



# BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Responses to Other Parties Deadline 6 Submissions

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## Quality information

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## Glossary

Abbreviation	Description
2008 Act	The Planning Act 2008
AC	Alternating Current
ACoW	Arboricultural Clerk of Works
APPGSTA	All Party Parliamentary Group on Science and Technology in Agriculture
Applicant	Beacon Fen Energy Park Ltd
BAR	Bespoke Access Road
BBC	Boston Borough Council
BESS	Battery energy storage system
BNG	Biodiversity Net Gain
CAH1	Compulsory Acquisition Hearing 1
CFGM	[Coastal and] Floodplain Grazing Marsh
CLLP	Central Lincolnshire Local Plan
DC	Direct Current
DCO	Development Consent Order
dDCO	Draft Development Consent Order
ES	Environmental Statement
ESG	Ecological Steering Group
ESG	Environmental, social, and governance
ExA	Examining Authority
HV	High Voltage
IDB	Internal Drainage Board
ISH	Issue Specific Hearing
LCC	Lincolnshire County Council
LCJMF	LCJ Mountain Farms Limited
LIR	Local Impact Report
Low Carbon	Low Carbon Ltd
LVIA	Landscape and Visual Impact Assessment
MW	Megawatts
NGET	National Grid Electricity Transmission plc
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
oLEMP	Outline Landscape and Ecological Management Plan
oOEMP	Operational Environmental Management Plan
oPRoWMP	Outline Public Rights of Management Plan
PC	principle contractor
Planning Act 2008 Guidance note	Guidance on associated development applications for major infrastructure projects
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
PRoWMP	Public Right of Way Management Plan
PV	Photovoltaic

REF	Landscape Strategy Plan
REP	Responses to Action Points
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
SOCG	Statement of Common Ground
SoS	Secretary of State
SWMP	Site Waste Management Plan
TCPA	Town and Country Planning Act 1990
TPO	Tree Preservation Order
VDECL	Vicarage Drove Energy Centre Limited

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# 1. Introduction

## 1.1 Overview

- 1.1.1 This **Applicant's Responses to Other Parties' Deadline 6 Submissions (Document Ref: 9.24)** has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant') in support of an application for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 This document has been prepared to set out the Applicant's response to submissions received at Deadline 6.
- 1.1.3 The Applicant has had regard to the Deadline 6 submissions but is mindful of the volume of information already submitted into the examination and has sought to limit the duplication of submissions it has already made on many of these subjects in response to previous submissions/questions on the relevant matter. As such, the Applicant has responded by exception where the submission raises a new matter and/or where the Applicant considers such response may be helpful to the ExA. Silence on an issue, therefore, should not be interpreted as agreement – but instead a recognition of the approach taken by the Applicant to avoid duplicative material being entered into examination within this document.
- 1.1.4 The remainder of this document is structured as follows:
- Lincolnshire County Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-041);
  - North Kesteven District Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-042);
  - Boston Borough Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-043);
  - Environment Agency Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-044);
  - Natural England Comments on the RIES (REP6-045); and
  - LCJ Mountain Farms Ltd Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-046 and REP6-067 respectively).

## 2. Lincolnshire County Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-041)

Table 2.1 - Lincolnshire County Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-041)

TEXT	RESPONSE
<p><b>Landscape and Visual</b></p> <p>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.</p> <p>Following ISH2 held on 12th November 2025, a meeting was held on the 20th 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 03rd December 2025 via email. Subsequently the applicant issued a response to these individual points on 15<sup>th</sup> December 2025. The outcome of the meeting on the</p>	<p>The Applicant agrees with the summary of matters relating to ISH2 held on the 12<sup>th</sup> November 2025 and the subsequent meeting held on the 20<sup>th</sup> November 2025.</p> <p>The Applicant also agrees that the documents listed represents those submitted at Deadline 5 in relation to landscape and visual matters.</p> <p>Landscape and visual matters raised by LCC have been agreed, with the exception of the below. These matters are detailed within Table 6.1 of the Final Statement of Common Ground (SoCG) with LCC (Document Reference: 8.1) submitted at Deadline 7:</p> <ul style="list-style-type: none"> <li>• Effects on the Fenland Character Area</li> <li>• Cumulative landscape and visual effects</li> <li>• Visual Impacts and RVAA at Gashes Barn</li> <li>• Visual Impacts and RVAA at other residential properties in proximity to the Solar Array Area</li> </ul>

20th November, and subsequent actions, clarifications and responses have fed into the DL5 updated information and will subsequently feed back into the evolving Statement of Common Ground (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

Further detail is provided on relevant matters within the rows below.

\* Following the submission of information at DL5, the ExA have subsequently accepted some late DL5 submissions from the applicant on the 7th 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

Paragraph 6.3.20 of the updated LVIA identifies Stockpiles at 0.5 to 1.0m in height adjacent to the bespoke access road. There are two concerns in regards 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

The Applicant notes the concerns of LCC with regard to the soil stockpiles, but notes the following:

- The soil stockpiles are a necessary element of the Bespoke Access Road. They are required for the long term storage of topsoil, which will be used to reinstate agricultural land following decommissioning;
- They are relatively low, up to a maximum of 1m above existing levels; and  
The profile of the stockpiles has been designed specifically to avoid the appearance of 'engineered bunds'. The design approach is to create a 'false cutting' with a relatively shallow

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.

outer slope which will provide a gradual transition with the existing landform. The stockpiles will be sown with a neutral grass seed mix which when established will provide an appropriate association with the agricultural landscape context as set out in paragraph 1.5.9 of **Appendix 6.7 Outline Landscape and Ecological Management Plan (Revision 4) (Clean) (REP6-022)**. The proposed location of the stockpiles is illustrated in the **Landscape Strategy Plan Part 2 (CR-020)** and the profile is shown in **Applicant Responses to ExQ2 (REP5-048)** in Appendix 2: Soil Stockpiles Indicative Cross Section.

Further explanation is provided in **Applicant Responses to ExQ2 (REP5-048)** in the response to LSV.2.5.

The proposed maximum topsoil stockpile height of 1m will help ensure that soil quality is retained over the duration of the storage period and the soils are viable for reinstatement at the point of decommissioning. Industry guidance states that topsoil stockpiles should not exceed 3m to ensure that soils do not lose structure. The base of the proposed 1m stockpiles will therefore be even less susceptible to compaction and will ensure good structure is retained. The stockpiles will be seeded with a neutral grassland mix and actively managed throughout the operational period as set out in paragraphs 1.5.8 to 1.5.17 of **Appendix 6.7 Outline Landscape and Ecological Management Plan (Revision 4) (Tracked) (REP6-022)**. An actively managed vegetation on the surface will protect the soils from surface erosion. The seed mixture will include a wide range of plant species with a variation in rooting depths. This will help ensure the soils remain active throughout the profile depth.

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.

The Applicant can confirm that the inconsistencies within Chapter 6 and the respective appendices have been identified and updated in the documents submitted at Deadline 5.

## Ecology

### Draft Development Consent Order (REP5-003)

The Council welcomes the commitment to the establishment of the proposed Ecological Steering Group and its funding and the funding of planting in Boston Borough Council's administrative area which the applicant is proposing through the amendment of Requirement 7 (2a) and Requirement 7 (2b).

However, the Council has previously stated the preferred mechanism for securing this funding would be through a s106 agreement, the Council continues to hold this preference. The Council considers the s106 mechanism for securing ESG funding would be consistent with the approach taken with other NSIP proposals, such as Springwell Solar Farm, whose draft s106 agreement includes the ESG/BNG monitoring fee.

The Applicant refers to the **Final SoCG with LCC (Document Ref. 8.1)** submitted at Deadline 7 alongside this document. Following discussions with BBC, NKDC and LCC, the Applicant has proposed using an article in the DCO to secure the ESG and Stepping Out contributions instead of a S106.

### Outline Landscape and Ecological Management Plan (oLEMP) (REP5-025)

The Council notes the updates made in REP5-025 and has the following comments to make:

The Applicant notes the response and refers to the **Final SoCG with LCC (Document Ref. 8.1)** submitted at Deadline 7 alongside this

- Additions in 1.5.11 and 1.5.14 in relation to scarce arable flora are welcomed.
- The draft terms of reference for the Ecological Steering Group and its funding at 1.6.49- 1.6.59 are welcomed. The Council suggests that a further point is added to the draft terms of reference which stipulates when the ESG should be formed / disbanded should be included and has provide the Applicant with a suggested form of words relating to this.
- The commitment to providing funding for offsite planting in Boston Borough Council's administrative area at 1.6.60 is welcomed

document which confirms final positions in relation to the Ecology Steering Group.

**Chapter 7: Ecology (Revision 3) (REP5-013)**

The Council notes the updates made in REP5-013 and has the following comments to make:

- The Council welcomes the clarification provided in 7.4.9 regarding the adoption of a 'Rochdale Envelope' approach.
- The Council notes that a permanent low level adverse impact on local skylark populations is still predicted. The Council remains concerned about potential for cumulative impacts on skylark populations given the number of other solar developments in the county which have the potential to reduce the area of nesting habitat available for the species.
- The Council welcomes confirmation of mitigation arrangements for water vole provided at 7.7.13 to 7.7.14.
- 

The Applicant has provided avoidance measures for impacts on skylark, including open space within the photovoltaic (PV) exclusion zones, which will be managed to support a greater density of skylark than at present. The grassland habitat throughout the Site will support birds from farmland off-site, improving their breeding success and compensating for territories lost on site. Therefore the Applicant concludes that there will not be a significant effect on skylark alone or in combination with other projects as detailed within the **Final SoCG with LCC (Document Ref. 8.1)** submitted at Deadline 7.

**Biodiversity Net Gain Strategy (Revision 3) (REP5-070) and Biodiversity Net Gain Metric (REP5-039)**

In response to the Applicant's submitted change request, the Council stated:

The Applicant notes the comment around the waterbody (an attenuation basin), which will be temporarily removed. In line with the

*“...given that additional areas of habitat are likely to be removed under the Proposed Change, the Council considers that the Applicant's BNG Strategy (REP2-029) and the underlying post-development Statutory Biodiversity Metric (REP2-031) calculations will need to be reviewed and updated accordingly to ensure they take account of this.”*

REP5-013 Para 7.4.9 (and elsewhere in the document) states that it has been assumed that a waterbody within Bicker Fen substation will be removed. It does not appear that REP5-070 or REP5-039 have been updated to account for the BNG implications of the change request.

Notwithstanding the above comment, the Council notes the updates made in REP5-070 and REP5-039 and has the following comments to make:

- The Council notes the updated predictions for the levels of BNG to be delivered of s, 10.79% hedgerow units and 15.95% watercourse units.
- The Council also notes that the trading rules in the metric are now being met and welcomes this.
- Given the Applicant's commitment to establishing an Ecological Steering Group (ESG) which will help to oversee the monitoring of BNG delivery, 6.1.2 of (REP5-070) could usefully refer to reports being submitted to the ESG.

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### **Summary of current LCC position in relation to Ecology and BNG**

In general, The Council considers that details now included in the application in relation to ecology are adequate and that appropriate Mitigation measures are set out and will be appropriately secured for most impacts. However, the Council remains concerned about the level of mitigation provided for ground nesting farmland birds, principally skylark, and the potential for cumulative impacts from other developments in the county with similar impacts.

Flood Risk Assessment, Section 11.2 of the Change Request - 10.5 Environmental Statement Addendum (CR-029) a replacement attenuation pond will be incorporated of an equivalent size. The attenuation pond is considered therefore to be temporarily lost in line with the Biodiversity Net Gain Statutory Metric User Guide, and it has therefore been adequately considered in the updated BNG Metric (REP5-039) and strategy (REP5-070). The BNG strategy has been further updated to clarify that the Change Request has been considered and has been submitted at Deadline 7.

The Applicant notes these responses. With regards to ground nesting birds (in particular skylark) this area remains a matter of disagreement as detailed within the Final SoCG with LCC (Document Ref. 8.1) submitted at Deadline 7. The BNG strategy has been further updated to clarify that the Change Request has been considered and has been submitted at Deadline 7.

In relation to BNG, the Council considers that the current level of BNG predicted to be delivered by the development is acceptable and that its delivery will be appropriately secured.

However, the Council is of the opinion that the BNG assessment does not yet properly take account of the Applicant's submitted change request and therefore considers that the additional updates to the BNG assessment and metric are still required.

The Council welcomes the Applicant's commitment to the establishment and funding of an Ecological Steering Group which will oversee the delivery of ecological mitigation and enhancement measures as well as the delivery of BNG.

### **Archaeology**

Whilst the Council are content that provision for appropriate and fit for purpose archaeological mitigation has been included within the documentation agreed, there are some slight concerns over the general lack of coverage of these requirements in other topic management plans. The historic environment is included within the oCEMP and oDEMP albeit the Archaeological Clerk of Works (ACoW) is not specifically mentioned within these documents. The Applicant confirmed this would be rectified in an email exchange dated 30<sup>th</sup> and 31<sup>st</sup> October but it has yet to be done within the documents themselves. The Council would request that this change is made for review at the next deadline.

Overall, the Council is satisfied that the Applicant has appropriately considered the potential for, significance of and impact to the archaeological resource within the footprint of the scheme. The investigations to date have been sufficient to design an Archaeological Mitigation Strategy (AMS) and committed to appointing an ACoW to oversee the daily construction work and

The Applicant notes the response on archaeology, and it will be referred to within the SoCG with LCC as an area of agreement.

Reference to **Appendix 8.11 Archaeological Mitigation Strategy (REP2-019)** and the Archaeological Clerk of Works has been added to the following relevant documents which have been submitted at Deadline 7:

- **Appendix 2 Outline Construction Environmental Decommissioning Management Plan (oCEMP) (Document Ref: 6.3 ES Vol 2, 6.3.7).**
- **Appendix 2 Outline Decommissioning Environmental Management Plan (oDEMP) (Document Ref: 6.3 ES Vol 2, 6.3.8).**
- **Appendix 6 Outline Landscape and Ecological Management Plan (oLEMP) (Document Ref: 6.3 ES Vol 2, 6.3.19).**

monitor the operational and decommissioning phases. The Council considers that these commitments have secured the appropriate mechanism for managing the archaeological resources within the site on a long-term basis and will ensure appropriate and fit for purpose mitigation during the lifespan of the project. The Council looks forward to working with the Applicant on forthcoming archaeological evaluation and mitigation measures and designing an effective programme of public engagement as part of the public archaeology and community engagement strategy.

- **Appendix 14.4 Outline Soil Management Plan (oSMP) (Document Ref: 6.3 ES Vol.2, 6.3.95).**

## **Built Heritage**

### **Beacon Fen Energy Park Kyme Tower Action Point 8**

The Council welcomes the Applicant's supplementary heritage appraisal of Kyme Tower and acknowledges that it provides a clearer and more detailed discussion of the asset's significance and its relationship to the historic cluster at South Kyme. The Council broadly accepts the Applicant's conclusion that the Proposed Development would result in less than substantial harm to the significance of this asset.

However, the further work does not fully address the Examining Authority's Action Point 8 in methodological terms. While the report includes a series of photographic plates, it does not include any mapped or modelled analysis (for example, a ZTV or similar desk-based intervisibility study) to demonstrate where the Proposed Development could theoretically be visible from different levels of the tower. As a result, the assessment of potential visibility and the conclusions on the level of harm rely on a limited set of currently available viewpoints and are expressed largely in descriptive rather than analytical terms.

The Applicant held a meeting with LCC and NKDC on the 26<sup>th</sup> of January to progress the outstanding matters. Whilst distance and terrain modelling may be a useful tool when access is unavailable, the tower was visited in person and all views from all floors were attempted as far as safely possible. Albeit challenging due to the structural condition of the tower, appropriate views were recorded and it is considered that the assessment is appropriate and proportionate to the indirect impact on Kyme Tower. It was agreed during the meeting, however that the Applicant would annotate drawings and photos within the Kyme Tower Heritage Appraisal (REP5-046) to show where the views obtained from the Tower reached towards the west and the Proposed Development. The revised Kyme Tower Heritage Appraisal has been submitted at Deadline 7.

The assessment also places some reliance on the tower's current access arrangements and physical condition when considering views from the upper levels. While these constraints are understood, they should not be assumed to be permanent and the long-term appreciation of the asset and its setting should not be assessed solely by reference to present-day access or condition.

In the Council's view, the absence of a ZTV or similar analysis at the height of the former floor levels and the top of the tower means that the potential extent of intervisibility has not been explored in a fully systematic way. The assessment of effects on setting is therefore necessarily more qualitative than it might otherwise have been and the conclusions on the level of harm should be treated with an appropriate degree of caution.

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**Sequential Test and update to Planning Statement (REP5-010)**

The applicant highlighted within the most recent iteration of the SoCG with LCC (submitted at DL6) that Annex G of the planning statement has been updated to expand the sequential test commentary, tracked changes are not evident within this document. The Council would request that the applicant provide a tracked change version of this document update for review.

The Applicant has reached out directly to LCC to explain where the Sequential Test Assessment can be found and what has changed and expects LCC to provide comments at Deadline 7.

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**Waste**

The Council continues to raise concern regarding the lack of any forecasts from the Applicant for waste arisings for any phase of the project. The Council understands these figures would be indicative, however the Council considers they should be submitted into the examination and calculations should be made using assumptions.

Indicative waste forecasts were provided within Applicants Comments on Local Impact Reports (REP2-041).

The lack of available capacity for recycling PV panels, particularly in light of the cumulative quantity alongside similar projects and the Applicant's failure to calculate/provide cumulative quantities is also of significant concern to the Council. Please see the below commentary to updated documents submitted at DL5 with regard to waste matters.

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**Draft Development Consent Order (Revision 6) (Tracked) [REP5-004] and Schedule of Changes to the Draft DCO (Revision 6) (REP5-005)**

Addition of requirement 22 (operational waste) and associated references to the Waste and Recycling Strategy – The commitment to produce an 'operational site waste management plan' is welcome however the Council would also request that the applicant also provides indicative waste arisings forecasts as soon as possible.

Indicative waste forecasts were provided within Applicants Comments on Local Impact Reports (REP2-041). As set out in Applicant's Responses to Other Parties Deadline 4 Submissions (REP5-047) further detail on forecasts cannot be confirmed at this time as detailed design specifications are not yet confirmed with which to calculate and provide indicative waste arisings forecasts.

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**Planning Statement (Revision 2)1 (REP5-010)**

The Applicant suggests waste quantities would be small but says that forecasting quantity and destination is not possible at this stage. The Council would like to see indicative forecasts of quantity of each waste type at each phase of the project, including the proposed fate (e.g. recycling). In particular, it is a concern that the applicant believed the quantity of waste PV panels will be 'not... significant' and that recycling facilities will appear for them.

In line with relevant regulations for WEEE-adjacent wastes, such as solar panels, the Applicant and relevant operator has a Duty of Care towards ensuring that panels were processed and recycled.

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**Outline Construction Environmental Management Plan (Revision 4) (Tracked) (REP5-018) and Outline Decommissioning Environmental Management Plan (Revision 3) (Tracked)(REP5-020)**

The Council notes the lack of references to potential PV panel failures during the construction phase, and should this occur the destination of this waste stream. The oCEMP and oDEMP also lack reference to the intended destination for PV panel waste at decommissioning and finally, the forecasts for quantities of any types of waste are not referred to in either document.

The rate of panel failures during construction are anticipated to be negligible and unlikely to result in significant effects on the environment. All construction waste will be managed in accordance with the principles set out within the oCEMP. In relation to the destination of waste streams and forecasts, please see the above rows.

### **Waste and Recycling Strategy (Revision 2) (Tracked) (REP5-034)**

The Council disagrees with the statement made at paragraphs 4.1.4 to 4.1.5 that, even if a full PV panel replacement programme proves to be unnecessary (some other solar NSIPs have suggested a 25 year lifespan for panels), the quantity in need of replacement will be “negligible”. At the very least, the applicant should provide a forecast of the quantity of panels (ideally by weight) they think will fail on installation, need replacing each year of operation and, in particular, need processing at decommissioning.

The Council disagree that “cumulative arisings from other solar NSIPs locally are unknown at this stage” as stated within paragraph 4.1.6, as other solar NSIPs have been able to provide a forecast of these cumulative quantities. Without such information, it is unreasonable to describe the impacts as “not anticipated to be significant” or “negligible” (7.3.6). Within paragraphs 4.1.8 and 4.1.9 (also 5.2.2 - 5.2.4) –the applicant speculates that the UK PV panel recycling market will grow but this is unknown at present, as such, the Council considers there needs to be an acknowledgment of the possibility that EOL panels will need to be exported or landfilled.

At paragraph 5.2.5 the applicant suggests a PV panel failure rate of 0.2% per annum during operation. It should thus be relatively simple

Indicative waste forecasts were provided within Applicants Comments on Local Impact Reports (REP2-041). These indicative forecasts included considerations of other NSIPs in Lincolnshire.

Panels are unlikely to be landfilled as per WEEE and associated regulations. As stated within Applicants Comments on Local Impact Reports (REP2-041), the Applicant considers that more companies / facilities are expected to setup / become available in the next decade in order to process solar panels as the current solar farms in the UK begin to be decommissioned.

for them to provide the requested forecast of an annual tonnage of PV panel waste.

The Council notes paragraph 7.1, Construction Phase does not make reference to the percentage of solar panels failing on installation. Other solar NSIPs have made reference to this figure within their examination documentation and the Council requests that the applicant also provides this figure.

The Council also considers, as above, paragraph 7.2 Operational Phase should also provide figures regarding forecasted for the annual quantity of PV panel waste, and a commentary on the current lack of suitable recycling facilities.

The Council welcomes the commitment to provide an annual planned replacement schedule. However, this does not remove the need to provide an indicative forecast at this stage of annual PV panel waste.

In relation to the Decommissioning Phase, paragraph 7.3, the Council requests that the applicant provides a forecast for the quantity (weight) of PV panel waste arising from decommissioning. Without this, it is impossible to assess the impacts, particularly as the applicant is assuming that recycling capacity will appear in the meantime.

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**Applicant's Responses to Other Parties D4 Submissions (REP5-047)**

'Solar PV panel replacement and provision of waste forecasts' the Council welcomes the commitment to produce an 'operational site waste management plan' and 'annual planned replacement schedule'. However, the Council would still like to see, as soon as possible, forecasts for waste arisings, particularly for PV panels.

Waste forecasts were provided within Applicants Comments on Local Impact Reports (REP2-041).

<p><b>Public Rights of Way</b></p> <p><b>Outline Public Rights of Way Management Plan (REP5-045)</b></p> <p>The Council notes from the information provided within Table 1 'summary of PRow management measures' that there is only one temporary diversion planned for KkLT/4. The six other footpaths listed for temporary closures do not have proposed diversions. The Council is of the opinion, where a diverted route is possible, it should be implemented, especially should the construction period run for an extended duration.</p>	<p>The PRow that are referenced for short-term closure either cross the Cable Route Corridor or the Bespoke Access Road. In all cases, the proposed closures are for very short periods whilst works take place directly on or adjacent to the PRow. No long-term closures are planned, except Ewer/12/1 which is currently inaccessible. The strategy is to minimise closure durations and manage footpath crossings of the Order Limits, rather than long term closures and diversions. However, flexibility remains for the LCC to agree temporary diversions as part of the PRowMWP, pursuant to OPRoWMP (REP5-045), if closures do transpire to be of durations that would have an unacceptable impact on users. The implementation of diversion routes should be proportionate to the duration of closures, as temporary diversions take time to implement, potentially extending the duration of temporary closures, and to the detriment of convenience of users.</p>
<p><b>Public Health</b></p> <p>It is noted that no updated documents relating specifically to Health and Wellbeing were submitted at deadline 5. As such the below comments are restricted to the Councils main areas of concern, mental health impacts from a changed landscape, the perceived risk from Electromagnetic Fields (EMFs), and physical health impacts of EMFs, as expressed in our Local Impact Report (REP1- XX). The Council continue to raise concern regarding these topics as the updated documents do not give assurance that the cumulative EMFs decrease sufficiently with distance from source to not be a risk to people in the area.</p>	<p>As noted by LCC within their Local Impact Report (REP1-044), "<i>The applicant's consideration of Electromagnetic Fields (EMF) and assessment as not significant is noted and the Council welcome all cabling being underground. It is also noted that EMF from the operation would be below exposure levels specified in health protection guidelines from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) at all residential receptors.</i>"</p> <p>Chapter 17 Other Environmental Topics (REP1-007) provided further detail on the assessment of EMFs, including the maximum and typical magnetic fields for a 400kV cable and how they decrease with distance (Table 17.6). The chapter concludes that in accordance with DECC's Voluntary Code of Practice 2012, the maximum values above</p>



Upon reviewing Ref 6.2.6: ES Chapter 6 Landscape and Visual (REP5- XX) there have been minimal changes to the content of the document. Formatting and sentence structure were perceived to be the main changes. Though the soil stockpiles were the only noticeable screening mitigation measure that has been included.

the cable and at nearby sensitive receptors are less than the 1998 International Commission on Non-Ionizing Radiation Protection (ICNIRP) guideline levels. Therefore, it is considered that the Proposed Development will not result in significant effects in relation to EMF.

In relation to cumulative effects, the EMFs from two different sources do not simply add together. The addition of EMFs from different sources is complex, but typically if the field from one source is larger than the other, the larger field dominates, with the smaller field making only a small difference to the resulting field. Therefore it is appropriate to consider the Proposed Development in isolation.

The Applicant's position on the matter of mental health, including in relation to landscape effects, is set out in the Applicant's Comments on Local Impact Reports (REP2-041). The Applicant notes that human health is addressed in Section 17.7 of ES Chapter 17: Other Environmental Topics (APP068). A health screening exercise was also undertaken (in accordance with the Central Lincolnshire Healthy Planning Checklist) and included within ES Appendix 1.1 Scoping Report (APP-071).

**Cumulative Effects**

The Council has reviewed the Technical Note: Cumulative Effects Assessment Update (REP5-049) and confirms that the additional schemes included in the update align with those previously requested by the Council. REP5-049 states that the review of additional schemes identified since the original ES concludes that no update to the Cumulative Effects Assessment is required. Most new projects were either already considered, are too distant or small to result in significant combined impacts or lack sufficient detail for meaningful assessment at this stage. Large-scale developments such as Ossian

The Applicant notes this response and welcomes LCC's confirmation that the additional schemes considered within the Technical Note: Cumulative Effects Assessment Update (REP5-049) align with those previously requested by LCC.

The matter of cumulative effects will be carried forward to the SoCG as an area of disagreement for the relevant topics.

offshore wind and National Grid infrastructure will incorporate Beacon Fen in their own future assessments.

Overall, the cumulative effects remain as previously reported, and the applicant does not consider that an update to the Cumulative Effects Assessment is required.

As such there remains some points of disagreement remain regarding conclusions made on the significance of inter-project cumulative effects in the overall assessment of cumulative effects with other developments, which the Council considers to be under-assessed. In particular those related to landscape and visual impact, waste, and the loss of best and most versatile (BMV) agricultural land. These areas of disagreement are detailed in our LIR (REP1-044), and further written submissions, and in the Statement of Common Ground (SoCG). The Technical note does not fundamentally alter our position on these matters.

### **Outline Safety Battery Management Plan (OBSMP) (REP5-035)**

Lincolnshire Fire and Rescue (LFR) have reviewed the updated oBSMP and LFR comments are provided below:

- Executive Summary – Whilst updated, LFR will still need details of ‘final BESS design’ to allow comments to be made, e.g. site layout, BESS spacing etc.
- 2.3.3 / 2.3.6 - Positive to see that the EA are referenced in relation to consultation around fire water management, and the development of the Outline Firewater Management Strategy
- 2.6.5 - Updated national documents have been referenced – NFPA 855 – Outlines BESS design and specification - with a key update being that BESS design and site layout is validated through Large Scale Fire Testing (LSFT) and rigorous

The Applicant notes these comments and that further discussions will take place at the detailed design stage when the final SBMP is submitted, as secured by Requirement in the **draft DCO (Document Ref. 3.1)**.

consequence modelling to minimise the requirement for any LFR intervention in a thermal runaway incident

- 4.1.8 – Updates to outline tests will be in-line with national standards – 9540A
- 4.3.14 – Updated water supplies, including volumes available – Primary and secondary water supplies will need to be finalised with LFR (as stated).
- 4.3.21 – Reference to containment of firewater runoff is outlined – LFR reserve the right to discuss details with the EA to support concept of minimising impact on the environment – Consideration would need to be given when developing fire fighting tactics, e.g. quantities of water to be used
- 4.3.23 – LFR reserve the right to be consulted with when the applicant is developing the firewater management strategy', before agreeing suitability

### 3. North Kesteven District Council's Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-042)

Table 3.1 - North Kesteven District Council's Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-042)

TEXT	RESPONSE
<p><b>Ecology</b></p> <p>The Council considers the remaining main points to be:</p> <ul style="list-style-type: none"> <li>- BNG and related habitat compensation and mitigation proposals</li> <li>- Scarce arable flora</li> <li>- Ground nesting birds</li> </ul>	<p>The Applicant notes these main points, and these will be referred to with the SoCG with NKDC for further discussion in order to obtain agreement.</p>
<p><b>General Comments on ES Chapter 7</b></p> <p>New impacts are raised in the impact assessment that were not assessed previously, specifically:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>Impacts on the Great Hale Eau LWS have been previously considered in Tables 7.9 and 7.11 of <b>Chapter 7 Ecology (REP5-013)</b>, and further detail was added in at Deadline 5 in paragraph 7.6.38 for clarity. Mitigation for impacts is included in paragraphs 7.7.12 and 7.7.13 and referenced in Tables 7.9 and 7.11.</p> <p>Pond 43 was previously identified as being lost within the ES chapter as part of the worst case scenario. Whilst GCN were recorded on DEFRA's Magic Map in April and May 2015, both the Applicant's 2024 survey and Heckington Fen's April 2022 eDNA surveys were negative. The surveys followed Natural England's accepted protocol and were done within the survey season. As detailed within the <b>Final</b></p>

• 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 unevicenced 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.

**SoCG with NKDC (Document Ref. 8.2)** submitted at Deadline 7, the Applicant is satisfied in the results of the eDNA and does not consider that there is any implication for the letter of no impediment from Natural England.

The Applicant notes the comment with regards to BNG around the waterbody (an attenuation basin) which will be temporarily removed. In line with the **Flood Risk Assessment, Section 11.2 of the Change Request - 10.5 Environmental Statement Addendum (CR-029)** a replacement attenuation pond will be incorporated of an equivalent size. At this stage of the design it is not possible to present the precise location of this attenuation pond. To make sure that the re-instated attenuation pond recovers rapidly and achieves the target condition within 2 years (the timescales required to be considered temporary loss), the topsoil/seedbank of the pond will be retained and replanted in line with Section 7.6.15 of the **Ecology Chapter (REP5-013)**. The attenuation pond is considered therefore to be temporarily lost in line with the Biodiversity Net Gain Statutory Metric User Guide, and it has therefore been adequately considered in the updated **BNG Metric (REP5-039) and strategy (REP5-070)**.

The Applicant has provided avoidance measures for impacts on skylark, including open space within the photovoltaic (PV) exclusion zones, which will be managed to support a greater density of skylark than at present. The grassland habitat throughout the Site will support birds from farmland off-site, improving their breeding success and compensating for territories lost on site. Therefore the Applicant concludes that there will not be a significant effect on

skylark alone or in combination with other projects. Notwithstanding this, the Applicant has held a meeting with Lincolnshire Wildlife Trust (LWT) on 17<sup>th</sup> December 2025 to discuss offsite enhancements for skylark. LWT are reviewing the options on their land and with partners and the Applicant will continue to engage with them and NKDC. This was discussed in a meeting with the NKDC ecologist on 28<sup>th</sup> January 2026, however as the Applicant has not yet agreed any options for offsite enhancement this remains an area of disagreement.

### 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

The Applicant has discussed this matter in the meeting with NKDC on 28<sup>th</sup> January 2026. The Applicant has included detail of the pre-commencement survey including the overarching methods to be followed and the timings, within the update to the oCEMP to be submitted at D7, a draft copy of which has been sent to the NKDC ecologist.

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.

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## **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.

This matter was raised in the meeting with NKDC on 28<sup>th</sup> January 2026. The oCEMP has been updated with specific reference to quail survey methodology in addition to the general bird survey methods in the pre-commencement survey. The oCEMP has been submitted at Deadline 7, and prior to this a draft was sent to NKDC for review.

## 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.

The Applicant has updated the oLEMP Table 1.3 to confirm tree planting will not take place in late spring or summer. This update has been submitted at Deadline 7.

The installation of bird and bat boxes is committed to in Section 6.7.14 of the **oCEMP (REP5-017)** which stipulates detailed locations will be provided in the detailed LEMP(s). Management of these boxes is committed to in Section 1.6.48 the **oLEMP (REP5-025)**.

The plant species lists and approach to reducing the nutrient enrichment has been updated in the oLEMP which has been submitted at Deadline 7.

## 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 Slea.
- 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

These matters were discussed at the meeting with NKDC on 28<sup>th</sup> January 2026 and are detailed within the **Draft SoCG with NKDC (Document Ref. 8.2)** submitted at Deadline 7.

Watercourses: There are watercourses which lie within 10 m of the Order Limits but are not within areas to be impacted by development and have therefore been excluded. The BNG strategy has been updated and submitted at Deadline 7 to clarify this. The precise crossing point of the Great Hale Eau has not been identified, but it is less than 5 m at any likely crossing point within the Order Limits.

Ponds: The Applicant notes the comment around the waterbody (an attenuation basin), which will be temporarily removed. In line with the **Flood Risk Assessment, Section 11.2 of the Change Request - 10.5 Environmental Statement Addendum (CR-029)** a replacement attenuation pond will be incorporated of an equivalent size. The attenuation pond is considered therefore to be temporarily lost in line with the Biodiversity Net Gain Statutory Metric User Guide, and it has therefore been adequately considered in the updated **BNG Metric (REP5-039) and strategy (REP5-070)**. The waterbody and suitability for great crested newts was discussed with the NKDC ecologist on 28<sup>th</sup> January 2026, where further recent survey evidence (a negative eDNA survey) was presented (undertaken for the Heckington Fen project) to support the Applicant conclusion that GCN were likely absent.

Baseline data – Additional data to support the BNG strategy has been provided to NKDC in the meeting on 28<sup>th</sup> January 2026 and in follow up emails.

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

1. The scrub with trees habitat has been amended within the oLEMP to be submitted at Deadline 7. This has increased the proportion of shrub species and reduced the amount of trees in the canopy to 25%. This change does not affect the BNG assessment.

2. The attenuation basin will be temporarily removed, however it will be replaced with a pond of equal or larger size. The Applicant is therefore satisfied that this temporary removal has been adequately compensated for.

3. The enhancements to the hedgerows have been adjusted so that only hedgerows with gaps wider than 5 m have been gapped up to increase the species number to at least 5 woody species per 30 m. The **oLEMP (Document Ref: 6.3 ES Vol 2, 6.3.19)** and **BNG strategy (Document Ref: 7.3)** have been updated to incorporate this and have been submitted at Deadline 7.

4. A review has been made of the best route to deliver watercourse enhancement which was discussed with NKDC at the meeting on 28<sup>th</sup> January 2026. The enhancement strategy now focuses on the demonstrable gain from providing a buffer around the watercourses within the Solar Array Area and this has been incorporated into an updated version of the BNG strategy which has been submitted at Deadline 7.

5. If it is necessary to provide habitat for scarce arable flora, the likely location for translocation would be within drain buffer areas. This would result in a reduction in grassland habitat. However, the scarce arable flora as 'arable field margins-cultivated' habitat would score

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.

equivalent or a higher number of units, and satisfy the trading rules. Therefore, over 30% net gain of habitat units can still be achieved.

6. Woodland habitats have been assessed in line with UK habitats guidance and condition assessed against DEFRA biodiversity Net Gain condition criteria. The criteria to be enhanced including planting up of new native tree species, selective thinning and retention of deadwood is outlined in section 1.6 of the **OLEMP (REP5-025)**, along with the reduction of nutrient input as agricultural activities ceased is expected to adequately enhance the condition of all the woodlands (including Woodland 1 and Woodland 4) of the lifetime of the project and satisfy the biodiversity trading rules for loss of recently planted woodland at Bicker Fen Substation.

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.

Please see response in the above row.

## 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.

The Applicant held a meeting with LCC and NKDC on the 26<sup>th</sup> of January to progress the outstanding matters. During this meeting the Applicant noted that the design approach is to create a 'false cutting' with a relatively shallow outer slope which will provide a gradual transition with the existing landform. The stockpiles will be sown with a neutral grass seed mix which when established will provide an appropriate association with the agricultural landscape context. The proposed location of the stockpiles is illustrated in **Change Request - 6.4.42b Figure 6.31 Landscape Strategy Plan Part 2 (CR-020)** and the profile is shown in Applicant Responses to **ExQ2 (REP5-048) Appendix 2: Soil Stockpiles Indicative Cross Section**.

The introduction of hedgerows to screen the BAR would be out of character and the roots could have an impact on below ground archaeological features.

### 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.

The Applicant held a meeting with LCC and NKDC on the 26<sup>th</sup> of January to progress the outstanding matters. Whilst distance and terrain modelling may be a useful tool when access is unavailable, the tower was visited in person and all views from all floors were attempted as far as safely possible. Albeit challenging due to the structural condition of the tower, appropriate views were recorded and it is considered that the assessment is appropriate and proportionate to the indirect impact on Kyme Tower. It was agreed that the Applicant would annotate the drawings and photos within the **Kyme Tower Heritage Appraisal (REP5-046)** to show where the views obtained from the tower reached towards the west and the Proposed Development. The revised Kyme Tower Heritage Appraisal has been submitted at Deadline 7.

### 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

The Applicant agrees with the summary of matters relating to ISH2 held on the 12<sup>th</sup> November 2025 and the subsequent meeting held on the 20<sup>th</sup> November 2025.

The Applicant also agrees that the documents listed represents those submitted at Deadline 5 in relation to landscape and visual matters.

Landscape and visual matters raised by NKDC have been agreed, with the exception of the below. These matters are detailed within Table 6.1 of the **Draft SoCG with NKDC (Document Reference: 8.2)** submitted at Deadline 7:

- Landscape character effects
- Cumulative landscape and visual effects
- Visual Impacts and RVAA at Gashes Barn

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

- Visual Impacts and RVAA at other residential properties in proximity to the Solar Array Area

Further detail is provided on relevant matters within the rows below.

- 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

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

The Applicant notes the concerns of NKDC with regard to the soil stockpiles, but notes the following:

- The soil stockpiles are a necessary element of the Bespoke Access Road. They are required for the long term storage of topsoil, which will be used to reinstate agricultural land following decommissioning;
- They are relatively low, up to a maximum of 1m above existing levels; and
- The profile of the stockpiles has been designed specifically to avoid the appearance of 'engineered bunds'. The design approach is to create a 'false cutting' with a relatively shallow outer slope which will provide a gradual transition with the existing landform. The stockpiles will be sown with a neutral grass seed mix which when established will provide an appropriate association with the agricultural landscape context as set out in paragraph 1.5.9 of **Appendix 6.7 Outline Landscape and Ecological Management Plan (Revision 4) (Tracked) (REP6-022)**. The proposed location of the stockpiles is illustrated in the **Landscape Strategy Plan Part**

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.

**2 (CR-020)** and the profile is shown in **Applicant Responses to ExQ2 (REP5-048)** in Appendix 2: Soil Stockpiles Indicative Cross Section.

Further explanation is provided in **Applicant Responses to ExQ2 (REP5-048)** in the response to LSV.2.5.

The proposed maximum topsoil stockpile height of 1 m will help ensure that soil quality is retained over the duration of the storage period and the soils are viable for reinstatement at point of decommissioning. Industry guidance states that topsoil stockpiles should not exceed 3 m to ensure that soils do not lose structure. The base of the proposed 1 m stockpiles will therefore be even less susceptible to compaction and will ensure good structure is retained. The stockpiles will be seeded with a neutral grassland mix and actively managed throughout the operational period as set out in paragraphs 1.5.8 to 1.5.17 of **Appendix 6.7 Outline Landscape and Ecological Management Plan (Revision 4) (Tracked) (REP6-022)**. An actively managed vegetation on the surface will protect the soils from surface erosion. The seed mixture will include a wide range of plant species with a variation in rooting depths. This will help ensure the soils remain active throughout the profile depth.

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.

The Applicant can confirm that the inconsistencies within Chapter 6 and the respective appendices have been identified and updated in the documents submitted at Deadline 5.

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 Applicants position in relation to this matter is set out in response to ExQ3 LSV3.1, LSV.3.2 and LSV.3.3 within **Applicants Response to ExQ3 (Document Ref. 9.25)**.

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.

**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:

The Applicant refers to the **Final SoCG with NKDC (Document Ref. 8.2)** submitted at Deadline 7 alongside this document.

*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.

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### **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](#).

As set out in the Applicant's Response to GCT.1.14 in **Applicant's Responses to Examining Authority's First Questions (ExQ1) (Document 9.6)**, Requirement 18 of the draft DCO provides that decommissioning of Work Nos. 1, 2 and 3 must commence no later than 40 years following the date of final commissioning of the authorised development. Breach of a requirement of a DCO is a criminal offence pursuant to s161 of the Planning Act 2008. This is considered to be a sufficient deterrence to ensure compliance.

The Applicant's response also sets out that the vast majority of recently granted solar DCOs have been granted without such a requirement imposed. That response also referenced where the Secretary of State has previously expressly considered this point and declined to impose any restriction of the sort being suggested by NKDC. In addition to the solar DCOs listed in the Applicant's response to GCT.1.14, a further example is the Secretary of State's decision on the Oaklands Farm Solar Park where the Secretary of State concluded that it was unnecessary to impose a decommissioning fund requirement, having regard to the policies in EN-1.

NKDC has referenced the DCO made for the Helios scheme. It is noted in this respect that the requirement referenced was voluntarily



included in the draft DCO by the applicant during the examination of the application. It was not a restriction that the Secretary of State sought to impose himself, and there is nothing in the report of the Examining Authority nor the decision letter of the Secretary of State referencing the requirement nor placing any reliance upon it. As a result, this does not reflect new precedent or a change in approach from the Secretary of State.

NPS EN-3 provides a clear policy framework for solar NSIPs, and paragraphs 2.10.65 to 2.10.69 deal with project lifetime and decommissioning. There is no reference within this policy to it being necessary for security to be put in place to cover the costs of decommissioning. Indeed, paragraph 2.10.68 notes that "Solar panels can be decommissioned relatively easily and cheaply". Such a requirement would not meet the policy test within NPS EN-1 paragraph 4.1.16 that requirements should only be imposed that are, inter alia, necessary and reasonable. No such requirement has therefore been included in the draft DCO nor would it be appropriate.

## 4. Boston Borough Council Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-043)

- 4.1.1 The **Biodiversity Net Gain Metric (REP5-039)** and **Strategy (REP5-070)** have been updated and submitted at Deadline 7 with the change in habitats identified in the Change Request. This includes loss of grassland under the OHL Tower and the temporary removal of an attenuation pond.
- 4.1.2 Since the submission of BBC's Comments, the Applicant has held a meeting and had subsequent email communication with BBC with regards to securing the off-site planting contribution and Ecological Steering Group. The final agreed position can be found in the **Final SoCG with BBC (Document Ref. 8.3)** submitted at Deadline 7 alongside this document.

## 5. Environment Agency Comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-044)

- 5.1.1 The Environment Agency has confirmed in their letter dated 23/01/2026 (REF: XA/2025/100481/03-L01) that the above two matters have been addressed, subject to the updated version of **Appendix 11.1 Flood Risk Assessment (Document Reference: 6.3 ES Vol.2, 6.3.81 Revision 5.0, February 2026)** being formally submitted into the Examination at D7. The EA has been added a consultee to requirements related to the LEMP and CEMP in the draft DCO. The Applicant has subsequently submitted these documents at Deadline 7.

## 6. Natural England Comments on the RIES (REP6-045)

- 6.1.1 A meeting was held between the Applicant and Natural England on Wednesday 4<sup>th</sup> February 2026 to discuss the matter of potential disturbance to lapwing and gadwall.
- 6.1.2 Please refer to the **Final Statement of Common Ground with Natural England (Document Ref. 8.16)**.

## **7. LCJ Mountain Farms Ltd comments on any further information/submissions received by deadline 5 and any other information requested by the ExA for deadline 5 (REP6-046)**

**7.1.1** Please refer to **Appendix 1** of the Applicant's Response to ExQ3 (Document Ref. 9.25).