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By Email to:

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12 January 2026

Dear Sir/Madam

RE: Beacon Fen Energy Park DCO – Deadline 6 Submissions for North Kesteven District Council

The Council refers to the submissions made to the examination at Deadline 5 and ongoing discussions with the applicant, Beacon Fen Energy Park Ltd.

NKDC Comments on Deadline 5 Submissions:

Ecology

The Council considers the remaining main points to be:

- BNG and related habitat compensation and mitigation proposals
- Scarce arable flora
- Ground nesting birds

The Council's Ecological Consultant, AECOM, has reviewed the following documents received at Deadline 5:

- REP5-014 – Chapter 7 Ecology (Rev 3)
- REP5-017 - Outline Construction Environmental Management Plan (Rev 4)
- REP5-026 - Outline Landscape and Ecological Management Plan (Revision 3)
- REP5-038 - Biodiversity Net Gain Assessment Report (Revision 3)
- REP5-039 - Biodiversity Net Gain Metric

General Comments on ES Chapter 7

New impacts are raised in the impact assessment that were not assessed previously, specifically:

- A direct impact from the cable route on Great Hale Eau LWS is identified in paragraph 7.6.38. The impact assessment is brief and does not directly assess the

reasons for designation. A significant impact is predicted prior to mitigation; however, attention has not been given to impact avoidance. This impact could be avoided if trenchless techniques are used, as proposed elsewhere. As such, there would seem to be a conflict with Policy S60 of the Local Plan, and paragraph 5.4.42 and 5.4.53 of NPS EN-1.

- A loss of a pond (Pond 43) is identified in paragraph 7.6.43, in relation to works at Bicker Fen Substation (in Boston). This is inconsistent with statements elsewhere e.g. within the OLEMP where ponds are stated to be retained. The Council's Ecological Consultant also notes that the loss of this pond would appear to conflict with the parameters discussed with Natural England in relation to potential impacts on great crested newt (previously all ponds were stated to be retained) and therefore this may have a bearing on the advice given by Natural England and the Letter of No Impediment. Whilst the pond was surveyed for great crested newt and returned a negative result, it is not certain this single result should be relied on given two prior positive results for great crested newt reported in the MAGIC website. The current survey was in April 2024 which is a suitable time but early in the season so potentially sensitive to weather/temperatures (which are not reported for the survey). This merits further consideration, if only to ensure that there are no implications for reliance on the LoNI. Regardless the loss of this pond is not compensated, and this has implications for the BNG assessment. The vague and unevidenced enhancement proposals in Table 7.9 are not sufficient to address this.

AECOM acknowledge the revised information on water voles and amendment to the construction approach for the cable crossings over ditches. This is now agreed.

Ground nesting birds

No mitigation for the loss of nesting habitat appears to be identified within the amended Chapter 7, OLEMP or OCEMP. It is understood that this will be provided at Deadline 6.

Scarce Arable Flora

AECOM welcome the direct response recently provided to NKDC in relation to the prior queries on scarce arable flora. This was received by email dated 16 December 2025. This response acknowledges that the baseline surveys targeted areas of grassland rather than areas within cultivation where scarce arable flora could occur.

The Applicant's proposed solution to address this (i.e. conditioning baseline surveys that should have been completed to inform the impact assessment) is not ideal, as it means that this group will only be addressed after the Application has been determined and without impact assessment. This is not consistent with good practice and would not typically be acceptable for other species groups (for example, NPS EN-1 paragraphs 5.4.17 to 19 and 5.4.35).

Acceptance of this proposed approach relies on confidence on what will be done post-determination and that this is robust. As such there is a need to agree and secure unambiguous details in relation to:

- 1) survey methods, including timings;
- 2) the thresholds that trigger a requirement for specific mitigation (i.e. the relevant species and value of the assemblage triggering mitigation); and

3) a sufficiently detailed outline mitigation approach that is demonstrably practicable and likely to be successful where there is a need to mitigate impacts on scarce arable flora.

In principle, provision of survey data would afford confidence on the relevance of scarce arable flora at the time of discharge of Requirements, provided cropping regimes remain consistent with the current baseline (i.e. that arable land is not taken out of cultivation in advance of survey). Similarly, a sufficiently responsive mitigation approach could achieve the desired outcome and allow continued flowering by scarce arable flora and recharging of the soil seed bank of these species prior to decommissioning.

Further information was needed at D5 to explain how the proposed approach would work in practice and how it will be secured. This has not been provided. The Applicant's approach as set out in the updated documents received at Deadline 5 remains insufficient and unagreed.

Paragraph 1.5.11 of the amended OLEMP states "*pre-commencement survey will take place for scarce arable flora as set out in Section 6.7.6 of the Appendix 2.4: Outline Construction Environment Management Plan (Document Ref: 6.3.7 ES Vol.2, 6.3.7). Where scarce arable flora are present and they are under solar panels, the seed bed will be removed and planted in areas set aside as neutral grassland.*"

The cited information is not included in the amended OCEMP. Consequently, there is not sufficient detail to demonstrate a robust securable strategy. Relevant scarce arable flora should be mitigation wherever impacted by the solar development, irrespective of whether they are under panels.

Further, Paragraph 1.5.14 of the OLEMP states "*Where scarce arable flora is planted up as detailed in 1.5.11, the ground in these areas will be subject to annual disturbance, taking place outside of the ground nesting bird season. This will prevent these plants being outcompeted by permanent grassland species.*"

This is insufficient detail to secure the required interventions or to provide confidence in the likely success of the mitigation. Currently, the potential habitat translocation requirements are not known (as there is no baseline data to inform this), and it is not certain that the translocation areas will be suitable for the relevant species.

Further, there are implications for the area of neutral grassland allocated within the BNG strategy, as land in annual cultivation is arable habitat and cannot be reported as grassland habitat. This needs further explanation.

OCEMP

The mitigation for birds in paragraph 6.7.10 still omits specific measures for Schedule 1 bird species such as quail. It is not reasonable to expect that an elusive species like quail will be detected through watching brief checks by an ECoW.

The necessary pre-commencement species surveys are not clearly identified in 6.7.6. A full list of relevant species (as currently understood) should be identified. There is no specific mention of scarce arable flora despite the statements made elsewhere indicating that this has been provided.

OLEMP

Table 1.3 (Works Schedule) requires further review. Tree and hedgerow planting should not be specified for late spring and summer as such plantings are not likely to survive and establish without regular watering. Failed plantings will need to be identified earlier than

March to May so that stock can be ordered and planted within the appropriate planting season.

The commitments in relation to bird and bat boxes made in paragraph 7.8.3 of Chapter 7 are not captured or specified further in the OLEMP.

Paragraph 1.6.5 lists several plant species that are not habitat appropriate or regionally appropriate e.g. globeflower, cork-fruited water-dropwort, snake's-head fritillary. It is not certain the weed species named in 1.6.6 will be replaced by those named in 1.6.5 given the absence of any measures to remove these species. The undesirable species are indicative of nutrient enrichment, suggesting conditions unsuitable for the target species. This seed mixture is not encompassed by the specification for grassland creation, so a standalone habitat creation and management specification is needed.

Biodiversity Net Gain

The Applicant's ecologist has provided NKDC with additional information on hedgerows and ditches. This was received on 7 January 2026, and it was reviewed and advice returned by email on 8 January 2026. The queries previously raised in relation to these habitats remains to be resolved.

AECOM still considers that the evidence presented to support the BNG assessment (REP5-038, REP5-039 and the habitat specifications in REP5-026) to be insufficient, and is still not in agreement with all the assumptions made. Several points have been raised multiple times previously and remain unaddressed. Specific areas of concern relate to:

Baseline

- 1) Watercourses – The baseline is not correct as it erroneously identifies several watercourses as ditch habitat. This has implications for the watercourse BNG reported. Specifically:
 - The South Forty Foot Drain is a Main River (as identified in the WFD assessment) and far too large to conform to the standard definition of a ditch.
 - Hodge Dike – as above
 - Heckington Eau – as above
 - Kyme Eau – as above, this is part of the River Sleas.
 - Great Hale Eau – based on Google Earth this is more than 5m wide so it does not meet the ditch definition.
- 2) Ponds – the pond indicated as lost (Row Ref 194 within the Metric) is reported as retained. This has implications for the habitat BNG result reported, as well as compliance with trading rules. I am also not satisfied that it is reasonable to assume that this is a non-priority pond habitat (especially given the prior records of great crested newt). What is the evidence to support this habitat classification?
- 3) The baseline data needed to fully support and evidence the BNG assessment is not included within the reports referenced in paragraph 1.1.7 of the OLEMP e.g. hedgerow methods and data, ditch data, woodland data, or within the supplementary information received 07/01/2026. This point has been made and explained in previous consultations. Good practice requires that all relevant evidence be presented. It is understood the Applicant will submit additional information at Deadline 6.

Post-development

- 1) It is proposed to create scrub habitat but the specification within the LEMP would seem to be woodland given that it includes at least 50% tree species. The formal definition of woodland covers all habitats with more than 25% tree cover. It would seem to the Applicant's benefit to present this as scrub given this achieves compliance with the trading rules and is also beneficial (as a less difficult habitat to create) for the result (BNG units). However, the density of tree species indicates the trajectory of this habitat is closed canopy woodland so it should be treated as such in the Metric. The OLEMP frequently refers to this habitat as woodland.
- 2) There is no compensation for loss of pond habitat.
- 3) The Council still cannot agree that the hedgerow enhancement (a change in hedgerow type) can be delivered as presented. The reasons for this have been given previously and relate to a lack of baseline evidence to demonstrate this is realistic/deliverable, and there are no obvious proposals in the OLEMP designed to achieve this enhancement. I also do not understand why the hedgerow creation has been recorded as creation of species-poor hedgerows when the specification in the LEMP (paragraph 1.5.5) is for species-rich hedgerows (5 woody species per 30m). The Metric should accurately report the habitat that is to be created. Amendment to address this is likely to increase the number of units from hedgerow creation making the Applicant less dependent on the unevidenced hedgerow enhancement proposals.
- 4) The Council still cannot agree that the watercourse enhancement can be delivered as presented. The reasons for this have been given previously and relate to incomplete baseline evidence to demonstrate both the poor baseline condition, and that the enhancement is realistic/deliverable.
- 5) It is not clear how the committed units of grassland habitat creation can be delivered if there is a need to mitigate for scarce arable flora. The outline approach for the latter would reduce the area of grassland creation. As indicated above, the strategy for scarce arable flora needs to be set out in more detail before it is accepted that final matters can be agreed post-determination through a Requirement.
- 6) Insufficient evidence has been presented to permit agreement that Woodlands 1 and 4 within North Kesteven can be enhanced sufficiently to achieve the necessary compensation for the loss of woodland at Bicker Fen Substation within Boston. There is no evidence that the structured data required by the standard survey methods is available to inform the enhancement proposals, and some of the limited descriptive information provided by the Applicant would seem to contradict some of the baseline conclusions. There are also unacknowledged limitations affecting reliance on the baseline. Without adequate baseline information it is not possible to agree the measures required to achieve enhancement. Further, these measures are not adequately specified in the OLEMP. The OLEMP seems to propose minimal intervention (Paragraph 1.6.20), leaving the woodlands alone to mature naturally, rather than setting out the management works to be undertaken by the Applicant to elevate the baseline i.e. works additional to what will be achieved through existing natural processes.

Woodland 4 (lowland mixed deciduous woodland) would need to achieve just one 'point' to boost the condition from poor to moderate, however the survey limitations mean that this may already be met i.e. the woodland could already be moderate condition. APP-100 (Appendix 7.11) states on page 17 that "*the trees within this woodland are very densely spaced, which made areas difficult to access*" which indicates that confidence in the data obtained is limited by the restricted access e.g. the number of woody species present in the woodland may be under-estimated as a result of the poor access. Further, the limited baseline description suggests that the woodland already has two storeys i.e. a canopy and a

shrub layer (hawthorn) indicating that this has been mis-scored (1 point rather than 2 points) in Appendix 2 and therefore is of moderate condition. Given these examples, more detail is needed on the survey methods applied and the structured results obtained, as the existing lack of detail imposes reasonable doubt over both the baseline condition AND the proposed enhancements.

Woodland 1 (other woodland) would need 5 points to boost the condition from moderate to good, something that I am not satisfied is realistic. As above, the baseline is not sufficient to demonstrate this is certain. Again, there seem to be some issues with the baseline evidence, the limited summary details on page 14 of APP-100 indicate mis-scoring of the number of woody species as there are 5 native scoring species listed (field maple, ash, privet, blackthorn and bramble). In the absence of the required structured baseline data, the Council is not confident in the wider conclusions reached on the baseline and the scope for enhancement.

Above Ground Heritage

REP5-047 Applicant's Responses to our Deadline 4 Submissions/ REP5-048 Applicant's Responses to ExQ2

The Council considers the information provided is insufficient as there has been no updated assessment of the impact on the setting of St Andrew's (Asgarby) church. No further clarity has been provided on the design of the road and no further assessment made on views from the west, which was noticeably absent previously.

Whilst the soil stockpile would, to some extent, screen the road, the Council is concerned that it will in its own right appear as an alien feature within the landscape. It also doesn't give opportunity for "growth" to enable the road screening to further mature. With the existence of mature hedgerows within close proximity the Council would prefer a semi-mature hedgerow planted as a screening feature, which would be more sympathetic to the immediate context of the site. The Council disputes the fact that the stockpile would result in the character of a ha-ha. Whilst these are common features in association with designed landscapes, this feature will not have the characteristics of a ha-ha, and will not have the same effect (of a continuous flat landscape).

The Council feels that a greater clarity on the design of the Bespoke Access Road is required (no information has been provided on surfacing, signage and lighting strategy as previously requested), with a change of approach on the screening.

REP5-046 Applicant's Responses to Remaining Action Points from ISH2 and ISH3

The Council is content that the more detailed analysis of Kyme Tower gives greater clarity of the potential impact, however, it would be more appropriate that a ZTV study was produced to give a greater understanding of the views of the panels within the landscape. The lack of the modelling does not give the Council absolute certainty that the level of harm remains as previously identified.

The Council defers to LCC to comment on the farmsteads study as they are more familiar with this manner of assessment.

Landscape

On behalf of Lincolnshire County Council (LCC), and North Kesteven District Council (NKDC), AAH Consultants has reviewed the relevant Landscape and Visual elements of the Deadline

5 (DL5) submissions of the Beacon Fen Solar Farm Application to provide comments to be incorporated within statements from both LCC and NKDC.

Following ISH2 held on 12th November 2025, a meeting was held on the 20 November 2025 between the applicant and two host authorities of NKDC and LCC. The agenda covered key issues we have identified in our detailed review, where further clarifications are required, and also covered matters discussed at ISH2. Following this meeting, AAH issued a series of actions and clarifications, that were agreed at the meeting, on 3 December 2025 via email. Subsequently the applicant issued a response to these individual points on 15 December 2025. The outcome of the meeting on the 20 November, and subsequent actions, clarifications and responses have fed into the DL5 updated information and will subsequently feed back into the evolving SoCG.

Key documents from DL5 that we have reviewed are:

- Document Ref 6.2.6: ES Chapter 6 Landscape and Visual (Revision 2) (Clean)
- Document Ref 6.2.6: ES Chapter 6 Landscape and Visual (Revision 2) (Tracked)*
- Document Ref 6.3.16: ES Appendix 6.4 Visual Assessment (Revision 2) (Clean)*
- Document Ref 6.3.16: ES Appendix 6.4 Visual Assessment (Revision 2) (Tracked)*
- Document Ref 6.3.17: ES Appendix 6.5 Residential Visual Amenity Assessment (Revision 2) (Clean)*
- Document Ref 6.3.17: ES Appendix 6.5 Residential Visual Amenity Assessment (Revision 2) (Tracked)*
- Document Ref 6.3.19: Outline Landscape and Ecological Management Plan (Revision 3) (Clean)
- Document Ref 6.3.19: Outline Landscape and Ecological Management Plan (Revision 3) (Tracked)
- Document Ref 9.18: Applicant's Responses to Remaining Action Points
- Document Ref 9.19: Applicant's Responses to Other Parties D4 Submissions
- Document Ref 9.20: Applicant's Responses to ExQ2

* Following the submission of information at DL5, the ExA have subsequently accepted some late DL5 submissions from the applicant on the 7 January 2026, relating to landscape:

- Updated 6.2.6 Chapter 6 Landscape and Visual (Revision 2) (Tracked) - Late Submission accepted at the Discretion of the Examining Authority
- Updated 6.3.16 Appendix 6.4 Visual Assessment (Revision 2) (Clean) - Late Submission accepted at the Discretion of the Examining Authority
- Updated 6.3.16 Appendix 6.4 Visual Assessment (Revision 2) (Tracked) - Late Submission accepted at the Discretion of the Examining Authority
- Updated 6.3.17 Appendix 6.5 Residential Visual Amenity Assessment (Revision 2) (Clean) - Late Submission accepted at the Discretion of the Examining Authority
- Updated 6.3.17 Appendix 6.5 Residential Visual Amenity Assessment (Revision 2) (Tracked) - Late Submission accepted at the Discretion of the Examining Authority

Comments on the Updated 6.2.6 Chapter 6 Landscape and Visual (Revision 2)

As clarified in email correspondence from the applicant on 15th December 2026: *The Applicant can confirm that the LVIA (Chapter 6 Landscape and Visual (APP-057)) represents a worst-case scenario assessment, has considered the clarifications provided in the Landscape*

Institute technical guidance note LITGN-2024-01 and that the photomontages included as part of the ES represent the maximum design parameters. This provides appropriate clarification, and we have no further comments in regard to these matters in relation to the updated LVIA in Chapter 6 of the ES.

We maintain our position, as identified in our detailed LVIA review (appended to the Council's LIR), as discussed at ISH2 and applicant meeting on 20th November, and within the correspondence on actions and clarifications following this meeting, that:

- The broader landscape character area (Fenland character area) would still be subject to long-term significant adverse change (refer to AAH LVIA Review para. 4.13).
- Even with mitigation planting in place, the scheme is still a direct, large scale land use change across all fields in which above ground infrastructure is proposed.
- Open agricultural fields are a key component of this landscape character area and these will be replaced with development, and subsequently this landscape receptor would maintain a residual Moderate Adverse effect at Year 15, which would be significant.

The Council therefore remains in disagreement with the applicants' position and updated LVIA, and this will be reflected in the next revision of the SoCG as an area of disagreement.

Paragraph 6.3.20 of the updated LVIA identifies stockpiles at 0.5m to 1.0m in height adjacent to the bespoke access road. There are two concerns in regard to these features:

1. The bunding would be out of character in this landscape and would likely appear as an engineered feature. This is a relatively flat, open landscape, and bunding such as that proposed would potentially be conspicuous in views and out of character with the existing landscape. We do however acknowledge that these are currently proposed as relatively low features, lessening their presence in views. Paragraph 6.6.57 of the LVIA has been updated to consider these new features, however we disagree that these elements will harmonise with the immediate context of the agricultural landscape as they will likely appear as engineered elements out of character with the existing landscape character and in themselves have the potential to have adverse landscape and visual effects; and
2. A topsoil stockpile for use decades later is not likely to be effective. We would welcome clarification from the applicant in this regard and a maintenance process that would maintain the topsoil integrity, but topsoil stockpiles are typically in place for a relatively short amount of time, usually 6 to 36 months. The characteristics of the soil are likely to change over a protracted period of time when in a stockpile, and in our experience unlikely to be useable.

The future baseline section of the LVIA has been updated to acknowledge, in paragraph 6.5.67, that energy infrastructure has increasingly characterised the southern part of the Study Area, and paragraph 6.5.68 acknowledges the increased demand for renewable energy development which may progressively influence landscape character at a county level. These updates reflect our position and comments made in the detailed LVIA review within the LIRs that this is a landscape undergoing change and is under pressure from renewable energy and energy infrastructure.

We maintain our position, as identified in our detailed LVIA review (appended to the LIR), as discussed at ISH2 and applicant meeting on 20th November, and within the correspondence on actions and clarifications following this meeting, that we have concerns regarding cumulative effects on the landscape at a wider district and regional scale. The mass and scale of several NSIP energy projects combined has the potential to lead to adverse effects on landscape character over an extensive area across multiple published character areas.

The landscape character across the Nottinghamshire and Lincolnshire County areas will be altered by multiple schemes over their operational period through an extensive area of land use change, and introduction of energy infrastructure in an area that is predominantly agricultural. While it is not suggested that agriculture will not remain as a defining characteristic, over a short period of time large scale solar will undoubtedly become a widespread characteristic in the region.

Subsequently, we judge that solar development would be a key characteristic in any updates to published character assessments from local to national scale. This continues to be in disagreement with the applicant's position and updated LVIA in Chapter 6 of the ES, and will be reflected into the next revision of the SoCG as an area of disagreement.

AAH requested that the applicant review inconsistencies identified between assessment appendices and main LVIA chapter, and that these are subsequently rectified as track changes in updated LVIA chapter. Paragraph 6.10.16 of the updated LVIA has removed two receptors as part of this process, and we have assumed all other changes are reflected within the LVIA appendices. We would request that the applicant confirm all inconsistencies between tables/appendices and main LVIA text correlate.

Comments on the Updated 6.3.16 Appendix 6.4 Visual Assessment (Revision 2)

Following a request that the applicant review inconsistencies identified between assessment appendices and main LVIA chapter we note several updates to Magnitude and subsequent Significance of effect have been made to the assessment tables. We have reviewed and the inconsistencies appear to have been remedied, but we request that the applicant confirm all inconsistencies between tables/appendices and main LVIA text now fully correlate.

Comments on the Updated 6.3.17 Appendix 6.5 Residential Visual Amenity Assessment (Revision 2)

The changes to the updated RVAA are minimal, with the following which we have assumed is to remedy any inconsistencies, rather than address specific consultee comments:

- **R10 White House Farm** Construction effects amended to be Major adverse (previously Moderate); and
- **R11 Poplar Tree Farm Y15** effects amended to be Minor adverse (previously Negligible)

We maintain our position, as identified in our detailed LVIA review (appended to the Council's LIR), as discussed at ISH2 and the applicant meeting on 20th November, and within the correspondence on actions and clarifications following this meeting, that concerns remain regarding the proximity to and relationship between several properties and the above ground elements of the development, but also, as identified previously, the screening effects of established mitigation.

In particular the Council's concerns remain focussed on **R1 Group Receptor:** Eweby Thorpe Farm; and Ewerby lodge; **R2 Group Receptor;** Howell Fen Farmhouse; Asgarby Barns; and

Westmorelands Farm; **R4 Gashes Barn** (RVAT reached); and **R20 Group Receptor**; Crown Cottage; and Keepers Cottage.

These properties are very close to the development and offsets appear to be minimal. While the RVAA identifies significant effects at Year 0 for these receptors, they are all assessed to reduce in level of effect at Year 15 through the establishment of mitigation planting, with R1, R2, and R20 judged to reduce so that effects are not significant.

We disagree with this assessment, and while we acknowledge that established planting will screen the proposals to a degree, the openness and extent of the existing view is completely changed with the planting and panels drastically foreshortening views resulting in a large scale change across the extents of the view, and subsequently the residual Year 15 effects on these receptors would remain Significant.

This is in disagreement with the applicant's position and updated LVIA in Chapter 6 of the ES and associated Residential Visual Amenity Assessment (Appendix 6.5), and this will be reflected in the next revision of the SoCG as an area of disagreement.

Finally and with specific reference to RVAA impacts on Gashes Barn, we note submission REP 5-048 'Applicant's Responses to ExQ2 Document Reference: 9.20'. Document page 4, under the subsection CA.2.1 states as follows:

'the Applicant has taken a proactive approach to engaging with the owners of Gashes Barn and is now agreeing an agreement with that party, as is set out in the updated version of the Land and Rights Negotiations Tracker (Document Ref: 4.4) submitted at Deadline 5. Whilst the terms of the agreement are confidential, the Applicant considers the effect of the agreement to be that the residual concerns in relation to the impact on this receptor from the Proposed Development would be resolved.

The absence of any representation/objection from the owners of Gashes Barn reflects the efforts taken by the Applicant to engage with the owners and work with them to address any concerns they may have in respect of the Proposed Development'.

In confirming the confidential nature of the agreement with the owners, neither the ExA, nor any other interested parties, are privy to the content and the planning materiality of the agreement, nor whether the applicant is seeking to ascribe any weight or formality to it in the decision making process. The Council raises concerns at the confidential nature of the Agreement, and that it is being withheld from the examination, and we would encourage the ExA to request at the very least a redacted or non-technical summary of its content be made available.

We would highlight that the absence of representation from the current owner/occupier of Gashes Barn is not relevant in the context of the application of the RVAA and where at the applicant's own admission the threshold is met. The proposed scheme design/works plans have not been modified in this location and there remains a reliance on screening through landscaping. Our interpretation of the ExA's position through their comments made orally at the ISH, as followed up through the written questions, is that this approach requires further justification. No further changes have been made at Deadline 5 by the applicant – see also our above comments in relation to LVIA.

Furthermore the ExA will need to have regard to impacts on the property per se, notwithstanding that the current owner/occupier does not object, mindful of the potential for subsequent changes in ownership during the course of the operation of development.

Comments on the Outline Landscape and Ecological Management Plan (Revision 3)

No further comments on Revision 3 of the OLEMP.

Comments on Document Ref 9.18: Applicant's Responses to Remaining Action Points

In regard to Action Number 6 and the information presented within **Appendix 3: ISH2 Action Point 6 of Applicant's Responses to Remaining Action Points** to: *Clarify the applicant's overall approach to landscape and visual effects particularly how the applicant has taken into consideration the effects of the proposed mitigation on landscape and visual receptors, particularly how the applicant has considered changes brought by the proposed mitigation.*

We maintain the position that mitigation planting itself will cause adverse effects, particularly to open views. There are several instances within the LVIA where mitigation planting is assessed as reducing the Significance of visual effects through screening, and while we agree mitigation planting can be an effective way to screen development proposals and add valuable landscape and ecological elements; this mitigation planting needs to be carried out in a way that is sensitive to the existing landscape character and views.

As demonstrated on photomontages associated with the RVAA, existing open views across a rural landscape will be affected initially by the development, then at the residual stage once planting has matured. These open rural views will be drastically foreshortened by both the development and the maturing planting. The outlook for residential receptors will be completely altered from the existing, or baseline view. The view and photomontages from Howell Fen Farmhouse that were displayed and discussed at ISH2 are an example of this. This is in disagreement with the applicant's position and updated LVIA in Chapter 6 of the ES and associated Residential Visual Amenity Assessment (Appendix 6.5), and this will be reflected in the next revision of the SoCG as an area of disagreement.

Comments on Document Ref 9.19: Applicant's Responses to Other Parties D4 Submissions

No further comments on the Applicant's Responses to Other Parties D4 Submissions as the key points and subsequent responses have been addressed in the comments above.

Comments on Document Ref 9.20: Applicant's Responses to ExQ2

No further comments on the Applicant's Responses to ExQ2 as the key points have been addressed in the comments above.

Request for a S106 Agreement:

The Council notes that Requirement 7 has been amended to include a specific reference to the terms of reference for and the funding of the ESG (Requirement 7 (2) (b)). The Council has previously argued that a s106 agreement would be its preferred mechanism for providing certainty as to the funding for the ESG and continues to maintain this position.

The Council's position remains that as a financial contribution, the ESG/BNG monitoring fee should be secured in the usual way through a s106 Agreement. This the Council's preferred means of securing the financial contributions and is consistent with the approach being taken by the Springwell solar farm NSIP whose draft s106 Agreement (which includes the ESG/BNG monitoring fee) is at an advanced stage (now at Recommendation stage).

The PINS Advice Note 15 'drafting Development Consent Orders' states at 15.1 as follows:

Section 120 of the PA2008 provides that a DCO may impose Requirements in connection with the development for which consent is granted. Such Requirements may correspond with conditions which could have been imposed on the grant of any permission, consent or

authorisation (for example planning permission under the Town and Country Planning Act 1990 (the TCPA1990)) which would have been required for the development if it had been consented through a different regime.

Paragraph 15.2 then notes that:

'The law and policy relating to planning conditions (in particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance), imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP. Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.'

On this basis the general approach is that conditions should not be used for TCPA schemes to secure financial contributions ergo applying PINS Advice Note 15 the same would be said of Requirements under the PA2008. The Applicant's suggested wording in Requirement 7 appears to sidestep this issue by ensuring that what the Requirement specifies is details of *how* funding will be secured. It does not then compel the applicant to definitively secure and deliver such funding, nor does it make any commitment as to the fund amount to be secured (which the Applicant has already agreed to) ergo leaves scope for this matter to be revisited or challenged post-decision.

Furthermore whilst the right of an appeal would remain in relation to the refusal of a Requirement discharge application in relation to Requirement 7 (Schedule 2, Part 2 (26) of the draft DCO – REP5-004), the appeal process would likely be limited to refusing to discharge the Requirement itself and it is unclear how an Inspector would approach a disagreement on the actual figure proposed, for example.

Indeed, it is further unclear whether the Council's timescale for the discharge of the Requirement (Schedule 2, Part 2 (24) and (25) allows for the drafting and completion of a s106 Agreement, which would be necessary. Plainly, this is unlikely to be possible in the Council's discharge timescales permitted by Schedule 2, Part 2 (24) and (25) mindful of the need for legal involvement, engrossments, signing etc.

The Council's view will therefore remain that a s106 Agreement must be secured at this stage and not reserved for the post-decision stage via Requirement. On that basis we do not agree with the current wording proposed in Requirement 7 (Schedule 2, Part 2 (26) of the draft DCO – REP5-004.

The Council notes that despite our earlier email exchange, no financial contribution toward the Skills and Training package has been forthcoming. Consequently, we do not consider that significant weight can be attributed to the benefits of this package since it would be reliant on funding to be effective in practice.

Paragraph 15.7.2 of APP-066 suggests that the Appendix 15.3: Outline Skills, Supply Chain and Employment Plan (oSSCEP) (Document Ref: 6.3 ES Vol. 2, 6.3.98) '**enhances beneficial impacts** (our emphasis) from employment creation, aims at reducing influx of workers and mitigates impacts related to loss of employment'. The paragraph notes that the plan is proposed to include such measures as:

- Prioritising local employment;
- Reskilling of temporary farm workers to avoid economic displacement or support in finding alternative agricultural work;

- Reskilling of workers after operational phase; and
- Potential upskilling of local residents through apprenticeships.

Paragraph 15.7.5 of APP-066 then notes that ‘the implementation of Appendix 15.3: Outline Skills, Supply Chain and Employment Plan (oSSCEP) (Document Ref: 6.3 ES Vol. 2, 6.3.98) is expected to keep the impact as significant beneficial effect on the workforce and GVA in Boston Borough, and enhance GVA beneficial effects and local job creation in North Kesteven, keeping the impact on North Kesteven receptors as **minor beneficial** (our emphasis) due to the receptor’s low sensitivity’.

Given that the applicant’s overall conclusions around enhancement of beneficial impacts and the ‘minor beneficial’ residual socio economic effects on NKDC receptors are then at least in part predicated on the commitments contained in the oSSCEP (and which presumably the Applicant will seek weight in favour of in the planning balance, recommendation and decision), the Council’s view remains that there should be a tangible delivery mechanism to release the OSSCEP’s recommendations and commitments.

Consistent with other NSIP projects previously referred to by the Council, and where precedent exists (or in the case of Springwell solar farm is current in s106 drafting) we maintain our position that a financial contribution should be secured in a s106 Agreement to deliver the range of skills, employment, education and training benefits that we have previously set out.

The Council notes that the oPROWMP contains reference to a financial contribution towards the establishment of a Stepping Out Walk. Again, the Council has previously argued that a s106 agreement would be its preferred mechanism for providing certainty as to the funding for the Stepping Out Walks and continues to maintain this position.

For the same reasons as set out above in respect of financial contributions towards the funding of the ESG and oSSCEP, The Council maintains its position that the financial contribution should be secure by way of a s106 Agreement.

Funding for Decommissioning and Extended Period of Outage

In its LIR at paragraph 24.34, the Council referred to the Helios Renewable Energy Project where a Requirement was proposed to ensure that the undertaker had put in place requisite decommissioning funding as the submitted Funding Statement did not include provision for decommissioning funding. The Council argued that as the Beacon Fen Funding Statement similarly does not include provision for decommissioning funding and the DCO does not include provision for an extended period of outage (paragraphs 24.31 to 24.33 of the Councils LIR), a similar requirement should be provided.

The SOS has now made a decision to consent the DCO on the Helios scheme (EN10140). The DCO includes a Requirement for decommissioning security – Requirement 5 (3) ‘Decommissioning and restoration’. The Council requests that the Inspector takes this decision into consideration in his recommendation of the Beacon Fen Energy Park DCO and makes equivalent provision in draft Requirement 19. See - [Helios Renewable Energy Project - Project information](#).

Yours faithfully



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NSIP Planning Consultant
Planning Services