 Outline Construction Environmental Management Plan (Revision 3) [REP2-017 and REP2-018]</li> <li>• Detailed Land and Rights Negotiations Tracker [REP2-011]</li> <li>• Biodiversity Net Gain Strategy [REP2-029 and REP2-030]</li> <li>• Biodiversity Net Gain Strategy: BNG Metric [REP2-031]</li> <li>• Applicant's Responses to Examining Authority's First Questions (ExQ1) [REP2-040]</li> <li>• Water Demand and Source Options Appraisal [REP2-042]</li> <li>• Chapter 7 Ecology (Revision 2) [REP2-015 and REP2-016]</li> </ul> <p>The Environment Agency's latest position is shown in Appendix A.</p>	<p>The Applicant notes that the Environment Agency has reviewed the documents submitted at Deadline 2.</p>
<p><b>EA08 Consumptive Water Use</b></p> <p>We are pleased to see the submission of the Water Demand and Source Options Appraisal [REP2-042]. We consider this document to be an excellent options appraisal, and we are confident that the water demands of the Project can be evaluated at the detailed design stage with full awareness of the practical and environmental</p>	<p>The Applicant also considers this matter resolved.</p>

implications of the sources of supply available. This issue can be considered resolved.

### EA12 CSM – Fire Water and Thermal Effects

Following discussions with the Applicant in regard to guidance relating to thermal effects of underground cables, we confirm that we have no specific published guidance relating to assessing the thermal effects of cables. However, heat remains a groundwater pollutant, and it is the developer's responsibility to determine whether the input of heat into groundwater is a groundwater activity (Defra guidance, section 3.34). The guidance we have available is in draft and is not directly relevant to buried cables, but we feel that clear comparisons can be drawn between the two. In line with this guidance, the Applicant should ensure that, where practicable, the proposed cabling:

- Is fully sealed – the Applicant will need to confirm this. However, this can be part of the detailed design and specific details do not necessarily need to be given at examination.
- Does not discharge pollutants other than heat transfer to the environment – you will need to confirm this. However, this can be part of the detailed design and specific details do not necessarily need to be given at examination.
- Does not cause pollution of surface water or groundwater – the Applicant will need to confirm this. However, this can be part of the detailed design and specific details do not necessarily need to be given at examination.

On 5 November, the Applicant shared with the Environment Agency the draft **Chapter 11 Water Resources and Flood Risk (Revision 2)** which was updated to include consideration of firewater contamination. The EA provided feedback on the draft **Chapter 11 Water Resources and Flood Risk (Revision 2)** to the Applicant in relation to EA12 on 17 November with a meeting held between the Applicant and the Environment Agency on the 18 November to further discuss the Environment Agency's feedback.

The Environment Agency's position is that the updated **Chapter 11 Water Resources and Flood Risk (Revision 2)** addresses their concern about firewater as a contaminant in the assessment and Conceptual Site Model (CSM) but the Environment Agency were expecting some written discussion of thermal effects within the **Chapter 11 Water Resources and Flood Risk (Revision 2)**, in line with the emerging (unpublished) guidance the Environment Agency provided to the Applicant.

During the 18 November meeting it was agreed between the Applicant and the Environment Agency that **Chapter 11 Water Resources and Flood Risk (Revision 2)** will be updated to include reference to Environment Agency's emerging guidance and the Applicant will endeavour to comply with it. The Environment Agency agreed with the Applicant that some details cannot be provided during Examination and further information will be confirmed prior to final construction design (detailed design), which would be secured by Requirement 5 of the draft DCO.

- Is not within a groundwater source protection zone 1 (SPZ1) that's used to supply water for domestic or food production purposes – no part of the site is within an SPZ1.
- Is not within 50m of a well, spring or borehole used to supply water for domestic or food production purposes – the Applicant has confirmed there are no private water supplies and there are no wells or springs noted on Ordnance Survey 1:25,000 mapping for the site.
- Installation does not mobilise any contaminants present in the subsurface to the extent that the pollution of groundwater occurs – to be managed by embedded mitigation during the construction phase, including a robust discovery strategy for previously unidentified contamination
- Is not adjacent to a septic tank or cesspit, including the infiltration system – the Applicant will need to confirm this, including consideration of siting and design of operational staff welfare facilities.

On consideration of these factors, we are satisfied that no specific further action needs to be taken on this matter prior to examination. However, some details will still need to be addressed prior to final construction design.

Please note that issue EA12 remains outstanding as the matter relating to firewater has not been addressed.

The Applicant anticipates that both the firewater and thermal effects will be resolved by Deadline 5 and therefore an update will be provided at Deadline 6, in the Statement of Common Ground.

#### **EA20 Otter & Water Vole**

We are pleased to see that the Outline Construction Environmental Management Plan (CEMP) [REP2-017 and REP2-018] has been updated to include pre-commencement otter surveys. For clarity, water vole pre-commencement surveys were already included.

The Applicant also considers this matter resolved.

We are satisfied that Chapter 7 Ecology (Revision 2) [REP2-015 and REP2-016] has also been updated so that otter surveys form part of the mitigation for the Habitats Regulation Assessment (HRA).

We had requested that water vole should be taken into consideration as part of ditch management/enhancement and that this should be included within the ditch management measures outlined in the Landscape and Ecological Management Plan (LEMP). We note that the LEMP states that ditch management will be undertaken in line with The Drainage Channel Biodiversity Manual which includes the actions to take to protect water voles during ditch management.

As a result, we consider this issue to be sufficiently addressed.

#### **EA04 (Protection of Fish) and EA06 (Drain Downs – Risk to Fish)**

We note that additional mitigation for fish has been included in Section 7.7.4 of Chapter 7 Ecology (Revision 2) [REP2-015 and REP2-016]. We are still considering this matter and will provide an update at Deadline 4.

Below are our comments on Deadline 2 submissions that are not linked to issues raised within our Relevant Representations [RR-006].

On 7 November, the Applicant shared with the Environment Agency the draft **Chapter 7 Ecology (Revision 3)** and **Outline Construction Environmental Management Plan (oCEMP) (Revision 4)**, which have been updated to include further information on mitigation related to protection of fish during construction works. The Applicant anticipates that this matter will be resolved by Deadline 5 and therefore an update will be provided at Deadline 6, in the Statement of Common Ground.

#### **Detailed Land and Rights Negotiations Tracker [REP2-011]**

The EA Estates team have reviewed the detailed land and rights negotiations tracker [REP2-011] and are satisfied with the status of agreement with the EA. Heads of Terms have been agreed and will be processed by Legal.

The Applicant also considers this matter resolved.

### **Applicant's Responses to Examining Authority's First Questions (ExQ1) [REP2-040]**

We have reviewed the Biodiversity Net Gain (BNG) strategy [REP2-029 and REP2-030] and BNG Metric [REP2-031] and can confirm that we are satisfied with the approach taken to achieve at least a 10% net gain for all units. We are particularly satisfied to read that a 15.95% net gain in watercourse units will be achieved through ditch enhancements and incorporating buffer strips.

It should be noted that as the South Forty Foot Drain falls within the Order Limits, it should be subject to a River Condition Assessment in line with BNG best practice guidance. However, we agree with the approach of using trenchless techniques to avoid impacts of the cable crossing to the watercourse. As a precaution, we would recommend the entry and exit pits are placed at least 10m from bank top for this watercourse to avoid impacts on the riparian zone.

The Applicant has committed to undertaking the installation of the Cable Route using trenchless techniques which will avoid impacting habitats within 10 m of the South Forty-Foot Drain, therefore a River Corridor Assessment is not necessary and has not been undertaken. The Applicant confirms that the entry and exit pits will be set back at least 10 m from the bank top of the South Forty-Foot Drain.

## 5. North Kesteven District Council Response to Deadline 3

Table 5.1 – North Kesteven District Council Response to Deadline 3

TEXT	RESPONSE
<p><b>Applicant's response to Action Point 1</b></p> <p>The applicant has not addressed funding for decommissioning. The requirement in the DCO is merely repeated. That is not the same as evidencing funding for decommissioning which would assist with assurance that a bond is not required as previously raised by the Council at paragraph in our LIR [REPO-054].</p>	<p>As has been explained in various written submissions, and during Agenda Item 3 at Issue Specific Hearing 3 (<b>Document Ref. 9.16</b>), there is no policy requirement for a decommissioning fund to be imposed nor impacts that are not adequately controlled via a requirement.</p> <p>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 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 <i>'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'</i>.</p> <p>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: <i>"that an additional Requirement [for a decommissioning fund] 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."</i></p>



During ISH3, NKDC referred to the Helios Renewable Energy Project as an example of a project where provisions for providing a security for decommissioning the project has been included in the version of the draft DCO at the close of the examination. The DCO application is due to be decided by the Secretary of State on 3 December 2025. As explained during ISH3, the Applicant does not consider that drafting in a DCO which has not yet been made can reasonably be cited as precedent, especially having regard to the fact that the Secretary of State removed similar drafting from the Oaklands Farm Solar Park Order 2025.

The Applicant therefore remains of the view that a decommissioning fund is not necessary or proportionate and hence not suitable for a requirement or obligation, in line with well-established precedent. The Applicant can identify no points of distinction that mean this DCO application should be treated differently to the recently made solar DCOs where no such requirement has been considered necessary.

#### **Applicant's response to Action Point 7**

From the DCO documents it is evident that the solar generating capacity is 400MW, the BESS capacity is 600MW and the grid connection import/export is 600MW. There is no dispute that the BESS can in principle amount to associated development (AD). However, the schemes referenced by the Applicant all relate to BESS' which have a capacity which is no greater than the solar generating capacity.

The Applicant's assessment against the guidance on AD still lacks detail and is unconvincing. Whilst there is obviously a direct relationship, there is no assessment of subordinacy when the BESS capacity is greater than the solar generating capacity. The Applicant's note on how they work together would

The Applicant's previous submissions (Action Point 7, **REP1-030** and responses to the ExAs first written questions **REP2-040**) explain that the daily solar energy generated at the Proposed Development (PD) will regularly exceed the amount of energy the proposed BESS can store, and that it is very likely that the BESS as proposed will regularly be filled with energy from the solar array. The megawatt (MW) rating of the BESS impacts how the energy stored in the BESS may be dispatched to the grid, rather than the physical size of the BESS nor its capacity to store energy.

This is further addressed in the **Written Summary of ISH2 (Document Ref. 9.15)**.

apply to any BESS capacity (i.e. a capacity much greater than the 600MW proposed too).

Whilst that may be true for some parts of the day/year, the BESS will also presumably import and export independently where it is not fully utilised by the main solar development (noted as likely March to October). In other words, whilst it sometimes may be used in conjunction with the solar array, the Applicant has not addressed how it will be used at other times.

The only mention of this is the Applicant's response to NED.1.7, which again indicates that the BESS will be importing whilst also charging from the solar array generation. This is also touched on at response to the ExA's question NED.1.8.

The Applicant does not explain, other than in reference to the 600MW connection agreement, why a greater capacity is nonetheless proportionate to the 400MW capacity of the solar generating capacity either in that context. Proportionality ought not, in the Council's view, only to amount to the physical footprint/scale/mass of the BESS but also its capacity.

In this instance from plain review there still appears to be an imbalance and disproportionality in the respective size/capacity of the solar array and the BESS such that the BESS does not appear to be subordinate.

In summary, the Applicant does not appear to have properly addressed the guidance in detail or in the full context of how the BESS would be used at all times. The Council is therefore not currently clear how a BESS with a greater capacity than the solar array is said to amount to AD.

#### **Applicant's response to ExQ1**

**GCT1.11, s106 agreement** – the Council's position is that a s106 Agreement is required in order to secure the required financial contribution to monitor the applicant's Biodiversity Net Gain proposals over the operational lifetime of the solar farm. This is consistent with the approach adopted at Springwell

The Applicant set out its position regarding the necessity of a section 106 agreement in its **Applicant's Responses to Examining Authority's First Questions (REP2-040)**, question GCT.1.11. This was also discussed during Issue Specific Hearing 3.

solar farm (EN010149) where the s106 Agreement is at an advanced stage of preparation. In the case of the Springwell solar farm the obligation sits within the umbrella of the applicant agreeing to fund an Ecological Steering Group (ESG) with representatives from the host authorities but where BNG monitoring will comprise the majority part of that group's remit. We are in discussion with the applicant as to the estimated costs of BNG monitoring based on their current submission and how this aligns with the terms and objectives of the ESG.

In addition, the Council is also seeking payment of a Skills and Education contribution towards 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. This approach, and our requested contribution rate (£50,000/year for the lifetime of the development) is again consistent with the Springwell solar farm project (as above, at an advanced stage of s106 drafting and incorporating the Skills and Education contribution) and as secured by the completed s106 Agreement for the Heckington Fen solar farm EN-010123).

Finally, the Council welcomes the applicant's commitment to support the establishment of a Stepping Out Walk and notes the updates to the oPROWMP [REP2-039] but as set out below, its preferred mechanism for ensuring the requisite facilities and promotion of the walk can be met would be via a financial contribution via a s106 agreement.

In summary, the Applicant does not believe s106 agreements are required at present to make the Proposed Development acceptable in planning terms, as it is considered that any required mitigation and enhancements can be appropriately secured via requirements, with the possible exception of ecology steering group. The Applicant is committed to ongoing engagement with the Council on the requested commitments/contributions and the appropriate mechanism for securing them.

**GT1.14, Decommissioning** – as above the applicant has not addressed funding for decommissioning. The requirement in the DCO is merely repeated. That is not the same as evidencing funding for decommissioning which would assist with assurance that a bond is not required as previously raised by the Council at paragraphs 24.33-34 in our LIR [REP0-054]. At paragraph 24.34, the Council includes reference to the Helios Renewable

Please refer to the response to the row above titled "Applicant's response to Action Point 1".

<p>Energy Project and Oaklands Fram Solar Park NSIPs where this matter has been considered during examination, noting that a Requirement was included within the DCO for decommissioning security in the absence of such provision within the Funding Statement.</p>	
<p><b>Applicant's response to NKDC's Local Impact Report [REP2-041]</b></p> <p><b>Landscape and Visual, section 13</b> – the Council is unable to respond to the Applicant's responses due to the timing of the publication of the Deadline 2 submissions on the PINS website which conflicted with the Council's consultant's holiday period. It is anticipated that these matters will be considered at ISH2.</p>	<p>The Applicant acknowledges this response and awaits further comments from NKDC on this matter following the oral discussions at <b>ISH2 (Document Ref. 9.15)</b></p>
<p><b>Ecology, section 14</b> – the Council's consultant Ecologist attended a Teams meeting with the Applicant on 30 October 2025 in relation to this topic. Whilst some of the matters raised by the Council in Appendix B of its LIR have been addressed, there still remains a large number of matters that are not agreed. The Council welcomes further engagement with the Applicant to resolve these matters. These are set out in the attached document prepared by AECOM.</p>	<p>The Applicant welcomes further engagement with NKDC's consultant ecologist and is committed to resolving outstanding matters throughout Examination. The Applicant notes that in the NKDC comments on submissions received at D2 (<b>REP3-010</b>) that some issues have been resolved, with others still subject to agreement. As requested by NKDC we will engage further by responding to the ecology component of their comments on submission received at D2 (<b>REP3-010</b>), with discussions with the NKDC ecologist as necessary.</p>
<p><b>Above Ground Heritage, section 15</b> – the Council did not have the opportunity to attend the site meeting on 5 September 2025 and does not agree with the conclusions reached by the Applicant in respect of St Andrew's Church and Asgarby Hall, in particular, which it considers to be flawed in analysis, interpretation of setting and level of impact. The Council's Conservation Officer attended a Teams meeting with the Applicant on 29 October 2025 in relation to this matter and confirmed the Council's position in relation to designated heritage assets which remains as set out in the Council's LIR [REP1-054]. The Council welcomes further engagement</p>	<p>The Applicant has assessed the impact from the Bespoke Access Road on St Andrews church and Asgarby Hall and has followed accepted assessment <b>criteria (Document Ref 9.15: Written Summary of ISH2 and response to Action Points)</b>. However, the Applicant understands the need for a resolution agreeable to both parties and has initiated further consultation with NKDC and a further virtual meeting was held on the 19<sup>th</sup> of November.</p> <p>A site visit was also held on the 3<sup>rd</sup> of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided.</p>

with the Applicant to resolve these matters including the planned site visit on 3 November 2025.

The Council's comments on each paragraph of the above-ground heritage section is as follows:

More detail on this matter can be found in the **Written Summary of ISH2 (Document Ref. 9.15)**.

**Paragraph 15.8-9** – the Council has considered the close proximity of the A17 in its assessment, and it is not clear what relevance this has to the response. The response does not consider the relationship of the listed Asgarby Hall with the parkland to the west of it. It is still felt that the access road will impact the setting of Parkland, a non-designated heritage asset, and as such will create an adverse impact on the character of the Hall. The concerns relating to the setting of the impact of the church have not been agreed at a site visit (though a site visit with NKDC and the heritage consultant is now due to take place on 3 November 2025). The Council disagrees with the assessment on St Andrew's Church as it seems to rely on a functional setting of the church with its church yard and fails completely to consider the setting of the church from longer distance views for the west. The response is a resubmission of the assessment, and no further analysis has been undertaken. The Council still considers the impact is a Moderate Adverse (significant) effect.

The relevance of the A17 is shown within the visibility, movement, light and noise coming from the A17 such that the wider setting of the asset should be acknowledged as including elements which are not out of character with the Proposed Development. The Proposed Development would not introduce change that is out of context with existing elements of setting. This is set out within the Setting of Heritage Assets, Historic England, 2017 which states regarding physical surroundings one must consider the history of the assets and the degree of change over time and how the assets are experienced. As suggested, the contribution of setting in its contribution towards an overall understanding of significance has altered over time and is somewhat reduced due to the change from the modern feature, the A17 road, which is busy, noisy and visible.

In respect to the non-designated parkland to the west of the Hall, the Applicant welcomes the Council's recognition that the parkland is an important setting element in respect to the Hall and the Church and it is asserted that the proposed Bespoke Access Road would not cross the footprint of the parkland. The avoidance of physical impact to the parkland will preserve an important element of setting for both assets. The parkland is clearly distinctive in its contrast with arable land present within the footprint of the proposed Bespoke Access Road. An understanding of this contrast would be retained by the proposals.

A meeting was held on the 3rd of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided. This matter was recently discussed in ISH2, and a

	summary of discussions can be found in the <b>Written Summary of ISH2 (Document Ref. 9.15)</b> .
<b>Paragraph 15.10</b> – no comments, to be assessed on site.	A meeting was held on the 3 <sup>rd</sup> of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided.
<b>Paragraph 15.11</b> – it is not clear whether the Applicant intends to change the rating or not. The Council considers that further narrative and assessment are required to understand the analysis as at present there is limited information.	<p>A meeting was held between the Applicant NKDC on site on the 3<sup>rd</sup> November with the intention of reaching a proportionate and appropriate compromise on the assessment, there are degrees of latitude which state that the adverse effects are not significant but hold a degree of harm at less than substantial.</p> <p>It is asserted that should a matter of opinion between a moderate adverse or a slight adverse effect persist, that the key policy test should be the harm is less than substantial and that although great weight is provided to assets of the highest significance that the public benefits of the Proposed Development are considerable.</p> <p>The Applicant awaits the response from NKDC to the meeting discussions and extra information provided.</p>
<b>Paragraph 15.12</b> – the Council disagrees with this analysis. The analysis attempts place significant weight on the site as being enclosed but acknowledges a wider landscape impact. The Council disagrees with the analysis that this impact is “low”, and no robust justification of this position has been provided. The reliance of embedded mitigation to reduce the magnitude of impact is flawed as it results in the mitigation being proposed before the impact has been fully assessed. The Council reconfirms my position that the impact is one of medium-high within less than substantial	<p>The reliance on embedded mitigation when discussing impact is not flawed. It is standard practice to assess impact in recognition of embedded mitigation.</p> <p>A magnitude of effect of ‘medium’ would require accordance with the following definition as set out within the methodology for EIA:</p> <p>Medium magnitude - Change such that the asset and its significance is significantly altered or modified. Changes such that the setting of the asset is</p>

harm and will have a moderate impact, which should be further assessed. Any mitigation should have a bespoke design.

notably different, affecting the significance and resulting in changes in the ability to the understand and appreciate the significance of the asset.

It is asserted that changes caused by the Bespoke Access Road would not satisfy this criteria due to the lack of physical affect to the non-designated parkland which provides the primary setting to each asset.

However, the disagreement is noted. EIA is an iterative process and whilst the final assessment presented within the submission was based upon embedded mitigation, the type and location of this mitigation was informed by preliminary assessments, identification of potential impacts and collaboration with the wider project team to consider inter-relationships with other topic areas. Setting is not a set parameter it changes with the assets, degree of impact and change to the surrounding environment over time as set out within Historic England's, The Setting of Heritage Assets, 2017. Enclosure and seclusion are relevant because it is the intended aspect for the assets when originally constructed. Historical context and functionality are relevant also when considering and identifying the setting of any heritage asset as well as visibility. It is important also to ensure that harm is either avoided or minimised, where appropriate, and further consultation will support this view through an agreement.

A meeting was held on the 3rd of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided.

**Paragraph 15.13** – the Council disagrees and considers that the collective value of farmsteads has not been analysed in sufficient detail. The response does not justify the reliance on embedded mitigation.

A meeting was held on the 3<sup>rd</sup> of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided.

This has been noted, the Applicant is in the process of preparing a Historic Landscape Appraisal for the non-designated farmsteads and will consult with



	<p>NKDC on this going forward. The assessment had viewed the surrounding historic landscape and assessed the assets within, individually, however, a holistic approach regarding the historic landscape can assess group value that is clearly defined, the historic landscape appraisal will assess this as a collective as well and recognising individual merit and differences. The Applicant will provide an update on this at Deadline 5.</p>
<p><b>Paragraph 15.14</b> – see response above.</p>	<p>A meeting was held on the 3<sup>rd</sup> of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided.</p> <p>This has been noted, and we have started the preparation of a Historic Landscape Appraisal for the non-designated farmsteads and will consult with NKDC on this going forward.</p>
<p><b>Paragraph 15.15</b> – see response above.</p>	<p>A meeting was held on the 3<sup>rd</sup> of November between the Applicant and NKDC on site, we await the response from NKDC to the meeting discussions and extra information provided. This has been noted, and we have started the preparation of a Historic Landscape Appraisal for the non-designated farmsteads and will consult with NKDC on this going forward.</p>
<p><b>Socioeconomics, Section 16</b> - generally, it would be helpful if the applicant had access to more recent relevant information on the Local Economy. Meetings held in 2021 (in the Covid Period) with the then NKDC Economic Development Manager would not have had access to pertinent contemporary data nor The Council's subsequently adopted strategic economic plans. The NK Economic Strategy and the companion Tourism Strategy both dated 2025-29 provide a much clearer picture of the local economy and its' recovery in the post-Covid period and set out The Council's priorities for ongoing intervention and support. For example, in ES Chapter 15.5.16 when discussing employment in the District no specific reference is made to Agri-food which is The District's biggest sector by GVA and</p>	<p>As noted in response to NKDC's comment 22.13 within <b>9.7 Applicants Comments on Local Impact Reports (REP2-041)</b>, the meeting, which took place in 2023, with NKDC highlighted tourism as key growth strategy. The Scoping Opinion section of Table 15.1 in <b>ES Chapter 15 Socio-economics (APP-066)</b>, highlights tourism as key growth area. This is later reiterated in paragraph 15.5.36 which notes that the visitor economy is an important council priority. Paragraph 15.5.37 and footnote 15 use data from the article on the new NKDC tourism strategy. The assessment in <b>ES Chapter 15 Socio-economics (APP-066)</b> fully acknowledges tourism as key growth area of NKDC and finds no significant effect on tourism.</p>

employment, and not 'Manufacturing' as stated. Primary agriculture, food production and their respective supply chains are fundamental to the NK economy and not separate from it. The strategy also considers the challenges and opportunities offered by growth in the renewables sector.

The NK Tourism Strategy in particular would help the applicant understand why the Visitor Economy is a priority sector for NKDC and its importance in helping to deliver a balanced growth economy. One of the goals of this Strategy is to promote stays of longer duration (and thereby expenditure) to support the growth of visitor attractions and accommodation, and at the same time reduce visitor emissions caused by a reliance on private cars for day trips.

The Council is more than willing to share these important documents and its' most current data.

The applicant has responded to NKDC's LIR in respect of matters of relating to tourism and tourism accommodation, particularly during the construction phases. Officers are principally concerned with the cumulative impacts of NSIP multiple solar arrays on Tourism and the Visitor Economy, which includes impacts on visitor numbers and tourism businesses as a direct result of the reduced availability of visitor accommodation and the cumulative Landscape and Visual Impacts, which may also affect visitor numbers, both during the construction and operational phases.

While officers acknowledge that it is difficult if not impossible to model the potential cumulative impacts of a large number of NSIP and smaller solar schemes on Tourism in advance, it would be naïve to assume that 5000+ha of solar development across the District will have no impacts at all on tourism. Developments of this scale in the countryside are unprecedented and while the 2013 Study of the Impact on renewable energy developments in Cornwall is noted, the scenarios are not directly comparable given the obvious differences between Cornwall and North Kesteven as destinations, the types of visitor they are likely to attract and the scale and types of

Paragraphs 15.5.14 and 15.5.18 in **ES Chapter 15 Socio-economics (APP-066)** mention how food manufacturing is important for NKDC economy. Moreover, the data used in the chapter is from ONS, and in the ONS datasets, 'food production' is counted under 'manufacturing'. When the chapter mentions manufacturing from ONS data, it refers to all manufacturing, including food manufacturing. **ES Chapter 15 Socio-economics (APP-066)** acknowledges in paragraph 15.5.13 that manufacturing is one of the biggest contributors to GVA in North Kesteven.

Table 15.1 in **ES Chapter 15 Socio-economics (APP-066)** summarises the outcomes of the NKDC meeting in 2023, quoting concerns over accommodation availability, especially cumulatively, as well as interest in making the Proposed Development a touristic asset. Promotion of renewable energy through guided walks is mentioned in paragraph 15.5.38. The NKDC Tourism Strategy mentions the following objective: Improvements to the North Kesteven walking, cycling and outdoor offers. The Proposed Development will enhance the PROW network by creating a circular walking route and including it in the Stepping Out Walk library, this is presented in a reply to NKDC's comment 22.19 within **Applicants Comments on Local Impact Reports (REP2-041)**, as well as in paragraphs 2.2.4 and 2.2.5 of the **oPROWMP [REP2-039]**. As already mentioned in response to NKDC's comment 22.18 within **Applicants Comments on Local Impact Reports (REP2-041)**, **Chapter 6 Landscape and Visual (APP-057)** found no significant adverse cumulative landscape and visual effects, thus no additional mitigation is needed to manage this impact, though it is acknowledged that NKDC plan to monitor this effect.

While it is noted that the tourist profile visitor experience might differ from Cornwall, the NKDC Tourism strategy mentions survey results where 63% of visitors stated that *"it was very important or important that tourism businesses or places they visited had a focus on sustainability and aspirations to reduce their carbon levels and to be more environmentally friendly."*

renewable development proposed in such a relatively small geography. Officers accept that a range of visitor responses to the cumulative impacts of NSIP scale of solar developments is possible and that impacts are likely to differ in respect of the construction and longer-term operational phases of the various projects, but given what is known about tourism in North Kesteven now it would be negligent for officers to rely upon a positive or even a neutral response and do nothing. Countryside and leisure activities in the countryside, such as walking, cycling, bird-watching etc are key to the District's rural offer and open views of diverse landscapes and relatively undemanding terrain for walking and cycling are important factors in determining NK's visitor appeal.

Officers are concerned that visitors who enjoy this type of experience are the most susceptible to loss of views or changes in landscape. The fact that Government and the Renewables Sector considers that the benefits of renewable energy outweigh the impacts on tourism and the local economy does not mean these impacts won't occur, or that the consequences will be negligible. NKDC will monitor the cumulative Landscape and Visual Impacts on visitor experience, visitor numbers and tourism businesses going forward and where possible offer appropriate support and advice to those businesses affected.

At **13.15** referring to **Chapter 15** and **Fig 15.19** the applicant acknowledges that cumulatively the impacts on tourism accommodation at peak periods could be significant, should the construction phases of multiple developments overlap. Officers understand that these estimates are only estimates and that much will depend on the timing of construction phases across multiple sites under different developer control, and that slippage may occur due to any number of factors from bad weather, to the supply of workers, materials, or other financial and operational constraints. However, this cumulative impact and the risks associated with a shortage of accommodation during the season are not confined to accommodation providers or construction workers and developers but must include those

showing visitor's interest in sustainability, potentially including renewable energy projects.

**ES Chapter 15 Socio-economics (APP-066)** recognises the importance of cycling and horse-riding (mentioned in the NKDC Tourism Strategy) in the area in paragraphs 15.5.34 and 15.5.35 and later concludes that cycling, horse-riding and walking will not be significantly affected by the Proposed Development, in paragraphs 15.5.15-15.6.22.

Paragraph 15.6.47 in **ES Chapter 15 Socio-economics (APP-066)** mentions the Heckington Village Show and Swaton Vintage Show, showing that peak construction worker months are not planned for summer 2027 and 2028. Cumulatively (Table 15.19), in July when the events are planned the assessment showed there would be remaining accommodation to host tourists. Availability in June is lower, but some availability does remain (Table 15.19). Due to the distance of Coleby Heath (around 20km away in a straight line from the Proposed Development) and the fact that June is not assumed to be a peak construction month, accommodation availability for this event is not expected to be significantly affected by the Proposed Development.

The assessment on accommodation capacity, as provided in **ES Chapter 15 Socio-economics (APP-066)**, demonstrates that in a worst case scenario, with available data, a non-significant residual effect is identified, once the suggested mitigation is applied. NKDC's concern in regard to accommodation is acknowledged, and the commitment by NKDC to monitor the situation is positive.

businesses, attractions and events that habitually rely upon an appropriate supply of accommodation to host visitors during the season. For example, The Heckington Show, the UK's largest 'village show' held on the last weekend of July attracts 30,000 visitors a year. Cereals, Europe's premier arable farming event attracting 25,000 visitors was held at Coleby Heath in early June 2024 and will return to the District before 2028 and in this case accommodation in NK, Lincoln, the wider county and beyond is always booked up well in advance. A shortage of accommodation in either case could impact attendance or even the staging of these events. Any mitigation (15.8.9) is welcome and officers are happy to agree to work with the applicant and colleagues at Boston Borough Council to assist in scoping these risks in more detail. Officers also understand that mitigation for unknown economic impacts where no evidence can be obtained in advance may not be considered at this time, regardless of the risks of damage to businesses, livelihoods and communities that may occur. Nonetheless, it is clearly in NKDC's interest to monitor these impacts going forward and any support the applicant can provide over and above the monitoring suggested at 15.8.9 is welcomed.

**Socioeconomics, paragraph 16.14 and 22.19** – the Council welcomes the support for Stepping Out Walk designation including a commitment to providing signage for the route. The Council also welcomes the reference to engagement with the Council on establishing a Stepping Out Walk at paragraphs 2.2.4 to 2.2.5 of the oPROWMP. As set above, the Council maintains its request for full funding for the other costs of establishing a Stepping Out Walk and that its preferred mechanism is via a s106 agreement. The Council welcomes further engagement with the applicant on this matter.

The Applicant set out its position regarding the necessity of a section 106 agreement in its **Applicant's Responses to Examining Authority's First Questions (REP2-040)**, question GCT.1.11. This was also discussed during Issue Specific Hearing 3.

In summary, the Applicant is open to the request for funding of the Stepping Out Walk but disagrees that a section 106 would be necessary to secure this. The commitments can be secured via the **Outline Public Rights of Way Management Plan (REP2-039)**. The Applicant is in discussions with NKDC on S106 generally and will update the ExA in due course.

<p><b>Socioeconomics, paragraph 16.16 to 16.18</b> – the Council welcomes the provisions made in respect of maintaining footpaths and farm access during construction and defers to LCC’s views given their responsibilities for public rights of way.</p>	<p>The Applicant acknowledges this response.</p>
<p><b>Soils and Agricultural land, paragraph 21.16</b> – the reference to a total permanent loss of 56ha of agricultural land (in general, across all 5 grades) is a miscalculation from Table 14.13 in ES chapter 14. It is acknowledged that the correct figure stated in Table 14.13 is 29.99ha.</p>	<p>The Applicant acknowledges this response.</p>
<p><b>Arboriculture, paragraph 24.3</b> – the oLEMP indicated at paragraph 2.5.4 that the removal of dead and diseased trees would take place during Years 1-5 but not thereafter. There is no reference to the specific actions to monitor and replace ash trees for a 20 year period from commissioning of the energy park within the oLEMP. The Council seeks an amendment to the oLEMP to ensure that this provision is incorporated given the high number of ash trees within the site area.</p>	<p>Within <b>Applicants Comments on Local Impact Reports (REP2-041)</b>, the Applicant provides the following response in respect of comment 24.3 and ash die back <i>‘Individually, ash trees and any tree groups where a majority of the trees in the group are comprised of ash, that substantially decline due to ash dieback disease to the extent that they have to be removed on health safety grounds and those that die in their entirety will be replaced during the timeframe of 20 years from commissioning of the Solar Array PV and BESS infrastructure. The oLEMP will be updated to include this requirement and submitted at Deadline 5.</i></p>
<p><b>Potential contamination from solar panels, paragraph 24.4 to 24.6</b> – the applicant states that measures to manage potential contamination will be covered in the DEMP. The oDEMP (REP1-011] states at paragraph 1.5.3 that all PV modules will be removed from site and recycled or disposed of in accordance with good practice and market conditions at that time. Paragraph 1.12.4 explains that the Principal Decommissioning Contractor will separate the main waste streams onsite prior to transport for recycling and disposal. This would indicate that some means of on-site storage will be necessary. The Council acknowledges that the oDEMP includes reference to generic pollution impacts that might occur during the decommissioning phase, however, there is no specific reference to potential contamination to</p>	<p>Paragraph 1.4.9 of the oDEMP (REP1-011) states that, <i>“All the solar infrastructure, including PV modules, Onsite Substation, mounting structures, inverters, transformers, switchgear, battery energy storage system (BESS), fencing and ancillary infrastructure will be removed and recycled or disposed of in accordance with good practice following the waste hierarchy...”</i></p> <p>Therefore, there will be no physical contaminants remaining on site following decommissioning. The monitoring requirements for the Principal Decommissioning Contractor would ensure that everything has been removed and no waste remains. The Applicant will discuss this with the Council to agree the necessary updates required to the oDEMP and an update will be provided at D5. The Applicant is of the view that Ha post works</p>

agricultural land that might arise from decommissioned solar panels stored on-site prior to removal. Paragraph 2.10.4 of the oDEMP only refers to two potential impacts to soils and agriculture ie damage from trafficking of vehicles / plant and incorrect soil handling and localised movement of stockpiled soils to support restoration. The Council would welcome the inclusion of a soil survey prior to decommissioning and specific reference to soil contamination as a potential impact in Section 2.10 of the oDEMP as stated in paragraphs 24.4-6 of its LIR [REP1-054].

condition survey under the responsibility of the Decommissioning Contractor will ensure the Site is free from physical contamination.

With this measure included, the Applicant is not expecting there to be any contamination present within the soil, therefore it is not expected for contamination to be a potential impact to prevent agricultural land reinstatement. The OSMP (REP1-013) states in paragraph 4.1.6 *"Soil mixing also poses a risk to the soil resource and its potential for reuse on Site due to reduced fertility. The separately identifiable topsoils and subsoils encountered (and stripped for storage) are to be stored separately in stockpiles to avoid loss of soil resources through mixing. Soil will only be stored in designated soil storage areas and must be kept free of contamination."*

The monitoring requirements set out in table 3 of the OSMP will ensure no contamination is present within the stockpiled soils used for restoration.

Any chemical contamination as a result of activities to remove physical infrastructure are covered by section 1.16 of the oDEMP (REP1-011) – Environmental Incidents and Emergencies. This includes an Emergency Response Plan (ERP) that will detail procedures for responding to incidents and emergencies onsite and would cover potential fuel/oil/chemical spills from machinery being used.

**Battery type, paragraph 24.16 to 18** – the applicant states that it has provided a response to this matter in its response to the Council's Relevant Representation on p23-24 [REP1-039]. The Council is not able to locate this response in document REP1-039.

The Applicant recognises an error in the document reference for The Applicant's Response to Relevant Representations provided in the Applicants Comments on Local Impact Reports (REP2-041). The Applicant mistakenly referred to REP1-039.

The correct examination library reference where the Applicants response can be found is REP1-029 (Applicant Responses to Relevant Representations).



**Extended period of outage, paragraph 24.31** – the Council remains in disagreement over the Applicant’s approach to an extended period of outage which simply appears to rely on market forces to intervene. As stated in the Council’s LIR [REP1-054] at paragraphs 24.31-32, there is precedent from other Lincolnshire solar farms to a means by which such an eventuality may be addressed to avoid unnecessary environmental impact. The Council has most recently addressed this matter in relation to the Springwell solar farm where we have agreed a set of principles and triggers requiring specific interventions in the case of extended periods of outage within the oOEMP (paragraphs 2.16.1-2.16.4) [EN010149-000930-Springwell Energy Farm Limited - Outline Operational Environmental Management Plan \(Clean\).pdf](#)

The Applicant responded to this point at line 24.31 of the **Comments on Local Impact Reports (REP2-041)** and remains of the view that it is not necessary or proportionate for the DCO to include any controls relating to an extended period of outage.

In the event the Proposed Development should stop generating electricity for any continuous period, the Applicant would have a commercial interest in repairing the solar farm as quickly as possible as outgoing would not cease. The Applicant disagrees that a specific provision is required for a situation whereby the development should stop generating electricity for a continuous period of 12 months. This would also be duplicative of the controls and reporting that will be operated by NESO as grid operator around non supply, and does not meet the planning test of necessity.

It is noted that the (as yet undecided) Springwell DCO, and the Heckington Fen DCO include such controls, however, there are a number of other solar DCOs which the SoS has consented that do not include this provision.

**Funding for decommissioning or extended period of outage, paragraph 24.33** – as per our response to the Applicant’s response to Action Point 1 above, the applicant has not addressed funding for decommissioning. The requirement in the DCO is merely repeated. That is not the same as evidencing funding for decommissioning which would assist with assurance that a bond is not required as previously raised by the Council at paragraph in our LIR [REPO-054].

Please refer to the response to the row above titled *"Applicant’s response to Action Point 1"*.

## Draft Development Consent Order

**Paragraph 26.2 Applicant's response to NKDC's Local Impact Report [REP2-041]** – the Council notes that the DCO has been amended to reflect the Tillbridge definition of 'maintain' but notes that the applicant has made no commitment to a Requirement to limit the percentage of replacement panels or a monitoring arrangement. The Council refers to the ExA's suggested Requirement submitted to the Springwell solar farm Examination as an example of where such a Requirement has been considered: EN010149-000883-ExA Schedule of Changes to dDCO.pdf The Springwell solar farm oOEMP, at Section 2.10 Replacement Schedule, commits the applicant to submit a planned maintenance schedule every 12 months to the local planning authority. This includes any components that approach the end of their design life and includes the replacement of solar panels [REP4-032 EN010149-000930-Springwell Energy Farm Limited - Outline Operational Environmental Management Plan (Clean).pdf].

The Applicant responded to this point at line 17.15 and 19.1 of the **Comments on Local Impact Reports (REP2-041)**, where it was noted that 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 as follows to make the limitations of the definition clear.

*"maintain" includes inspect, upkeep, repair, refurbish, adjust, alter, remove, reconstruct and replace in relation to the authorised development, **but not remove, reconstruct or replace the whole of, the authorised development,** provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement; and any derivative of "maintain" must be construed accordingly;"*

The Springwell DCO cited by NKDC has not yet been made by the Secretary of State and the latest draft of the DCO for that project put forward by the applicant in that project does not include such requirement. Accordingly, Springwell is not a precedent for such requirement being imposed. There is also no equivalent in the most recently made solar DCO the Stonestreet Green Solar Order 2025..

**Article 44 amendments** – the Council welcomes the insertion of clause 11 under Article 44 which ensures that works to hedgerows and trees are subject to Requirements 7 (LEMP), 8 (BNG) and 12 (CEMP). The provisions under Article 44, however, still enable the removal of TPO trees.

The Council recommends that a clause is included within the oLEMP to reflect that which was included in the Springwell Solar Farm oLEMP to ensure the replacement of TPO trees if required by the local authority

As noted in sections 2.1, 5.1 and 8.1 of the **Arboricultural Impact Assessment (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 provisions relating to TPO trees are therefore included in this Order on a precautionary basis, in the event that in the future any trees affected by the authorised development are afforded this status. This is regarded as a prudent and appropriate approach so as not to delay the delivery of the Proposed Development by the Applicant have to seek



[REP5-013, EN010149-000987-Springwell Energy Farm Limited - oLEMP.pdf] as follows:

*5.3.20 Whilst no removals of trees subject to a Tree Preservation Order (TPO) are proposed, where an individual tree subject to a TPO must be removed (e.g. due to its dead or dangerous condition) and the local authority requires replacement, a new tree of equivalent species and ultimate size will be planted in the same place or as near as reasonably practicable, subject to operational requirements. Replacement planting for individual trees will utilise heavy standard tree stock (typically, 12-14cm girth) and will be planted in the next planting season following removal. The final species and planting location will be agreed in advance with the local authority.*

The Council also recommends that an annual maintenance schedule be submitted as a requirement of the oOEMP which includes details of any trees that require removal and if they are to be replaced to reflect the Springwell solar farm oOEMP [REP4-032 EN010149-000930-Springwell Energy Farm Limited - Outline Operational Environmental Management Plan (Clean).pdf] as outlined in Section 2.10 Replacement Schedule. A similar approach was following within the Tillbridge solar farm framework OEMP [REP06-026 EN010142-001199-Tillbridge Solar Limited - 7.9 Framework Operational Environmental Management Plan - Revision 4 (clean).pdf]

consent separately to interfere with any tree (or tree group) which is subsequently afforded TPO status.

Notwithstanding the above, the oLEMP will be updated at Deadline 5 with the following text *“Whilst no removals of trees subject to a Tree Preservation Order (TPO) are proposed and currently there are no trees protected by TPO within the Order Limits, where an individual tree becomes the subject of a TPO and where it must (either due to obvious damage or in the opinion of arboricultural advisors to the undertaker) be removed (e.g. due to being dead or in dangerous condition) and the Local Planning Authority requires replacement planting, a new tree of equivalent species and ultimate size will be planted in the same place or as near as reasonably practicable, subject to operational requirements. Replacement planting for individual trees will utilise heavy standard tree stock (typically, 12-14cm girth) and will be planted in the next planting season following removal. The final species and planting location will be agreed in advance with the Local Planning Authority.*

The oLEMP has been updated to include the following provision *‘Annual monitoring reports detailing proposed tree removals within the DCO Order Limits within the Bespoke Access Corridor and Solar Array Area and proposed replacements (within the Solar Array Area only and where feasible, subject to the operational requirements of the development) will be submitted to the Local Planning Authority for a period of 20 years from commissioning of the Solar Array Area. Note, where a tree has to be removed urgently due to imminent risk of harm arising if left, the reporting is likely to be retrospective. To inform these monitoring reports, trees will be surveyed for health and safety objectives by the Arboricultural Clerk of Works (ACoW) from commissioning of the Solar Array Area using negative reporting principles e.g. only trees only to be pruned and/ or removed for health and safety reasons and because they are dead being recorded. The frequency of subsequent surveys will be every three years where the trees are within falling distance of*

	<p><i>public roads, Public Rights of Way, the Bespoke Access Road and other internal access tracks, dwellings and the development infrastructure and every five years for all other parts of the site. Ad hoc (e.g. between formalised surveys) reporting of trees with suspected health and safety issues shall be reported to the ACoW for a more detailed inspection.'</i></p>
<p><b>Article 46 procedure</b> – the Council maintains its request in paragraph 26.4 of its LIR [REP1-054] that the procedure in relation to certain approvals should mirror the discharge determination period of 10 weeks. The Applicant has referred to precedents but does not deal with why it is appropriate to have different determination periods within the same dDCO.</p>	<p>Following the discussions during Issue Specific Hearing 3 (<b>Document Ref. 9.16</b>) 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.</p>
<p><b>Requirement 8</b> - if the Applicant wishes the proposed BNG percentages to be considered as part of the planning balance it should secure that definitively via the Requirement. At the moment, the proposed text that BNG should be 'substantially in accordance with' the OLEMP is not definitive and the BNG percentage minimums could arguably be reduced. As per other NSIP proposals in Lincolnshire such as Springwell solar farm, the actual BNG percentages ought to be stated in the wording of the Requirement if the applicant wishes BNG provision to be weighed in the planning balance. Mindful of the Council's position as set out in our LIR (we do not currently agree with the BNG metric baseline assessment) we accept that this will be an evolving matter throughout the examination. However, once the 8 baseline and the associated BNG uplift has been agreed for the above reasons we will look for these minimum percentages to be specified in the drafting of Requirement 8.</p>	<p>Following the discussions during <b>Issue Specific Hearing 3 (Document Ref. 9.16)</b> the Applicant confirms that the wording of Requirement 8 has been updated in the <b>Draft DCO (Document Ref: 3.1)</b> so that the minimum BNG percentages that the Applicant has committed to securing (via delivery of the LEMP, which must be substantially in accordance with the <b>Outline LEMP (Document Ref: 6.3.19)</b>) appear on the face of the DCO. The Applicant is committed to a minimum of 30% biodiversity net gain in area-based habitat units, a minimum of 10% biodiversity net gain in hedgerow units, and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' Statutory Metric (February 2024).</p>

<p><b>Requirement 16</b> – the Council notes that the relevant authority for discharging Requirement 16 has not been changed from Lincolnshire County Council to North Kesteven District Council as requested in our LIR [REP1-054].</p>	<p>Following the discussions during Issue Specific Hearing 3 (<b>Document Ref. 9.16</b>) the Applicant has updated the <b>Draft DCO (Document Ref: 3.1)</b> to make NKDC and BBC the discharging authorities for requirement 16.</p>
<p><b>Requirement 19</b> - The Applicant has not addressed funding for decommissioning. The requirement in the DCO is merely repeated. That is not the same as evidencing funding for decommissioning which would assist with assurance that a bond is not required as previously raised by NKDC.</p>	<p>Please refer to the response to the row above titled "Applicant's response to Action Point 1".</p>
<p><b>New Requirement to control amount of replacement panels</b> - the applicant has made no commitment to a Requirement to limit the percentage of replacement panels or a monitoring arrangement. The Council refers to the ExA's suggested Requirement submitted to the Springwell solar farm Examination as an example of where such a Requirement has been considered: <a href="#">EN010149-000883-ExA Schedule of Changes to dDCO.pdf</a> The Springwell solar farm oOEMP, at Section 2.10 Replacement Schedule, also commits the applicant to submit a planned maintenance schedule every 12 months to the local planning authority. This includes any components that approach the end of their design life and includes the replacement of solar panels [REP4-032 <a href="#">EN010149-000930-Springwell Energy Farm Limited - Outline Operational Environmental Management Plan (Clean).pdf</a>].</p>	<p>The Applicant responded to this point at line 17.15 of the <b>Comments on Local Impact Reports (REP2-041)</b> , as follows:</p> <p><i>"The Applicant strongly opposes the imposition of such a requirement. This comment correctly identifies the concern as being the impact of replacement of parts, rather than the activity itself. It follows from that, that it is appropriate to put measures in place to control and monitor the impact, rather than placing a percentage restriction on the panel replacement. The difficulty with imposing a 5% restriction on panel replacement is that this does not bear a direct relationship to the impact of the replacement. For example, there is no suggestion or evidence that, if 5.5% or 7% of panels was replaced over the 40 year operational lifetime of the Proposed Development, that this would result in environmental effects materially new or different to those assessed in <b>Appendix 17.2 Waste and Recycling Strategy (APP-189)</b>. The Applicant notes that the Springwell DCO has not yet been made by the Secretary of State and the latest draft of the DCO for that project put forward by the applicant in that project does not include such requirement. Accordingly, Springwell is not a precedent for such requirement being imposed."</i></p>

## 6. Boston Borough Council Response to Deadline 3

Table 6.1 – Boston Borough Council Response to Deadline 3

TEXT	RESPONSE
<p><b>Introduction</b></p> <p>This letter provides a response at Deadline 3 (31 October 2025) from Boston Borough Council (hereafter 'BBC') on the following Deadline 2 submissions by the Applicant:</p> <ul style="list-style-type: none"> <li>• REP2-005 – draft DCO.</li> <li>• REP2-007 - Explanatory Memorandum.</li> <li>• REP2-041 - Applicant's comments on LIR.</li> <li>• REP2 -043 - Applicant's comments on WR.</li> </ul> <p>The submission should be read in conjunction with the Council's Written Representation and Local Impact Report submitted at Deadline 1 along with BBC response to ExA Q1.</p>	<p>The Applicant acknowledges this response.</p>
<p><b>Applicants Comments upon WR and LIR</b></p> <p>BBC notes the Applicants Response to WR (REP2-043) and Applicants Response to LIR (REP2-041) with particular regard to Agricultural Land, Landscape and Visual matters including Mitigation, BNG, Socio Economic and Construction Impacts. Since the last deadline BBC have held meetings with the Applicant in regard to the above matters. However, these discussions are ongoing and BBC intends to update the ExA at future deadlines and via the SoCG process as further progress is made towards reaching agreement on such matters where possible.</p>	<p>The Applicant has submitted an updated SoCG between the Applicant and BBC (<b>Document Ref. 8.3</b>) at Deadline 4 to reflect the current position on these matters. Discussions remain on going and the Applicant is committed to ongoing engagement with BBC.</p>

## Draft DCO

### Article 23 Discharge of Requirements

BBC's concern was that the proposed fee structure at article 23 (2) (a) to (c) would not adequately cover the Councils reasonable costs in fulfilling its obligations. BBC notes the update in the discharge of requirement fees and welcomes the changes to Article 24 (which was article 23) and the explanation provided within the Explanatory Memorandum at paragraph 9.1.29 that *'the fee structure and fee amounts now reflect the equivalent drafting in the latest version of the Springwell draft DCO.'*

BBC are now happy with the level of fee but wishes to understand the rationale behind which requirements are included in each fee bracket. BBC considers that paragraph 24 (2) (a) should include requirements 5, 6, 7, 8, 10, 12, 13, 17, 16 and 19. It is however the intention for further discussions to take place on this matter and/or comments to be made through the SoCG process.

The Applicant notes that this rationale was explained verbally during Agenda item 3 in Issue Specific Hearing 3. Please refer to the **Written Summary of Oral Submissions of the Applicant during ISH3 (Document Ref. 9.16)** for further details. It was also agreed that requirements 8 and 17 would be included within the remit of paragraph 24(2)(a). This has been updated in the **Draft DCO (Document Ref: 3.1)**.

### Article 44 Lopping and Felling of Trees

BBC welcomes the changes to Article 44 (which was article 43) with the addition of paragraph (11) within the Draft DCO and the explanation provided within the Explanatory Memorandum at paragraph 8.1.18 that *'the power in Article 44 can and must only be exercised in accordance with the requirements set out in Schedule 2 to the Draft DCO, specifically requirements 7, 8 and 12.'* The Change to article 44 and the explanation within the Explanatory Memorandum clarifies BBC concern here.

The Applicant acknowledges this response and also considers the matter agreed.

## Schedule 2 Part 1 DCO Requirements

BBC notes the Applicants' comments with regard to the draft Requirements as set out in Schedule 2 part 1 of the draft DCO in response to BBC concerns and thanks the Applicant for their explanation of the use of 'substantially in accordance with'. Since the last deadline BBC have held meetings with the Applicant in regard to the Content of the Requirements as set out at Schedule 2 Part 1 of the draft DCO in regard to an additional requirement for phasing of development, the use of the phrase substantial in accordance with and additional wording to ensure important matters are specifically referred too and those requirements referenced in the WR. However, these discussions are ongoing and BBC intends to update the ExA at future deadlines and via the SoCG process as further progress is made towards reaching agreement on such matters where possible.

The Applicant acknowledges this response and is committed to ongoing engagement with BBC through the SoCG (**Document Ref. 8.3**).

## Conclusions

BBC have been progressing dialogue with the Applicant on topic areas within the Statement of Common Ground (SoCG). Since the last deadline BBC have held meetings with the Applicant in regard to landscape and visual mitigation measures, BNG, BMVAL, Article 44 and Article 23 of the of the draft DCO and the Requirements of the draft DCO.

There are, however, areas of disagreement remaining but the Applicant's commitment to further discussions with BBC is welcomed and BBC intends on reaching agreement in areas where possible.

BBC wishes to engage proactively with the Applicant to reduce these areas of concern and seek to achieve the best possible outcomes for the local communities and other sensitive receptors that would be most affected by the impacts of the Project.

The Applicant has submitted an updated SoCG between the Applicant and BBC (**Document Ref. 8.3**) at Deadline 4 to reflect the current position on these matters. Discussions remain on going and the Applicant is committed to ongoing engagement with BBC. Please also refer to the **Written Summary of Oral Submissions of the Applicant during ISH3 (Document Ref. 9.16)** where a number of these matters were discussed and progressed.

## 7. Lincolnshire County Council Response to Deadline 3

Table 7.1 – Lincolnshire County Council Response to Deadline 3

TEXT	RESPONSE
<p>The Council notes the updated application documents submitted by the Applicant, along with submissions from interested parties at deadline 2. The Applicant's submissions encompass updates to chapters and appendices of the Environmental Statement (ES), revised plans, updated management plans, a revised draft Development Consent Order (dDCO), responses to ExQ1 and the Applicant's response to Local Impact Reports (LIR) and written representations, which are the focus of the Council's comments.</p> <p>Due to the limited time between deadlines 2 and 3 to review these submissions and considering that they were not made available on the National Infrastructure Planning website until 24 October, the Council is able to provide the following comments at this stage. Further feedback will be provided in future written submissions, through the Statement of Common Ground (SoCG) and during examination hearings, as appropriate.</p>	<p>The Applicant acknowledges this response.</p>
<p><b>Policy Comments</b></p> <p><b>Written Ministerial Statements (WMS)</b></p> <p>The applicant's comments at 5.16-5.17 of Applicant's comments on Local Impact Reports [REP2-041] and the response to ExQ1[REP2-040] LUS 1.1and 1.2 are noted.</p> <p>The applicant response at LUS 1.1 states that:</p> <p><i>"The Applicant is considering the option to utilise the Solar Array Area of the Proposed Development for grazing opportunities. In that way, the Proposed</i></p>	<p>The Applicant notes these comments, and agrees. The <b>Planning Statement (APP-277)</b> makes clear that the land could potentially be used for grazing, and that these options will be explored, but makes clear that the Applicant cannot make this commitment as it is not certain that this will be brought forward. As such, grazing is not taken into account in the planning balance.</p>



*Development could still contribute to the agricultural supply chain, if a local grazier was interested in this opportunity.*

*This opportunity is mentioned in the OLEMP (APP-089), secured via Requirement 7 of Schedule 2 of the Draft DCO (Document Ref: 3.1)."*

Grazing has been suggested as a potential option for land use; however, there is no firm commitment to its implementation. Consequently, LCC considers that grazing cannot be regarded as secured under Requirement 7. In the absence of a confirmed agricultural grazing use, the land beneath the solar arrays would be classified as non-agricultural. This would result in the loss of Best and Most Versatile (BMV) land from agricultural production, meaning it would no longer contribute to the agricultural supply chain. The applicant has acknowledged in its response to LUS 1.2 that grazing should not be given weight in the planning balance, a position with which LCC agrees.

### **Landscape and Visual**

The Council acknowledges the applicant response to our LIR and written representation. The Council's position remains as set out in the LIR and in the SoCG and we have no further comments to make at this stage. However, the Council welcomes continued dialogue with the applicant and notes at 7.16 of REP2-041 that the applicant proposes further engagement regarding the contents of the AAH report, to identify key issues and information requirements and to look to resolve these matters over the course of the examination.

The Applicant acknowledges this response and can confirm that a meeting was held on the 20<sup>th</sup> November 2025 to consider the contents of the AAH Report (**Appendix 1 of the LCC LIR (REP1-044)**), the SOCG is currently being updated and will be resubmitted at deadline 5 to reflect the latest position with regard to landscape and visual matters. Please also refer to the **Written Summary of Oral Submissions at ISH2 (Document Ref. 9.16)** where the LVIA was discussed at length.

### **Ecology**

#### **Chapter 7 Ecology (Revision 2) [REP2-015]**

The Council notes the updates made in REP2-015 and has the following comments to make:

The Applicant acknowledges the council's comments regarding ground nesting birds and remains committed to resolving these matters with both the council's ecologist and Lincolnshire Wildlife Trust. The Applicant will provide updates on the progression of this engagement at Deadline 5. The Applicant



- 7.6.54: The Council remains concerned about the predicted permanent impact on skylark and by association other populations of ground nesting farmland birds. This is particularly the case given the number of other solar developments in the county which have the potential to reduce the area of nesting habitat available. The Applicant is encouraged to provide additional information on measures that will be incorporated to avoid permanent negative impacts on populations of ground nesting birds species.
- 7.6.6: The Council welcomes the clarification provided that no trees with bat roosting features will be removed.
- 7.6.80: The Council welcomes the updated information in relation to decommissioning effects on Local Wildlife Sites and confirmation that these will not be significant.
- 7.7.4: The Applicant's commitment to undertaking pre-works habitat suitability assessment for fish and post-construction monitoring to ensure recovery is welcomed.

also notes the relevant action points from ISH2 which is outlined in the **Written Summary of ISH2 (Document Ref. 9.15)**.

The Applicant acknowledges the responses regarding 7.6.6 7.6.80 and 7.7.4 and considers these matters agreed.

**Biodiversity Net Gain Strategy (Revision 2) (Tracked) [REP2-029] and Biodiversity Net Gain Strategy: BNG Metric [REP2-031]**

The Council notes the updates made in REP2-029 and REP2-031 and has the following comments to make:

- The updated predictions for the levels of BNG to be delivered of 30.23% area habitat units, 10.79% hedgerow units and 15.95% watercourse units are noted.
- The Council considers that habitats have now been assigned the correct strategic significance in line with Central Lincolnshire Biodiversity Opportunity mapping.
- The Council notes the Applicant's updated assumption at 2.5.7 in relation to Arable margins / Other Neutral grassland and considers this an acceptable approach.

The Applicant previously omitted their position on BNG in the Applicants Comments on Local Impact Reports (Document Ref. 9.7) and has therefore set out their position below for the benefit of LCC and the ExA:

The Applicant used the Biodiversity Opportunity Areas identified in the Central Lincolnshire Local Plan to help develop the biodiversity enhancement within the **BNG Strategy (Document Ref: 7.3)** and secured in **Appendix 6.7 outline Landscape and Ecological Management Plan (oLEMP) (Document Ref: 6.3.19)** (secured via Requirement 7 of Schedule 2 of the **Draft DCO (Document Ref: 3.1)**). The **BNG strategy (Document Ref: 7.3)** has been reviewed and these areas of strategic significance were added. This has been updated for the baseline at Deadline 2 and was updated for created/enhanced habitats at Deadline 3.

- Areas of Priority woodland habitat are now correctly included in the Applicant's Biodiversity metric (REP2-031).
- The Council notes that previously proposed lowland meadow habitat creation has been changed to 'Other neutral grassland' in the Applicant's Biodiversity Metric (REP2-031).
- The creation of this habitat type is considered more realistic. Table 10 in REP2-029 does not appear to have been updated to reflect this change.
- The trading rules in the metric are not currently being met and the Council would welcome further discussion with the Applicant on how this could be achieved by provision of additional areas of high distinctiveness habitat.
- The Council has previously queried whether there are opportunities to deliver biodiversity enhancements at Bicker Fen substation. This query does not yet appear to have been addressed.

Priority woodland assessments and tree removal was reviewed and updated in the **BNG Strategy (Document Ref: 7.3)** submitted at Deadline 2.

The detailed design for connection to the substation is currently being developed in collaboration with National Grid Energy Transmission (NGET) and, therefore, a worst-case scenario of habitat loss was adopted.

Where feasible, the Applicant is aiming to go above standard practice and the residential buffer fields are one place where this is feasible. Noting that the field will currently be enriched by chemical fertilisers, as discussed in the meeting on 14th August 2025, a high-level approach to creating such habitats was incorporated in **Chapter 7 Ecology (APP-058)** Environmental Statement (ES) at Deadline 3.

The Applicant acknowledges the response regarding the updated levels of BNG, and would like to stress that whilst the precise predications are likely to change depending on agreement of enhancements with stakeholders, the Applicant is committed to net gain of at least 30% habitat units, 10 % hedgerow units and 10 % watercourse units and this is appropriately secured.

The Applicant notes the Council's response on strategic significance, arable margins/other neutral grassland, priority woodland and lowland meadow habitats and considers these matters agreed.

The Applicant noted the comment regarding habitats in Table 10 of the **Biodiversity Net Gain Strategy (REP2-029)** and will update this at Deadline 5 to confirm the change.

The Applicant notes the comment on the trading rules. These are intended to be addressed through enhancement of habitats, some of which include 'high distinctiveness' habitats and the Applicant wishes to engage with stakeholders on (including the Council). The Applicant will provide updates on this engagement and any agreement during the examination process.

	<p>The Applicant has reviewed the opportunities for enhancement at Bicker Fen Substation. Discussions are ongoing and an update will be provided at Deadline 5.</p>
<p><b>Habitats Regulations Assessment Report (Revision 2) [REP2-013]</b></p> <p>The updates to REP2-013 are noted and that Natural England is in agreement with the proposed mitigation measures.</p>	<p>The Applicant acknowledges this response and also considers the matter agreed.</p>
<p><b>Appendix 2 4 Outline CEMP (Revision 3) [REP2-017]</b></p> <p>The Council notes the updated Outline CEMP and welcomes the confirmation that preconstruction ecological surveys will include otter surveys.</p>	<p>The Applicant acknowledges this response and also considers the matter agreed.</p>
<p><b>Applicant's Comments on Local Impact Reports [REP2-041]</b></p> <p>The Council notes Applicant's comments in relation to Ecology and Biodiversity and welcomes the clarification provided in updated documents submitted by the Applicant at Deadline 2. The Council has provided comments on the updates made to relevant documents and notes that further updates will be provided by the Applicant at Deadline 3 (REP2-041, 8.24).</p> <p>The Council also has the following observations on the Applicant's responses to comments relating to ecology and biodiversity made in the LIR:</p> <p>8.24: The Council disagrees that it is not practical to undertake specific botanical surveys for scarce arable flowers. However, the Applicant's</p>	<p>The Applicant notes the comments made and will continue engagement with the intention on reaching agreement around the botanical surveys, bat monitoring and pre-commencement bird surveys. The Applicant met with the LCC Ecologist after the hearing on the 12<sup>th</sup> November 2025 to discuss and has arranged a meeting for discussion of outstanding points with LCC (and potentially Lincolnshire Wildlife Trust and NKDC) on 1<sup>st</sup> December 2025. The Applicant will provide an on how these matters are progressing and any agreement at D5.</p> <p>The text of 8.32 was meant to state:</p> <p><i>"The Applicant used the Biodiversity Opportunity Areas identified in the Central Lincolnshire Local Plan to help develop the biodiversity enhancement within the BNG Strategy (APP-280) and secured in Appendix 6.7 outline Landscape and Ecological Management Plan (oLEMP) (APP-098) (secured via</i></p>

approach of retaining existing field margins or reinstating the seedbank is considered acceptable.

8.26: The Council maintains its opinion that a programme of post-construction bat monitoring should be secured in order to further the understanding of the impacts of large-scale solar developments on local bat populations.

8.27: Confirmation is requested that pre-commencement breeding bird surveys will be undertaken in such a way as to enable the detection of breeding quail (as well as other Schedule 1 species) within the project area as the species is known to occur in North Kesteven.

There appears to be an editing error at 8.32. Comments from the Council's LIR have been transposed into the 'Applicant's response' column rather than details of how the Council's comments have been addressed.

*Requirement 7 of Schedule 2 of the Draft DCO (Document Ref: 3.1). The BNG strategy (APP-280) has been reviewed and these areas of strategic significance has been added. This has been updated for the baseline at Deadline 2 and will be updated for created/enhanced habitats at a future deadline following engagement with the Council.*

*Priority woodland assessments have been updated and tree removal has been reviewed and where necessary has been updated in the BNG Strategy submitted at Deadline 2.*

*The detailed design for connection to the substation is currently being developed in collaboration with National Grid Energy Transmission (NGET) and, therefore, a worst-case scenario of habitat loss has been adopted.*

*Where feasible, the Applicant is aiming to go above standard practice and the solar PV exclusion zones are one place where this is feasible. Noting that the Solar Array Area will currently be enriched by chemical fertilisers, as discussed in the meeting on 14th August 2025, a high-level approach to creating such habitats will be incorporated in the next update to **Chapter 7 Ecology (APP-058) Environmental Statement (ES).**"*

## Built Heritage

The Council has reviewed the applicant's response to built heritage matters as set out in REP2- 041 (9.12 to 9.22) and offers the following comments:

### 9.12 – Methodology and Group Value

The Council accepts the methodological framework for individual assets set out in Table 8.2 for cultural heritage; however, it disagrees that the current methodology is able to reflect the group value of certain assets, namely historic farmsteads within the affected landscape.

EN-1 paragraph 5.9.3 states that significance derives not only from a heritage asset's physical presence but also from its setting. The setting of a

The assessment follows the methodology set out within 8.2 and has considered the non-designated heritage assets, historic farmsteads, as part of the historic landscape characterisation. The assessment has provided context by discussing the topography, geology, settlement patterns, land use, route ways and historic landscape in which the individual farmsteads had been assessed to ensure a holistic understand of significance and potential indirect impact. However, following the request from LCC and the ExA a group value appraisal is being prepared for Deadline 5.

heritage asset is the surroundings in which it is experienced; historic farmsteads collectively contribute to the area's rural historic character, yet no group assessment is included in the ES. A group-value approach (as adopted in other NSIP schemes such as Springwell) should inform the ES to support a proportionate understanding of their collective setting and to inform appropriate mitigation.

### 9.13 – Asgarby Hall and Church

Following the site meeting of 5 September 2025 and review of the supporting information, the Council is satisfied that intervisibility between the proposed access infrastructure and these receptors is very limited and that the overall effect is correctly assessed by the applicant. No further assessment or specific mitigation is considered necessary, though continued attention to boundary planting and screening during detailed design is supported to maintain this outcome.

The Applicant acknowledges this response and considers the matter agreed.

### 9.14 – Austhorpe Farm, Thorpe House and Ewerby Thorpe Farm

The Council disagrees with the applicant's conclusion that no meaningful change would occur to the setting of Austhorpe Farm (Grade II) and Thorpe House (Grade II). The wider setting, including approaches and spatial views around these properties, would be noticeably altered, affecting their rural character and the way they are experienced. A re-evaluation of setting impacts, alongside consideration of more sympathetic screening or design refinement, is required to address the level of harm identified. The offset planting proposed around the nearby non-designated Ewerby Thorpe Farm is noted as a positive measure but the wider group of assets within this locality would remain adversely affected by the proposed development. The Council requests additional approach-route viewpoints to evidence the sequential visual experience of the landscape and to inform the design of screening measures.

The assessment had a examined the historic function and juxtaposition of both heritage assets, Thorpe House and Austhorpe Farm both Grade II Listed Buildings. Concerning Thorpe House, the frontage and access driveway face south onto Thorpe Road, key views are to the south with an enclosed seclusion precluding views to the north and east. Austhorpe Farm also faces the south onto Thorpe Road. Historically there is a pathway from the frontage of both assets directly to the south connecting with another pathway which heads west towards Ewerby. Thorpe Road does head east but 'doglegs' north which prevents views from both assets towards the east, the road is heavily screened on the western side and with intervening buildings prevents views to and from both assets. The immediate setting of both assets consists of the enclosed confines of the settlement north of Thorpe and the wider setting contains the surrounding fields. There is no intervisibility but there is the introduction of change to the wider setting resulting in a slight adverse effect. This is because the proposed development introduces changes to the setting

	of both assets that has a slight impact on their significance resulting in changes in our ability to understand and appreciate the significance of both the assets.
<p><b>9.15 – Howell Hall Cluster</b></p> <p>The Council welcomes the embedded mitigation along Howell Fen Drove but awaits further detail on the effectiveness of existing northern screening to Howell Hall and nearby properties and seeks confirmation this screening (including vegetation along Howell Fen Drove) will be secured, maintained and replaced through enforceable DCO requirements.</p>	<p>The Applicant acknowledges and welcomes this confirmation. Applicant is in communication with the council to clarify which trees are within the Applicants control and the vegetation within the order limits of the solar array area are secured.</p>
<p><b>9.16 – Kyme Tower and Church of St Mary and All Saints</b></p> <p>The Council does not agree with the applicant's conclusion that the magnitude of impact on Kyme Tower and the nearby Church of St Mary and All Saints is low. While direct intervisibility may be limited, the wider medieval fenland setting contributes materially to the significance of these assets. The proposed development would alter that open, agrarian landscape to one of semi-industrial character, interrupting the legibility and experiential integrity of the historic environment.</p> <p>Although the upper floors of Kyme Tower no longer survive, its spiral stair remains intact and historical accounts (Newton, A History of South Kyme, 1995) confirm that views from the top once extended across the Fens to Boston Stump, Lincoln Cathedral and Tattershall Castle. The tower continued to serve as a lookout post during the Second World War, underscoring its visual and functional relationship with the surrounding landscape. On this basis, the current assessment underestimates both the experiential and potential visual harm to the tower's wider setting. The Council considers that the level of harm falls within the higher end of less-</p>	<p>Please refer to <b>Written Summary of Oral Submissions from Issue Specific Hearing 3 and Responses to Action Points (Document Ref. 9.15)</b>. However, following the request for further information from LCC and Ex A we are preparing a ZTV and report to clarify the issue of views and visibility from Kyme tower is feasible.</p>

than substantial harm and that this should carry considerable weight in decision-making. The Wormegay Castle appeal (APP/V2635/W/24/3351873) similarly recognises that change to an undeveloped historic setting can constitute significant harm even where direct intervisibility is limited. The Council also notes cumulative effects with the consented Heckington Fen Solar Farm, which further reinforce the need for re-evaluation and landscape-led mitigation. The Council requests that visibility from the approximate height of the tower be modelled or otherwise considered, where proportionate, to reflect its original prominence and intended visibility within the historic landscape. This would help clarify the extent to which the proposed development may affect its wider historic visual relationships.

#### **9.17 – Group Value of Farmsteads**

The Council considers that the ES underplays the collective value of historic farmsteads, which contribute to the coherence of the rural landscape. Consistent with the Springwell Solar Farm approach, a re-evaluation of group value and cumulative effects is required, with mitigation reflecting this wider historic context. The Council recommends a proportionate framework, similar to that developed for the Springwell NSIP, should be applied to assess the group value of historic farmsteads, considering their integrity, spatial coherence and contribution to landscape character.

The Applicant had assessed the non-designated farmsteads individually based on their individual merit concerning location, typology and impact this is considered the industry standard in terms of assessing non designated heritage assets regarding impact and the grading of the assets, this has resulted in the assessment for slight effect on setting.

Notwithstanding this, the Applicant notes the request from both NKDC and the ExA for a group value assessment of farmsteads. The Applicant is preparing the assessment for submission at Deadline 5.

#### **9.18 – Farmstead Assessment and Weighting**

The Council maintains that the ES fails to recognise the group value of historic farmsteads, whose collective presence defines the rural landscape's character; field-pattern retention alone does not mitigate this harm and further assessment and mitigation are required. The Council invites a short "Farmstead Group Mitigation Note" summarising shared characteristics, cumulative sensitivities and proposed mitigation across the affected cluster.

The Applicant acknowledges the request and will consider a Farmstead Group Mitigation Note as part of the group value assessment on farmstead to be submitted at Deadline 5.



<p><b>9.19 – Other Farmsteads</b></p> <p>The Council reserves its position pending further review of ES mapping; additional farmsteads may warrant inclusion where they contribute to the historic agricultural landscape. Should further assets be confirmed, the Council will seek proportionate assessment using the same group-value framework.</p>	<p>Please refer to the above answer.</p>
<p><b>9.20 – Overall Harm and Weighting</b></p> <p>The Council considers that the ES understates the degree of harm to several heritage assets and the wider historic landscape. Further assessment and tailored mitigation are required to ensure that the nature and extent of harm are properly understood and that appropriate weight is given to heritage considerations in the decision-making process. The ES should be updated to clearly set out how the identified harm to the assets discussed above will be addressed through secured design and mitigation measures.</p>	<p>The harm assessed against the heritage assets was weighted using the accepted methodology and a proportionate assessment made. The embedded mitigation for the designated assets of issue has been set out with the embedded mitigation technical note supported by the <b>Landscape Strategy Plan (REP2-021, REP2-022, REP2-023)</b>.</p>
<p><b>9.21 – Application of National Policy</b></p> <p>The Council agrees that the relevant national policy tests are clear but considers that their application within the ES gives insufficient weight to setting, group value and landscape character when determining significance and harm. The Council asks that these issues are fully addressed and evidenced before any residual harm is balanced against the scheme's public benefits.</p>	<p>Please refer to the above response.</p>
<p><b>9.22 – Overall Conclusion</b></p> <p>The Council acknowledges that the assessment follows recognised methodology and that the delivery of renewable energy represents a nationally important public benefit. However, methodological compliance alone does not demonstrate that the level of harm to heritage assets has been fully or convincingly justified. The ES places limited weight on the</p>	<p>Please refer to the above response.</p>



<p>experiential, associative and cumulative dimensions of change that affect the legibility of the historic landscape and the coherence of heritage settings. While embedded mitigation is welcomed, it does not fully address the residual impact on character and setting. On this basis, the Council considers that the proposal would result in harm to both designated and non-designated heritage assets. Further assessment and refinement of mitigation will be required to demonstrate that this harm has been clearly and convincingly justified in accordance with national heritage policy.</p>	
<p><b>Archaeology</b></p> <p>The Council has reviewed the submitted Archaeological Mitigation Strategy [REP2-019] which is considered to be acceptable and agreed with the Applicant through the SoCG.</p>	<p>The Applicant acknowledges this comment and considers the matter agreed.</p>
<p><b>Access and Traffic</b></p> <p>The Applicant's Comments on Local Impact Reports [REP2-041] provides an appropriate update on recent discussions with the Highway Authority on passing places on Carterplot Road and Great Hale Drove and such has no further comments.</p>	<p>The Applicant acknowledges this comment.</p>
<p><b>Water Resources and Flood Risk</b></p> <p>The applicant's response in REP2-041 regarding the Council's concerns about the sequential test is noted. The Council has no further comments at this stage, noting that the Water Environment and Flood Risk are matters for discussion at ISH3.</p>	<p>The Applicant acknowledges this comment. It was requested by the Council at ISH3 that further detail regarding the methodology for the Sequential Test and reasoning behind the conclusions be provided. The Applicant will prepare a response providing further clarity on these issues and this will be submitted at a future deadline. Please refer to the <b>Written Summary of Oral Submissions from Issue Specific Hearing 3 and Responses to Action Points (Document Ref. 9.16)</b>. The Council did not make further comments on matters relating to technical flood risk or water resources.</p>
<p><b>Soils and Agriculture</b></p>	<p>The response provided by the Applicant for paragraph 12.32 (<b>Applicant's Comments on Local Impact Reports – REP2-041</b>) is in relation to the wide</p>

The Council acknowledges the applicant's response at paragraph 12.25 of REP2-041 regarding concerns over the loss of agricultural land due to green infrastructure. The applicant has clarified that all proposed tree and hedgerow planting will be located on field margins and areas not currently in agricultural use, and that no new woodland is planned.

The response at paragraph 12.32 of REP2-041 is also noted. However, the Council maintains that there will be a permanent loss of Best and Most Versatile (BMV) agricultural land across all areas of the development, as outlined in Table 14.13 of the Environmental Statement [APP-065].

While the applicant's comments at paragraph 12.36 of REP2-041 are acknowledged, the Council continues to assert that the cumulative assessment does not accurately reflect the situation in Lincolnshire and requires revision, as detailed in our LIR.

In summary, the Council remains concerned about the loss of agricultural land, including both temporary and permanent impacts on BMV land, particularly when considered cumulatively alongside other developments in Lincolnshire.

areas of green infrastructure, including neutral grassland under the panels, inclusion of lowland meadow and native shrub that occupy the majority of the Site. With minimal management changes on this land using standard agricultural practices, it could be returned to agricultural use and retain its agricultural quality following decommissioning. The areas of hard infrastructure requiring soil stripping and sealing have been assessed as being permanent as a worst case in **Chapter 14: Soils and Agricultural Land (APP-065)**. As this is over 20 ha, the resulting assessment of effect is Major and Significant. The stripped soils will be stored so that the land can be reinstated after decommissioning back to agricultural use following the embedded mitigation measures included within **Appendix 14.4 Outline Soil Management Plan (REP1-013)**.

However, for the cumulative assessment the Applicant has concluded that, *"The majority of the considered developments are solar developments where most of the land take may be considered temporary and reversible, with the permanent land take limited to areas of built development. Assuming that embedded mitigation allow for reinstating these sites to agricultural production and that the soil resources are protected during all phases of the developments, the inter-cumulative impact is deemed to be Moderate (Significant)."*

This is a similar approach to the one taken in the Springwell DCO, however, their resulting assessment with the inclusion of mitigation measures concludes that *"a permanent land loss of over 20ha is considered a high magnitude of change from the baseline. However, the majority of land used within solar projects is for the PV areas, and these are considered temporary works without permanent loss which can be returned to agricultural use at the end of the operational period for the Proposed Development. Therefore, inter-project cumulative effects are considered minimal in the context of the remaining BMV available at a county level."*

<p><b>Socio-economics</b></p> <p>The applicant's response to the Council's LIR, section 13 of REP2-041 is noted. The Council has no further comments at this stage.</p>	<p>The Applicant acknowledges this comment.</p>
<p><b>S106 Agreement</b></p> <p>The Council notes the applicant's response to ExQ1 GCT.1.11 [REP2-040]. For clarification, the Council has not changed its position. As stated in our Relevant Representation, the measures outlined in Chapter 15 of the applicant's Environmental Statement, relating to education, skills, and the supply chain, must be secured through the application process, specifically via DCO requirements.</p> <p>Paragraph 13.5 of the Council's LIR welcomes the inclusion of a DCO requirement to secure the Skills, Supply Chain and Employment Plan (SSCEP). In addition, the Council recommends a funding contribution towards education and skills, which we believe would be most appropriately secured through a Section 106 agreement. This approach has precedent in other NSIPs within Lincolnshire.</p> <p>The Council also notes the applicant's comments regarding Biodiversity Net Gain (BNG) monitoring, the establishment of an Ecological Steering Group, and the potential need for a Section 106 agreement. The Council would welcome further discussion with the applicant and North Kesteven District Council on these matters.</p>	<p>The Applicant acknowledges LCC's response on this matter.</p> <p>The Applicant has prepared an <b>Outline Skills Supply Chain and Employment pPlan (APP-179)</b> detailing the Applicant's commitments in this regard. Requirement 17 in Schedule 2 to the <b>Draft DCO (Document Ref: 3.1)</b> secures that no part of the authorised development may commence until a skills, supply chain and employment plan in relation to that part has been submitted to and approved by the relevant planning authority in consultation with Lincolnshire County Council. The plan must identify opportunities for individuals and businesses to access employment and supply chain opportunities associated with that part of the authorised development and the means for publicising such opportunities.</p>

<p><b>Public Rights of Way</b></p> <p>The Council notes the submission of the Public Rights of Way Management Plan [REP2-039], which is welcomed. The applicant's response to the Council's concerns regarding the impact of the development on the Public Rights of Way (PROW) network, as set out in Section 13 of REP2- 041, is also acknowledged.</p> <p>These documents are currently under review by the Council's PROW Officers. Any feedback will be provided through further written submissions and as part of the SoCG process.</p>	<p>The Applicant acknowledges this statement and awaits any feedback on the <b>Outline Public Rights of Way Management Plan [REP2-039]</b>.</p>
<p><b>Human Health</b></p> <p>No further comments at this stage.</p>	<p>The Applicant acknowledges this comment.</p>
<p><b>Waste</b></p> <p>The Council has reviewed the applicant's response in REP2-041 (15.8 - 15.20) to concerns raised regarding waste management in our LIR. The concerns we expressed largely remain. Whilst the applicant has provided some information, including in the cross-referenced Waste and Recycling Strategy [APP-189], we would like to see more detail, specifically:</p> <ul style="list-style-type: none"> <li>Preliminary forecasts for waste arisings in each phase (construction, operation &amp; decommissioning) including type, quantity and proposed fate. We need to be confident that they look reasonable, especially in terms of contentious wastes such as PV panels, and any assumptions used in calculating the tonnages (e.g. annual failure rate of PV panels). APP-189 provides very little in terms of tonnage forecasts, particularly for PV panels. Neither the outline Construction Environmental Management Plan (oCEMP) or the outline Decommissioning Environmental Management Plan (oDEMP) provide any arisings forecasts either, and there isn't an</li> </ul>	<p>The Applicant acknowledges this comment. A response has been provided in the prior Deadline and is reiterated here that it is not feasible to complete this calculation at this phase. Section 17.4 of <b>ES Chapter 17: Other Environmental Topics (APP-068)</b> assesses the effects of waste arisings identified with the Proposed Development and sets out the proposed measures to manage waste.</p> <p>In respect of the operational period, it concludes as para 17.4.5 that "Operationally, waste will be predominantly associated with equipment replacement and maintenance and largely made up of recyclable materials, such as metals. Based on experience from other solar developments of a similar scale across the UK, substantial numbers of panel replacement are not anticipated. In addition, solar panel and associated infrastructure technology is advancing, and so too will the treatment and recycling of solar development structures." It is on this basis that the Applicant does not consider that any control mechanisms are required relating to waste arisings during the operation of the Proposed Development beyond the development of the Site</p>

<p>outline Operational management Plan (oOEMP) at all for the operational phase.</p> <ul style="list-style-type: none"> <li>Provision of updated waste forecasts throughout the project lifecycle, secured via the DCO. While the draft DCO [REP2-004] includes requirements for the production of a CEMP and a DEMP, which are expected to contain accurate forecasts of waste arisings, there is currently no mechanism, such as an OEMP, to ensure the provision of updated forecasts for operational waste. The Council seeks assurance that forecasts covering the type, quantity, and proposed fate of waste would be regularly reviewed and provided throughout all phases of the development. The Council refer to its comments at Guarantees (via DCO) that updated forecasts (including type, quantity and proposed fate) would be provided throughout the project. The draft DCO [REP2-004] secures the production of CEMP and DEMP and it would be expected that these would include accurate waste arisings forecasts, but in the absence of an OEMP or of another way to give us forecasts for operational waste arisings.</li> </ul>	<p>Waste Management Plan and Decommissioning Environmental Management Plan.</p> <p>In respect of construction, the assessment (at para 17.4.3) concludes that "The construction phase of the Proposed Development is not anticipated to generate large amounts of waste owing to the absence of large-scale earthworks and the fact that the electrical infrastructure will be manufactured offsite and delivered for installation when required."</p> <p>In relation to detailed information relating to waste arisings, these will be contained in the Site Waste Management Plan (SWMP), which must be prepared as part of the preparation of the detailed Construction Environmental Management Plan and the detailed Decommissioning Environmental Management Plan prior to construction and decommissioning of the Proposed Development. Under requirements 12 and 19 of the <b>Draft DCO (Document Ref: 3.1)</b> respectively, these plans must be submitted to the relevant planning authority for approval before construction or decommissioning can commence. In each instance the local planning authority is the discharging authority, however, LCC is a named consultee in both instances, so will have the ability to raise any perceived issues at that stage. At this stage, the <b>Waste and Recycling Strategy (APP-189)</b> has been prepared as an indicative document which is intended to inform the preparation of Site Waste Management Plan(s) (SWMP).</p> <p>Section 5 of the OCEMP sets out further details relating to the preparation of SWMPs, which explains (among other things) that the plans will adhere to the Waste Hierarchy and any legislation, regulations and guidance applicable at the time.</p>
<p><b>Cumulative Effects</b></p> <p>The applicant's response to the Council LIR REP2-041 in terms of cumulative effects has been reviewed. The Council has the following comments.</p>	<p>With regards to comment 17.6 within <b>9.7 Applicants Comments on Local Impact Reports (REP2-041)</b>, the response provided is an editing error. The response should read as:</p>

There appears to be an editing error at 17.6, comments from the Council's LIR have been transposed into the 'Applicant's response' column rather than details of how the Council's comments have been addressed.

The Council remains concerned about the assessment of cumulative waste arisings and has reviewed the applicant's response in REP2-041 (17.11 to 17.15). Some additional information is provided, however, in our view, there is still a lack of comprehensive forecasting of waste arisings across all phases of the development, both individually and cumulatively with other projects.

Specifically, for the construction and decommissioning phases, the applicant has not provided forecasts for waste arisings from photovoltaic (PV) panels. Instead, 17.12 simply states that figures will be provided at a later stage, for example within the Site Waste Management Plan (SWMP). The Council considers this insufficient and seeks greater clarity and commitment at this stage of the application.

While the Council acknowledges the applicant's responses, we remain concerned about the potential for significant inter-project effects arising from this development in combination with other schemes. In our view, these cumulative impacts continue to be underestimated, as outlined in our LIR.

'Section 4.6 of **Chapter 4 Scope and Methodology (APP-055)** details the four-stage approach that was adopted to establish and agree (with Lincolnshire County Council, North Kesteven District Council, Boston Borough Council and South Holland District Council) the other developments considered that are listed within Appendix 4.2 Cumulative Assessment Short List (APP-082)) and assess these developments'.

The Applicant's position is unchanged and considers that the Appendix 17.2: Waste and Recycling Strategy (APP-189) would adequately manage potential waste impacts and therefore does not consider that such a requirement would be necessary or reasonable.

With regards to cumulative waste arisings, the Applicant considers that the details set out in **Appendix 17.2: Waste and Recycling Strategy (APP-189)**, once they are formulated into the site waste management plan which must accompany the detailed Construction Environmental Management Plan will be sufficient and appropriate to deal with waste arisings without resulting in any adverse effects.

The response provided at Deadline 2 (REP2-043) is reiterated in that whilst intra-site tonnages exist, this tonnage is likely to be managed in a staggered manner at the decommissioning phase and will be treated at emergent solar panel recycling facilities in the UK, and abroad where capacity currently exists.

#### **Draft Development Consent Order (DCO) [REP2-004]**

##### **Definition of 'maintain'**

The Council notes the applicant's updates to the definition of 'maintain' and their response to the Council's suggestion that the DCO include a requirement to limit panel replacement. While the applicant's position is acknowledged, the Council continues to prefer the inclusion of such a requirement, for the reasons set out in our LIR and by the Springwell ExA.

The Applicant acknowledges the Council's response.

The Applicant's position is unchanged and considers that the **Appendix 17.2: Waste and Recycling Strategy (APP-189)** would adequately manage potential waste impacts and therefore does not consider that such a requirement would be necessary or reasonable.

The Applicant responded to this point at line 17.15 of the Applicants **Comments on Local Impact Reports (Document Ref 9.7)**, as follows:

The ExA proposed changes to the dDCO for the Springwell Solar included the following requirement:

*Replacement solar PV panels*

*21. The number of solar PV panels replaced over the lifetime of the authorised development shall not exceed 5%. Details of the number of solar PV panels replaced, including an overall percentage figure that includes all previous years, shall be submitted to the relevant planning authority on a yearly basis.*

The ExA's reasoning:

*To ensure that impacts above those assessed in the Environmental Statement [APP-048] do not occur the ExA propose an additional requirement to restrict the replacement of solar PV panels to 5% across the lifetime of the Proposed Development.*

*Notwithstanding the Applicant's view in terms of Article 5 and Schedule 16 of the dDCO [REP3- 004], in the absence of any requirement to keep the relevant planning authority informed of the number of panels being replaced, it is difficult to see how it could monitor whether the extent of replacement is likely to have materially new or different significant effects from those assessed in the ES.*

The Applicant strongly opposes the imposition of such a requirement. This comment correctly identifies the concern as being the impact of replacement of parts, rather than the activity itself. It follows from that, that it is appropriate to put measures in place to control and monitor the impact, rather than placing a percentage restriction on the panel replacement. The difficulty with imposing a 5% restriction on panel replacement is that this does not bear a direct relationship to the impact of the replacement. For example, there is no suggestion or evidence that, if 5.5% or 7% of panels was replaced over the 40 year operational lifetime of the Proposed Development, that this would result in environmental effects materially new or different to those assessed in **Appendix 17.2 Waste and Recycling Strategy (APP-189)**. The Applicant notes that the Springwell DCO has not yet been made by the Secretary of State and the latest draft of the DCO for that project put forward by the applicant in that project does not include such requirement. Accordingly, Springwell is not a precedent for such requirement being imposed.

**Article 12 - Application of the permit scheme**

It is noted the draft DCO has been updated to include a new article regarding the application of the Council permit scheme which is welcomed.

The Applicant notes this comment.

**Articles 15 (now 16) (Temporary prohibition or restriction of use of streets and public rights of way), 43 (now 44) (Felling or lopping trees or removal of hedgerows) and 45 (now 46) (Procedure in relation to certain approvals, etc.)**

The Applicant notes this comment.



<p>The applicants comments in REP2-041 are noted.</p>	
<p><b>Requirements</b></p> <p><b>Requirements 5, 7, 12, 18 and 19</b></p> <p>The applicant's updates are noted and welcomed.</p>	<p>The Applicant notes this comment.</p>
<p><b>Requirement 8</b></p> <p>The Council considers that Requirement 8 should be re-drafted to refer to the delivery of predicted percentages of BNG as stated in the BNG Strategy (REP2-029). This approach would be consistent with the wording of Requirements relating to BNG in other local solar DCOs i.e.: Cottam (Requirement 9(2)), West Burton (Requirement 9(2)) and more recently Tillbridge Solar (Requirement 8(2)).</p>	<p>Following the discussions during Issue Specific Hearing 3 (<b>Document Ref. 9.16</b>)) the Applicant confirms that the wording of Requirement 8 has been updated in the <b>Draft DCO (Document Ref: 3.1)</b> so that the minimum BNG percentages that the Applicant has committed to securing (via delivery of the LEMP) appear on the face of the DCO. The Applicant is committed to a minimum of 30% biodiversity net gain in area-based habitat units, a minimum of 10% biodiversity net gain in hedgerow units, and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' Statutory Metric (February 2024).</p>
<p><b>Requirement 16</b></p> <p>The Council would welcome further discussion with applicant and NKDC on the discharging authority.</p>	<p>Following the discussions during Issue Specific Hearing 3 (<b>Document Ref. 9.16</b>) the Applicant has updated the <b>Draft DCO (Document Ref: 3.1)</b> to make NKDC and BBC the discharging authorities for requirement 16.</p>
<p><b>Requirement 18</b></p> <p>The applicant's comments in REP2-041 are noted.</p>	<p>The Applicant acknowledges this response.</p>



### **Schedule 2 Part 2, 23. Fees**

The applicant's amendment is noted and welcomed.

The Council intends to participate in ISH3, where the draft DCO will be examined in further detail. We will provide additional input on DCO drafting matters, particularly those raised in our LIR and written representations that remain outstanding. The Council would welcome further discussions with the applicant on outstanding matters and will seek to progress through the SoCG.

The Applicant acknowledges LCC's acceptance of the amendments and is committed to continued engagement to reach an agreement on outstanding matters.

## 8. Cadent's Response to Deadline 3

Table 8.1 – Cadent's Response to Deadline 3

CADENT'S WRITTEN REPRESENTATION TEXT	APPLICANT'S RESPONSE	CADENT'S RESPONSE DEADLINE 3	TEXT
<b>1 Introduction</b> Please refer to Written Representation for full introduction text.	The Applicant has reviewed Cadent's written representation and had regard to its content.		
<b>2 Regulatory Protection Framework</b> Cadent require all Applicants carrying out development in the vicinity of their Apparatus to comply with: a) CD/SP/SSW/22 Cadent's policies for safe working in the vicinity of Cadent's Assets; b) ICE (institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working c) Practices to Ensure the Integrity of Gas Pipelines and Associated Installations, and the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.	The Applicant will adhere to such policies when carrying out development in the vicinity of Cadent's apparatus and this will be confirmed in the form of protective provisions to be agreed with Cadent and placed on the face of the Draft DCO (AS-008).	Cadent agree that this is covered in the draft currently being negotiated.	The Applicant notes and confirms agreement with Cadent's statement.
The industry standards referred to above have the specific intention of protecting: a) the integrity of the pipelines and thus the distribution of gas; b) the safety of the area surrounding gas pipelines; c) the safety of personnel involved in working with gas pipelines.	This is noted by the Applicant and, as above, the Applicant agrees to adhere to such standards.	As above	The Applicant notes and confirms agreement with Cadent's statement.
Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus.	The Applicant agrees to the principle of protective provisions being provided for Cadent's benefit.	Cadent would wish to see the protective provisions appearing in the next draft of the draft Development Consent Order as proposed by the Applicant as noted further below.	The Applicant has included the latest version of the protective provisions currently being negotiated with Cadent in the draft DCO submitted at Deadline 4.
<b>3 Protective Provisions</b> Cadent seeks to protect its statutory undertaking, and insists that in respect of works in close proximity to its Apparatus as part of the authorised development the following procedures are complied with by the Applicant:	Protective provisions are presently being negotiated between the Applicant and Cadent. The Applicant is confident that a satisfactory solution to protect Cadent's interests in this respect will be agreed and secured through the protective provisions.	As noted below there are still matters which are to be agreed and which are fundamental to Cadent.	The Applicant has been engaging with Cadent on an ongoing basis to seek agreement on the remaining outstanding points between the parties.

<p>a) Cadent has had the opportunity to review and consent to the plans, methodology and specification for works within 15 metres of any Apparatus, works which will adversely affect their Apparatus or otherwise breach distances/guidance set out in paragraph 2 above.</p> <p>b) DCO works in the vicinity of Cadent's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of Cadent's land or rights or overriding or interference with the same.</p> <p>c) DCO works in the vicinity of Cadent's apparatus are not commenced unless there is third party liability insurance effected and maintained for the construction period of the relevant authorised works and that the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth to enable it to meet any liability arising from damage to Cadent's apparatus (acknowledging the potential significant consequences of damaging a gas pipeline) or there is appropriate security in place through a bond or guarantee.</p>			
<p>Cadent maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or works in the vicinity of its Apparatus the following consequences will arise:</p> <p>a) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk.</p> <p>b) Any damage to Apparatus has potentially serious hazardous consequences for individuals/property located in the vicinity of the pipeline/apparatus if it were to fail.</p> <p>c) Potentially significant consequences arising from lack of continuity of supply;</p>	<p>The Applicant is in active negotiations with Cadent on the form of protective provisions to be agreed and placed on the face of the Draft DCO (AS-008). The latest draft of protective provisions was returned to Cadent by the Applicant on 16 October 2025 and the Applicant awaits a response whilst this is being considered by Cadent.</p>	<p>Cadent agree that the Applicant is in active negotiations with Cadent on the form of protective provisions. The latest draft of protective provisions has been returned to the Applicant.</p>	<p>The Applicant has reviewed the updated version shared by Cadent and responded with a further proposed update on 10 November 2025.</p>

<p>Insufficient property rights have the following safety implications:</p> <p>a) Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.</p> <p>b) Risk of strike to pipeline if development occurs within the easement zone in respect of which an easement/restrictive covenant is required to protect the pipeline from development.</p> <p>c) Risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above.</p>			
<p>The dDCO [AS-009] does not contains specific protective provisions for the protection of Cadent. For the purposes of the Planning Act 2008 and section 127, Cadent is a statutory undertaker. Cadent require its own protective provisions in a form which is consistent with its template protective provisions to ensure that there is no serious detriment to the carrying on of Cadent's undertaking.</p>	<p>Whilst the current Draft DCO (AS-008) does not contain bespoke protections for the benefit of Cadent, the Applicant agrees to the principle of such protections being secured and will include these provisions once a more progressed and final draft has been agreed with Cadent. Until such point, the protective provisions for Electricity, Gas, Water and Sewerage Undertakers would apply to Cadent's benefit. The Applicant is confident that, once placed on the fact of the Draft DCO, the form of bespoke protective provisions will be capable of ensuring that there will be no serious detriment to Cadent's undertaking.</p>	<p>As explained in Cadent's Written Representation protective provisions for Electricity, Gas, Water and Sewerage Undertakers are not appropriate to Cadent. Protective Provisions should be included for the benefit of Cadent on the face of the order now in accordance with the Advice Note referenced, even if these reflect the form which the Applicant is currently prepared to agree. At least then we can make representations in respect of the same and the ExA can consider those representations when publishing its proposed changes to the dDCO.</p>	<p>The Applicant has included the latest version of the bespoke protective provisions currently being negotiated with Cadent in the draft DCO submitted at Deadline 4.</p>
<p>The Applicant received a first draft of Cadent Gas Limited's protective provisions on 8th April 2025. Section 3.1.4. of "Advice Note Fifteen 15: drafting Development Consent Orders" ("Advice Note 15") provides:</p> <p><i>"4.1 Applicants are encouraged to agree Protective Provisions with the protected party(ies) prior to submitting the application for development consent. Where agreement on Protective Provisions has not been reached during the Preapplication stage, applicants should, as a minimum, submit with their application the standard Protective Provisions for all relevant protected parties with any amendments that the Applicant is seeking annotated with full justification included within the Explanatory Memorandum."</i></p>			
<p>Notwithstanding Advice Note 15, the draft Development Consent Order has been submitted with no protective provisions for the benefit of Cadent. This is not an acceptable position. It is widely understood and has been rehearsed in numerous Development Consent Order applications that the protective provisions for Electricity, Gas, Water and Sewerage Undertakers are not acceptable to Cadent.</p>			

<p><b>4 Status of Negotiations</b></p> <p>Cadent has been in discussion with the Applicant regarding the form of the protective provisions to be included in the dDCO. Cadent would hope to be able to reach agreement but there are a several matters that remain to be agreed and which need to be addressed through a side agreement, if the requirements are not to appear on the face of the DCO.</p>	<p>The Applicant is confident that agreement with Cadent on the form of protective provisions should be possible prior to the close of the examination.</p>	<p>There are a number of matters which are not agreed as noted above and referenced below</p>	<p>The Applicant has been engaging with Cadent on an ongoing basis to seek agreement on the remaining outstanding points between the parties.</p>
<p>Provision needs to be included within the dDCO or in a side agreement that the works in the vicinity of Cadent's apparatus are not commenced unless: (1) there is third party liability insurance effected and maintained for the construction period of the relevant works; and (2) the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth at the time of commencing works to enable it to meet any liability arising from damage to Cadent's apparatus or that there is appropriate security in place through a bond or guarantee</p>	<p>The Applicant agrees to the principle of acceptable insurance being procured prior to specified works taking place (namely those within 15m of Cadent's apparatus).</p> <p>The Applicant does not agree that acceptable security should be required in addition to the insurance to be procured.</p> <p>Given the minor and discreet nature of the interface between the project and</p> <p>Cadent's gas pipeline (being limited to plot 4-1 within the existing lay-by of the A17), to require security as well as insurance is considered unnecessary and disproportionate.</p>	<p>The provisions around insurance are now agreed save for the level of insurance. On security, appropriate security is required given the nature of the apparatus in the vicinity of the development and the current financial standing of the Applicant. As recorded in the Funding Statement which accompanies the application [APP-043], the Applicant is a special purpose vehicle. The necessary funding support comes from Low Carbon Limited.</p> <p>The security provisions are required to support the indemnity which needs to be provided to Cadent and to address a situation where the conditions of insurance are not met. In particular, the security measures contained in the Cadent Protective Provisions are required to provide certainty that the indemnity afforded to Cadent can be relied upon if damage is caused to the Apparatus and the gas distribution network.</p>	<p>The Applicant responded on the specific issues raised by Cadent on 10 November 2025 and trusts that this moves towards a resolution of the points raised by Cadent.</p>
<p>Insurance and appropriate security are required given the nature of the apparatus in the vicinity of the development and the current financial standing of the Applicant. As recorded in the Funding Statement which accompanies the application [APP-043], the Applicant is a special purpose vehicle. The necessary funding support comes from Low Carbon Limited..</p>			
<p>The security provisions are required to support the indemnity which needs to be provided to Cadent and to address a situation where the conditions of insurance are not met. In particular, the security measures contained in the Cadent Protective Provisions are required in order to provide certainty that the indemnity afforded to Cadent can be relied upon in the event that damage is caused to the Apparatus and the gas distribution network.</p>	<p>As the Applicant is open to agreeing the 'acceptable insurance' wording that Cadent requires in the protective provisions, this should be capable of covering the eventualities anticipated to be covered by the indemnity benefiting Cadent too, such that there is no gap to be filled by an additional security provision.</p>		

<p>Cadent also require any indemnity to be uncapped, which is the standard position across all other DCOs affecting Cadent. Cadent derives no benefit from the Project and needs to ensure that it is not be exposed to any costs or losses as a result of the Project. Money spent and costs incurred by Cadent is ultimately passed on to consumers in their energy bills. This is not appropriate in respect of losses caused by a third party and Cadent requires, therefore, the comfort that works near its apparatus are the subject of protective provisions which include an uncapped indemnity and appropriate insurance and security.</p>	<p>The Applicant is in direct discussions with Cadent on the principle of an uncapped indemnity and is working to a resolved position.</p>	<p>Cadent understand that the principle of an uncapped indemnity is now agreed.</p>	<p>The Applicant notes this comment and confirms this will be reflected in the protective provisions included in the draft DCO submitted at Deadline 4.</p>
<p>Cadent will keep the ExA updated on negotiations. The form of protective provisions which Cadent require are annexed to this Written Representation.</p>	<p>The Applicant will continue to engage with Cadent on an appropriate form of protective provisions, seeking to facilitate the withdrawal of Cadent's objection to the Proposed Development.</p>	<p>The other main matter of disagreement is the matters which are referable to arbitration. Cadent's protective provisions need to regulate the matters that are subject to arbitration, and those that are not subject to arbitration.</p> <p>Cadent seek to carve out of the scope of arbitration matters relating to facilities and rights granted to Cadent, the adequacy of insurance and security and the obligations dealing with the protection of Cadent's retained apparatus.</p> <p>The reason for these carve outs stem from Cadent's statutory functions and the legislation governing pipelines.</p> <ol style="list-style-type: none"> <li>1. Major Accident Hazard pipelines are regulated by the Pipeline Safety Regulations 1996. Under Regulation 15, it is an offence to cause damage to a pipeline as may give rise to a danger to persons and could result in enforcement action by the HSE.</li> <li>2. The Pipeline Safety Regulations 1996 requires that pipelines are operate so that the risks are as low as is reasonably practicable. In judging compliance with the Regulations, the HSE expects duty holders to apply relevant good practice as a minimum.</li> <li>3. Well established national standards and protocols for major accident hazard pipelines assist the HSE in ascertaining whether the risks incurred in working with such pipelines have been mitigated as much as reasonably practicable.</li> <li>4. These industry standards have the intention of protecting: a. integrity of the pipelines, Cadent's network and distribution of gas; b. safety of the local</li> </ol>	<p>The Applicant has sought a compromised position in relation to the arbitration exclusions Cadent have requested but cannot agree to there being no means to resolve any difference between the parties, or challenge the reasonableness of Cadent's actions, on certain matters because this would cause a significant detriment for Beacon Fen Energy Park in delivering the Proposed Development.</p>

		<p>area surrounding gas pipelines; and c. safety of personnel involved in working near to gas pipelines.</p> <p>Cadent therefore requires an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of its apparatus. Failure to comply with industry safety standards, legal requirements or Health and Safety standards create a health and safety risk and could have potentially serious consequences for individuals or property located in proximity to the pipeline/s.</p> <p>6. Cadent has the benefit of a gas transporter licence (the Licence) under section 7 of the Gas Act 1986 (the Act). Cadent has a statutory duty under its Licence to ensure that these Regulations and protocols are complied with. For all the above reasons, it is crucial that Cadent retains protection over how its network operates and how its network is protected. It is for Cadent, as an experienced gas undertaker under statutory and Licence obligations, to determine what measures are reasonable for the protection and integrity of its network and not a third party.</p>	
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# BFEP Appendices