

Your Ref: EN010151
Our Ref: 23/0471/NSIP
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By Email to:

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6 February 2026

Dear Sir/Madam

RE: Beacon Fen Energy Park DCO – Deadline 7 Submissions for North Kesteven District Council

The Council refers to the submissions made to the examination at Deadline 6 and ongoing discussions with the applicant, Beacon Fen Energy Park Ltd.

Comments on Deadline 6 Submissions relating to Ecology:

ExQ3 BIO3.2 – NKDC’s comments on the updated Ecology Chapter (REP5-013/014)

Impacts and Effects: New impacts are identified within REP5-013/014:

- An open cut crossing of Great Hale Eau LWS; and
- The potential loss of a pond within Bicker Fen Substation.

Additional habitat losses would also occur at Bicker Fen Substation as stated within paragraph 2.4.12 of CR-015/016. This is not assessed within the chapter, but CR-015/016 concludes that there would be no likely significant effects from these additional habitat losses.

The impact on Great Hale Eau LWS seems to have been assessed without reference to specific baseline survey data (i.e. surveys relevant to the reasons for designation and aquatic habitats) and without a clear statement on the reasons for designation (this is not clearly identified elsewhere in the Chapter). There is also insufficient attention to whether this impact is avoidable, even though avoidance seems practicable (i.e. HDD, as committed elsewhere). Given this, there is an apparent conflict with Policy S60 of the Central Lincolnshire Local Plan.

This states “*Development likely to have an adverse effect on locally designated sites, their features or their function as part of the ecological network, will only be supported where the benefits of the development clearly outweigh the loss, and the coherence of the local ecological network is maintained. Where significant harm cannot be avoided, the mitigation hierarchy should be followed.*” NPS EN-1 (Jan 2026) is also clear that LWSs are of substantive nature conservation value and that national policy expects protection from harm

or loss (paragraphs 5.4.13-5.4.14). Further, it is not demonstrated that the mitigation hierarchy has been adequately applied as required in paragraph 4.2.24 of NPS EN-1 (Jan 2026). Paragraph 4.2.43 of EN-1 states "*As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives.*" In accordance with the mitigation hierarchy this would necessitate firstly consideration of options to avoid an open cut crossing, and then only once this process has been exhausted consideration of mitigation. But the Applicant has appeared to reach straight for mitigation as the default response rather than applying the hierarchy fully and evidencing compliance with such.

The Applicant provided NKDC with the following response on this point by email on 3 February 2026 "*Standard trenching (including such methods as open-cut and cofferdam) is the primary method to be utilised for crossings within the Proposed Development. Trenchless techniques, such as auger boring, HDD or micro-tunnelling, are only proposed for crossings where it was identified as being required due to design complexity or to avoid a significant environmental effect.*

This is explained in 'cable route parameters' within Table 2.1 of Chapter 2 of the ES Volume 1. When considering the likely effects of crossings, the use of standard trenching on the Great Hale Eau can be sufficiently mitigated to a non-significant level using the measures outlined within Chapter 7 Ecology and secured within the oCEMP and oSMP.

These measures include the retention of habitats as seed bank in topsoil and turfs during construction. Each component of the substrate (subsoils, topsoil and turf) will be removed and stored separately. Turf may be watered during storage if required. Following construction (i.e. completion of the crossing) the components would be replaced in reverse order (subsoil, topsoil and finally turf) which will allow the plants (which are the key components of this Local Wildlife Site) to quickly re-establish.

Furthermore, the water discharges downstream of the working area will have sediment treatment (e.g. settlement tanks, silt fencing, siltsock, strawbales etc.) to maintain the water quality. Over the small area of habitat to be impacted by the crossing, this approach would result in no significant impact.

It is, therefore, not considered proportionate to apply trenchless methods to this crossing when this measure is not necessary in order to avoid likely significant effects. The Applicant is satisfied that the mitigation hierarchy has been followed appropriately, by ensuring mitigation is in place to avoid any residual significant environmental effect, as reported in Chapter 7 Ecology."

This response overlooks the fact that a significant effect has been reported in relation to the Great Hale Eau LWS (paragraph 7.6.38 of REP5-014). It is irrelevant that the impact is subsequently mitigated to an acceptable level given the mitigation hierarchy needs to be addressed, as identified above, and this requires avoidance to be considered first.

The Applicant has a suitable impact avoidance method and as noted in their rebuttal this should be adopted in this case to address a significant environmental effect. It is also noted that REP6-018 does not restrict the available avoidance techniques to situations where a significant impact is predicted.

Instead, it states only that “*Trenchless techniques, such as auger boring, horizontal directional drilling (HDD) or microtunnelling will be undertaken where environmental assessment determines that mitigation for an environmental impact is required ...*” Given this, NKDC maintains the position that the impact of the LWS can and should be avoided in accordance with the relevant national and local planning policy. This can be achieved using the trenchless measures adopted elsewhere for other sensitive receptors.

The chapter assesses the pond that could be lost as an attenuation pond, but this does not appear to be supported by any baseline data that evidences this or substantiates the implied low biodiversity value. Review of Google Earth data suggests an established, well-vegetated pond that could have accrued a biodiversity value. Therefore, it is not evidenced beyond reasonable doubt that this pond is not a priority habitat. Robust ecological impact assessment necessitates robust baseline data as a basis for assessment, but this appears to be lacking.

Robust data is also needed to develop mitigation specifications and demonstrate that there would be ‘No Net Loss’ of biodiversity. The Applicant attempts to make a case for the loss of the pond being temporary and consequently it is omitted from the BNG Assessment. This case is not agreed, as explained further below within the ‘Mitigation’ comments.

The updated Ecology Chapter does not provide any further narrative or assessment in relation to scarce arable flora in response to the comments made at Issue Specific Hearing 2 on Environmental Matters (and during preceding consultations), and to adequately explain the approach to addressing this within the OLEMP and OCEMP.

Contrary to the unamended statements made in the Ecology Chapter, the Applicant has not been able to provide satisfactory evidence to demonstrate beyond reasonable doubt that appropriate baseline surveys were completed for scarce arable flora. Therefore, NKDC advises that a satisfactory conclusion has not been reached in relation to this threatened group of plants that was first raised as a topic for assessment within the Scoping Opinion in May 2023.

The Applicant has had ongoing consultations with NKDC and has proposed to address the data gaps through a pre-construction scarce arable flora and then translocation of the seed bank of any scarce arable flora species/assemblages found to undeveloped areas identified by/convenient to the Applicant. This approach is not consistent with typical EIA good practice as summarised in paragraph 5.4.18 of NPS EN-1 (Jan 2026).

There is no baseline data to allow the mitigation hierarchy to be applied for scarce arable flora in accordance with paragraph 4.2.24 of NPS EN-1 (Jan 2026). NKDC has agreed that matters could potentially be resolved post-consent if a suitably robust strategy is specified by the Applicant. Advice was provided on how this should be addressed (as summarised in REP6-042).

However, this advice and guidance has not been adequately engaged with, and the mitigation strategy remains insufficiently defined and it has not been demonstrated beyond reasonable doubt that the mitigation is certain to be successful. Please refer to the additional commentary on this under the ‘Mitigation’ heading.

Great Crested Newt/Bicker Fen Substation

The previous comment from NKDC in relation to great crested newt and Bicker Fen Substation has now been adequately resolved following provision of additional information by the Applicant. It has been advised that the ecological surveys for the Heckington Fen

DCO in 2022 also recorded a negative eDNA result for great crested newt. The availability of two technically compliant negative results obtained using an approved survey method is sufficient evidence to conclude the likely absence of great crested newt from Bicker Fen Substation. It is assumed that the eDNA survey would be updated pre-commencement in accordance with the wider commitment for update protected species surveys secured via the OCEMP (REP5-017/018).

The updated mitigation approach for water vole (paragraph 7.7.13 onwards) suitably addresses the previous comments made by NKDC and therefore is confirmed as agreed.

Mitigation

Paragraph 7.7.1 (REP5-013/014) states "*With the following suitable and specific mitigation, any significant adverse effects for ecological receptors are reduced to acceptable levels*". NKDC considers that this statement is not correct given various matters remain to be clarified by the Applicant, and consequently the mitigation proposals are not finalised and cannot be agreed. Further information was subsequently provided to the Council on the 3 February 2026 in the form of updates to the OCEMP (Rev 5), OLEMP (Rev 4) and the BNG Assessment (Rev 4). These updates do not alter the Council's position that the mitigation details remain incomplete.

Following a meeting with the Applicant on 28 January 2026 it was understood that work is ongoing and that further information would be provided to NKDC. It is anticipated that these updates and amendments will affect several documents relied on to specify and secure the necessary mitigation i.e. the BNG Assessment, OCEMP, OLEMP. Updates to these named documents were forwarded to the Council on 3 February 2026. These updates suitably resolve prior comments on a small number of topics (quail, scarce arable flora survey methods, some elements of the BNG assessment) but the overall response is not sufficient to close out all the points raised previously.

Until these documents respond to the full scope of the prior queries and advice, and the relevant amendments are agreed, there is no adequate mechanism to secure all the necessary mitigation and associated commitments.

Specific topics yet to be resolved include:

- The committed mitigation strategy for skylark has still not been provided for approval. This is a long-standing commitment (since at least March 2024 based on Table 7.1 of REP5-013/014).
- The mitigation required to address Likely Significant Effects on lapwing and gadwall identified within the HRA. Natural England (REP6-045) has advised that the mitigation requirements are still under discussion.
- Scarce arable flora – the need for a mitigation strategy has been agreed and the Applicant has indicated that the relevant details will be incorporated into the OLEMP and OCEMP. The current OLEMP (REP6-021/022) states that the pre-construction scarce arable flora survey methods (which are required to address the lack of baseline data within the Application) are specified in the OCEMP. An update of the OCEMP was not provided at Deadline 6, and the previous iteration (REP5-017/018) did not make specific reference to scarce arable flora. However, the relevant methods were subsequently specified in a later update to the OCEMP (Rev 5) forwarded to NKDC on 3 February 2026. The survey methods are acceptable but a commitment is needed, and is currently lacking, in relation to the reasonable

expectation that the Applicant forward and agree the pre-commencement scarce arable flora survey results with NKDC as part of the process for agreement of the final CEMP and final LEMP.

- Scarce arable flora - NKDC has advised the applicant that the mitigation in the OLEMP (REP6-021/022) is not adequate to explain what is committed, demonstrate that it is appropriate, or have confidence in its likely success. Potential conflicts with the wider habitat compensation and enhancement strategy were also identified as mitigation areas for scarce arable flora would reduce the land available for other habitats i.e. grassland.

An update of the OLEMP (Rev 4) was provided on 3 February 2026 but the scarce arable flora mitigation approach remains insufficient. Specifically, an unambiguous statement is needed to confirm that scarce arable flora seed would be relocated to suitable receptor areas for the plant species of relevance (rather than just any available space irrespective of suitability, which the current wording indirectly implies). An unambiguous commitment is also needed to pre-agree the mitigation with the planning authority as a pre-commencement requirement.

This could be addressed through a suitably worded commitment within the OLEMP to provide a detailed mitigation strategy, informed by the survey results, for approval at the time of discharge of the Requirement covering the final LEMP. A clearly worded statement/commitment to this effect is currently lacking from the oLEMP and if provided would remove the need to provide more detail on the outline mitigation approach at the present time.

- A new impact is identified in relation to Great Hale Eau LWS. As noted and discussed above, the applicant does not demonstrate a mitigation approach that responds to Policy S60 of the Central Lincolnshire Local Plan. It is not agreed that the mitigation hierarchy has been adequately applied. There are methods available to the Applicant that would avoid the impact (HDD or similar) and that are committed elsewhere for other watercourse crossings. The mitigation offered in Table 7.9 of REP5-013/014 focusses on restoration of bank habitats, but it is not clear this mitigation adequately responds to the reasons for designation as these are not clearly stated within REP5-013/014.

It is assumed that this watercourse LWS is designated, at least in part, for its aquatic biodiversity value rather than just its terrestrial bank habitat. It is also not agreed that the Great Hale Eau has been correctly accounted for within the BNG metric and therefore the trading rules and 'No Net Loss' requirements in relation to watercourses are not demonstrated to have been met. As the Great Hale Eau is more than 5m wide, as readily verifiable using Google Earth and as otherwise reported by the Applicant (REP5-015 and REP5-029), it should not be reported as a ditch within the Metric.

- A new impact is identified relating to the loss of a pond at Bicker Fen Substation. The approach to mitigation remains ambiguous. No habitat loss is recorded in the BNG Metric and it was not addressed in the OLEMP (REP6-021/022) given this states incorrectly that no ponds would be lost. NKDC is also not satisfied that there is sufficient baseline data to inform an appropriate mitigation strategy and pond design suitable to achieve 'No Net Loss'. Subsequently, via the updated BNG Assessment (Rev 4) provided to NKDC on 3 February 2026, the Applicant confirmed that the pond would be replaced.

However, within this submission they also attempt to make a case that the loss of the pond is temporary and consequently does not need to be included in the BNG Metric as a habitat loss. This approach is not agreed. For a temporary loss to be reported the habitat must be replaced to its original state and condition within 2 years of loss.

This is not certain or realistic in this case given (a) there is no statement that commits to reinstatement of the pond within its original footprint so the original pond could be permanently lost, (b) aerial imagery shows a well vegetated mature pond that cannot (in the absence of evidence) be assumed to be recoverable within 2 years, and (c) there is no data on the baseline habitats nor evidence for the habitat condition to inform a suitable reinstatement specification, demonstrate the assumptions on the ability to reinstatement the pond, or as a basis for later monitoring and verification of adequate habitat reinstatement.

Consequently, the precautionary principle should be applied and the loss recorded as permanent. The baseline information is not sufficient to demonstrate the pond is not a priority habitat, and the Applicant has offered no further information to address the prior comment raised on this point.

- REP5-013/014 identifies additional habitat losses at Bicker Fen Substation (as summarised in paragraph 2.4.12 of CR-015/016 and 7.7.15 of REP5-013/014) that were not incorporated into the BNG assessment at that time. The Applicant advised NKDC via a meeting on the 28 January 2026 that they consider that this matter is addressed through the financial agreement reached with Boston Borough Council. However, the last response from Boston Borough Council (REP6-043) indicates that this is not the case.

Further, the Applicant's OLEMP (paragraph 1.6.60 REP6-021/022) does not explicitly link this financial contribution with the BNG strategy. The Applicant has subsequently confirmed via the updated BNG Assessment (Rev 4) provided to NKDC on 3 February 2026 that these changes (but noting the above disagreement over the pond) have been accounted for in an update to the BNG Metric in addition to the funding agreement with Boston Borough Council. The updated Metric has not yet been provided to NKDC, therefore this matter remains to be reviewed and agreed. Consequently, and considering the pond also, 'No Net Loss' of habitats has not been demonstrated.

During the meeting with the Applicant on 28 January 2026 the Applicant advised NKDC that they intended to amend the OLEMP (REP6-021/022) to remove the commitment (paragraph 1.5.5) to plant species-rich hedgerows. They have subsequently actioned this within the BNG Assessment (Rev 4) and the OLEMP (Rev 4) provided to NKDC on 3 February 2026.

The commitment to provide species-rich hedgerows was also made in the last iteration of the Ecology Chapter (paragraph 7.6.23 of REP5-013/014) which has not been subsequently updated resulting in an inconsistency in the commitments. NKDC considers the removal of the previous clear commitment to provide species-rich hedgerows to be a regression of the committed mitigation and enhancement approach.

This regression is in addition to the pre-existing unresolved comments made on the lack of evidence to demonstrate beyond reasonable doubt that the proposed hedgerow enhancement can be achieved. The Applicant has not provided adequate explanation for removal of an existing long-standing commitment at this late stage of the Examination.

Outcome of NKDC Discussions with the Applicant on Outstanding Ecological Matters

The Council has had very recent discussions with the applicant over the outstanding ecological matters. The points raised below represent the Council's current position and are separated out into matters agreed and not agreed for clarity. In providing this information, the Council's comments are based on the oCEMP (Rev 5 to be submitted at Deadline 7), oLEMP (Rev 4 submitted at Deadline 6, REP6-021) and the BNG Assessment Report (Rev 4 to be submitted at Deadline 7).

Matters Agreed

- Requirements in relation to quail are now suitably addressed and agreed (paragraph 6.7.13 of the OCEMP Rev 5 – to be submitted at D7).
- The methods and timings for pre-construction surveys for scarce arable flora are now suitably addressed and agreed (paragraph 6.7.8 of the OCEMP Rev 5 – to be submitted at D7).
- It is understood that the proposed BNG enhancement approach for ditches now involves removal of encroachment rather than reliance on enhancement of aquatic habitats (paragraph 2.3.6 of the BNG Assessment Report, Rev 4 – to be submitted at D7). This is an appropriate and welcome means to achieve enhancement and provides greater confidence in outcome without necessitating further clarification of the watercourse baseline. As such it is acceptable, but the Metric needs to be provided to confirm the approach and the watercourse calculation. The comments above and below about Great Hale Eau LWS is also pertinent to agreement of the watercourse calculation and currently is not agreed.
- It is noted and agreed that the ecological surveys for the Heckington Fen DCO in 2022 recorded a negative eDNA result for great crested newt. The availability of two technically compliant negative results obtained using an approved survey method is sufficient evidence to conclude the likely absence of great crested newt from Bicker Fen Substation.
- The updated mitigation approach for water vole (paragraph 7.7.13 onwards) suitably addresses the previous comments made by NKDC and therefore is confirmed as agreed.

Matters Not Agreed – with reference to the Updated OCEMP, OLEMP and BNG report

OCEMP

- Paragraph 6.7.2 is an incomplete list of potential significant effects as it omits Great Hale Eau LWS (paragraph 7.6.38 of REP5-013). This has direct relevant to the narrative provided in relation to the need for an open cut crossing of the LWS. It is also noted that REP5-029 does not preclude a trenchless crossing in Table 1.1. Further comment is provided on this in the email chain below.
- Paragraph 6.7.8 still suggests scarce arable flora mitigation within areas for grassland. However, this is suitably addressed in the amended oLEMP so can be overlooked. More relevant is the lack of clear statement to confirm that seed would be relocated to suitable receptor areas for the species of relevance (rather than just an available space) and a lack of a clear commitment to pre-agree the species/assembly-specific mitigation with the planning authority. It is expected that

all survey results and mitigation requirements and specifications will be agreed in advance of implementation through the process for the discharge of Requirements.

The relevant information should therefore be provided in the final LEMP or another pre-agreed document. This could be addressed, to bypass the needed for a more detailed mitigation statement at this time, through a suitably worded commitment to provide a detailed strategy for approval at the time of discharge of the Requirement covering the final LEMP. A clearly worded statement/commitment to this effect is currently lacking from the oLEMP.

- Paragraph 9.7.14 still does not quantify the number of nest and roost features to be provided in line with the commitment in paragraph 7.8.3 of REP5-013. This information is also not captured in the oLEMP. This should be included so that it is not overlooked when discharging Requirements.
- Paragraph 6.7.15 provides details of buffer zones. These cannot be confirmed and agreed until the consultation with Natural England on the HRA bird species has been concluded.
- The oCEMP does not capture all commitments made in REP5-013. Specifically, I cannot find a commitment on lighting that is consistent with paragraph 7.6.11 of REP5-013. Similarly, elements of paragraph 7.6.18 are missing from the oCEMP.

OLEMP

- Whilst the updates relating to nutrient reduction are welcome, the details are not sufficiently clear. Paragraph 1.5.4 is not clear that habitat creation should not take place until nutrient levels have been confirmed as reduced to a suitable level. It is also not clear when soil testing will be undertaken. This should be sufficiently far ahead to allow any nutrient issues to be identified, planned for and addressed. Therefore, the initial soil testing must be undertaken prior to submission of the final LEMP for approval. The Applicant should note the specific requirements in relation to soil testing detailed in the Central Lincolnshire BNG guidance e.g. pages 30 and 54.
- The details of the skylark mitigation remain to be defined in accordance with the commitment to provide this mitigation.
- Paragraph 1.5.6 is welcome for its ongoing commitment to provide species-rich hedgerows. However, this commitment is contradicted elsewhere e.g. within the cross-referenced Table 1.1. Any dilution of the previous planting specification given in REP6-021 represents a regression of the committed approach and does not help resolve the previous comments made by NKDC in relation to the hedgerow BNG proposals. The reason for this regression from the original commitment is unclear given typically the predominant costs associated with hedgerow plantings relates to the tree guards, stakes, mulch and labour time rather than the planting stock. Further, holly has been retained in the specification even though this is markedly more expensive than any other species given it can only be purchased pot grown whilst all other species are available as bare root transplants.
- Paragraph 1.5.22 remains incorrect as this information is not contained within APP-176. Paragraph 7.4.1 of the latter commits to a species-poor grass/clover seed mixture that is not consistent with the UKHab definition of neutral grassland. It is understood that an updated oSMP is to be provided at D7 and this may address this.

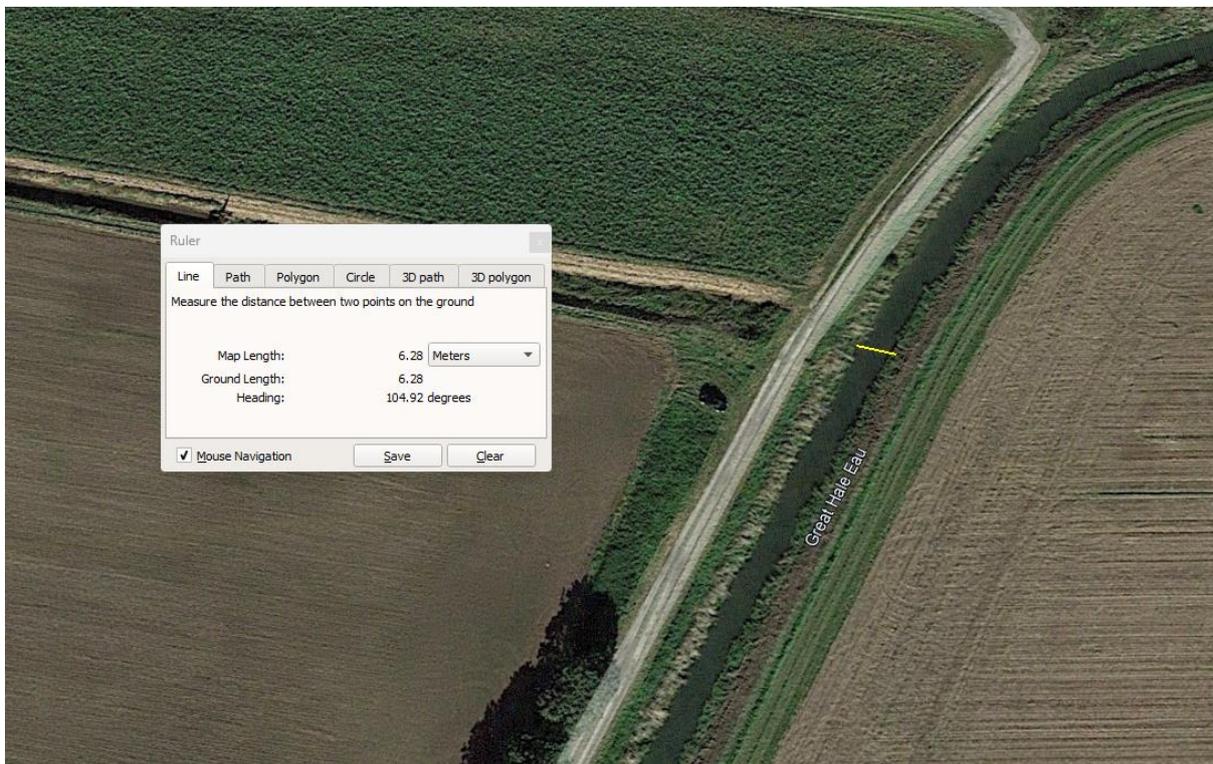
- The amendments from paragraph 1.5.13 onwards are welcome to address the previously discussed distinction between scrub and woodland habitats. The specification is not quite where it needs to be given the lack of sufficient distinction between the ultimate percentage tree cover (once mature) and the percentage contribution to the planting mix. Less than 25% representation of trees in the planting mix could still result in woodland (>25% tree cover). This can be resolved post-consent provided that the wording is amended to make clear that the final planting specification will accord with the standard UKHab definition of scrub habitat.
- Paragraph 1.5.25 - this specification for scarce arable flora remains insufficient to demonstrate a mitigation specification that is certain to be effective. Please refer to the comments on the oCEMP as well as the guidance issued previously. NKDC remains concerned with the continued conflation of scarce arable flora and grassland within the oLEMP. This could be addressed through a suitably worded commitment to provide a detailed standalone scarce arable flora mitigation specification for approval at the time of discharge of the Requirement covering the final LEMP. A clearly worded statement/commitment to this effect is currently lacking from the oLEMP.
- Paragraph 1.6.5 - it was understood, given the previous advice and following email correspondence, that the oLEMP would be updated to reference a commitment to a seed mixture consistent with the standard UKHab definition for neutral grassland (the habitat to be created). The amendment made does not unambiguously link the parameters for the future seed mixture with the required habitat.
- Paragraph 1.6.11 onwards - a minor point but it is not clear why non-tree habitats are included in the section on Arboricultural Works. These should be captured in a more appropriate section.
- Paragraph 1.6.20 refers to felling senescent and diseased trees in woodland as part of a non-intervention approach. Why? This is not consistent with biodiversity objectives, or indeed statements elsewhere about works to increase deadwood/veteran features. This has relevance if woodland works are required to achieve BNG. The current Metric has not been seen to clarify this.
- Paragraph 1.6.21 - why do scattered trees, which are likely to be predominantly in hedgerows, need thinning? This seems inconsistent with commitments elsewhere to retain and protect trees.
- Table 1.3 - the previous NKDC comment has not been suitably addressed. Replacement tree plantings are still proposed at an inappropriate time of year, particularly given current climate trends. Trees should be planted at times of year that maximise the chances of successful establishment i.e. late autumn/winter.

BNG Assessment Report

- Paragraph 1.2.4 - in the context of BNG assessment, the loss of a pond is not a temporary impact. For a temporary loss to be reported the habitat must be replaced to its original state and condition within 2 years of loss. This is not certain or realistic in this case given (a) there is no statement that commits to reinstatement of the pond within its original footprint so the original pond could be permanently lost, (b) aerial imagery shows a well vegetated mature pond that cannot (in the absence of evidence) be assumed to be recoverable within 2 years, and (c) there is no data on the baseline habitats nor evidence for the habitat condition to inform a suitable reinstatement specification, demonstrate the assumptions on the ability to reinstate

the pond, or as a basis for later monitoring and verification of adequate habitat reinstatement. Consequently, the precautionary principle should be applied and the loss recorded as permanent.

- Paragraph 1.2.6 relies on mitigation that is not specified, certain or securable given it defers to a future Reinstatement Method Statement of uncertain scope. This is not acceptable, particularly for purposes of BNG assessment. The requirements that will need to be incorporated into the Reinstatement Method Statement should be clearly identified.
- Paragraph 2.3.10 has been amended to remove the prior commitment to provide species-rich hedgerows. See comments above on the oLEMP.
- Paragraph 2.5.9 is acceptable given it aligns with the 'Parameters Line' adopted by other NSIPs, but the Metric needs to be seen to verify how it has been applied given at least some of the named watercourses were included within the previous iteration of the Metric.
- Paragraph 2.5.10 seeks to make a case that the Great Hale Eau is a ditch rather than another type of watercourse. This is not agreed as it is not demonstrated that the watercourse (including just the short section coinciding with the Site) meets the standard definition of a ditch. Further, the statement that the watercourse is less than 5m wide is not evidenced and is directly contradicted by the information and evidence presented in REP5-015 and REP5-029 which identify a watercourse 6m wide and 1.2m deep. Further, review of Google Earth (see below) aligns with the statements in these later documents that the watercourse is at least 6m wide (it may be wider after considering marginal stands of emergent in-channel vegetation that obscure the water line). The Metric cannot be agreed until it is evidenced that all watercourses have been correctly classified within the metric.



- Paragraph 2.5.15 there remains no clear evidence for the classification of this pond. Reference to an attenuation pond implies a low biodiversity value but this has not been demonstrated beyond reasonable doubt with reference to suitable data and the relevant habitat definitions. This is needed to agree the pond is not a priority habitat.

As a result the Council does not yet agree that the proposals and commitments contained in Requirement 8 (2) of the draft DCO (REP 6-004) have been evidenced and ergo can be accepted, specifically the securing of 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.

Comments on Deadline 6 Submissions relating to Above Ground Heritage:

The Council maintains the same position as at Deadline 6 [REP6-042] in respect of the heritage impacts of the proposed soil stockpile to screen the Bespoke Access Road and the assessment of Kyme Tower. This has been reflected in the updated Statement of Common Ground as remaining points of disagreement.

ExQ3 HEN3.1 – NKDC comments on Appendix 4 of REP5-046 relating to Kyme Tower:

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 if 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 provide a high level of certainty that the level of harm remains as previously identified, and therefore our position on the increased level of impact remains unchanged. Whilst additional images are useful, it demonstrates a level of harm that is not mitigated beyond the standard “embedded mitigation” approach. The proposals put forward by the applicant at the ISH for more planting along Midfodder Dyke do not seem to have been proposed.

Comments on Deadline 6 Submissions relating to Landscape:

The Council maintains the same position as at Deadline 6 [REP6-042] in respect of landscape character, the impact of the proposed soil stockpile to screen the Bespoke Access Road and impacts on residential properties. This position has been reflected in the updated Statement of Common Ground as remaining points of disagreement.

Request for a S106 Agreement:

The Council has had positive engagement with the applicant over the means of securing funding towards the establishment of the Ecological Steering Group (ESG) (and BNG monitoring) and a Stepping Out Walk that incorporates a route through the solar array area. It has been agreed in principle that this could be achieved via a new Article within the Development Consent Order which it is understood that the applicant will submit at Deadline 7. The Council has agreed the levels of funding to be secured via this mechanism albeit that the precise wording of a new Article will need to be agreed not least to factor in matters such as the indexation of payments.

No further progress has been made to secure funding to enable the delivery of measures within the Outline Skills, Supply Chain and Employment Plan (oOSSCEP). Consequently, the Council respectfully requests that the ExA does not attribute significant beneficial effects from employment creation and GVA of a ‘minor beneficial’ effect in the planning balance. The Council’s reasoning is set out in full at REP6-042 and it maintains its position on this matter.

Yours faithfully



Sylvia Bland
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Planning Services