

3 September 2025

Simon Raywood
National Infrastructure Case Manager
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Simon Raywood,

Planning Act 2008 - Application for a Development Consent Order for Fosse Green Energy

Response to procedural decisions following the acceptance of the application for examination

Planning Inspectorate Case Reference: EN010154

I write on behalf of Fosse Green Energy Limited (the Applicant) in response to the Procedural Decision of the Examining Authority dated 22 August 2025 (the Procedural Decision) in relation to the recently accepted application (the Application) for the proposed Fosse Green Energy project (the Proposed Development).

In its Procedural Decision, the Examining Authority identified certain matters which require resolution at the outset of the pre-examination period and others that require clarification prior to the commencement of the examination. This letter and its accompanying documents provide the Applicant's response to the matters raised in the Procedural Decision and, where relevant, provide the information requested.

1. Application document updates

(a) Minor amendments in submitted Volumes 2, 6 and 7 – General

- 1.1 The following plans and documents have been updated with the Planning Inspectorate's Section 51 Advice and Section 55 Acceptance of Applications Checklist.
 - a. APP-037 6.1 ES Chapter 12 Socio Economics and Land Use (Rev 1) removal of unnecessary Paragraph 12.7.39;
 - b. APP-076 6.2 ES Figure 7-6 Geophysical Survey and LiDAR Plan (Rev 1) separated into Figure 7-6a Geophysical Survey Plan and Figure 7-6b LiDAR Plan and the legend colouring revised for clarity;

- c. APP-099 6.2 ES Figure 11-1 Receptor and Noise Monitoring Positions (Rev 1) rescaled to 1:20,000 @ A3;
- d. APP-100 6.2 Figure 11-2 Noise Contours Operational Phase Consolidated BESS (Rev 1) rescaled to 1:20,000 @ A3 and addition of receptor and noise monitoring positions;
- e. APP-101 6.2 Figure 11-3 Noise Contours Operational Phase Distributed BESS (Rev 1) rescaled to 1:20,000 @ A3;
- f. APP-107 6.2 ES Figure 13-1 Transport Study Area (Rev 1) redline boundary corrected to include the cable corridor route; and
- g. APP-196 7.15 Framework Landscape and Ecological Management Plan (Rev 1) background mapping added, and legend updated.

1.2 In addition, the following plans and documents have been amended to provide additional background mapping that shows road names and place names:

Reference	Plan/ Document	Revision
APP-007	Land Plans	2
APP-008	Works Plans	2
APP-009	Streets, Rights of Way and Access Plans	2
APP-010	Traffic Regulations Measures Plans	2
APP-011	Location Plan	2
APP-012	Statutory or Non-Statutory Sites or Features of Nature Conservation Plan	2
APP-013	Waterbodies in a River Basin Management Plan	2
APP-014	Statutory or Non-Statutory Sites or Features of the Historic Environment	2
APP-015	Hedgerow Plan	2
APP-042	Figure 1-1 Proposed Development Location	2
APP-043	Figure 1-2 DCO Site	2
APP-044	Figure 2-1 Environmental Constraints	2
APP-045	Figure 2-2 Public Rights of Way Plan	2
APP-046	Figure 3-1 Construction Compound and Access Locations	2

Reference	Plan/ Document	Revision
APP-047	Figure 3-2A Indicative Fixed South Facing Layout Plan	2
APP-048	Figure 3-2B Indicative Single Axis Tracker Layout Plan	2
APP-049	Figure 3-3 Proposed Permissive Paths	2
APP-055	Figure 3-8 Site Access Locations	2
APP-056	Figure 3-9 Principal Site Internal Cable Route Corridor	2
APP-057	Figure 3-10 Cable Corridor width reduction from PEIR to ES	2
APP-059	Figure 3-12 Indicative Trenchless Crossing Locations	2
APP-064	Figure 3-17 Maximum Vegetation Removal Plan	2
APP-065	Figure 4-1 EIA Scoping Site Boundary	2
APP-066	Figure 4-2 Cable Corridor Planning Constraints	2
APP-067	Figure 4-3 Cable Corridor Option Heatmap	2
APP-068	Figure 4-4 Non-Statutory Consultation Site Boundary	2
APP-069	Figure 4-5 PEI Report Boundary	2
APP-070	Figure 4-6 Summary of Order Limit Changes from Scoping to ES Stage	2
APP-071	Figure 7-1 Designated Heritage Assets	2
APP-072	Figure 7-2 Non Designated Heritage Assets	2
APP-073	Figure 7-3 Previous Archaeological Events	2
APP-074	Figure 7-4 Historic Landscape Character Areas	2
APP-075	Figure 7-5 Heritage Field Numbers	2
APP-076	Figure 7-6 Geophysical Survey and LiDAR Plan	2

Reference	Plan/ Document	Revision
APP-077	Figure 8-1 Sites Statutorily Designated for Biodiversity Value	2
APP-078	Figure 8-2 Sites Non Statutorily Designated for their Biodiversity Value	2
APP-079	Figure 8-3 Location of Ancient Woodland and Priority Habitats identified during the desk study	2
APP-080	Figure 8-4 Habitat Map	2
APP-081	Figure 8-5 Bird Mitigation Land Allocation	2
APP-082	Figure 9-1 Surface Waterbodies and Their Attributes	2
APP-083	Figure 9-2 Groundwater Features and Their Attributes	2
APP-084	Figure 9-3 Fluvial Flood Risk	2
APP-085	Figure 9-4 Surface Water Flood Risk	2
APP-086	Figure 10-1 Landscape and Visual Impact Assessment Study Area	2
APP-087	Figure 10-2 Topography and Watercourses	2
APP-088	Figure 10-3 Designations relevant to LVIA	2
APP-089	Figure 10-4A National Landscape Character Areas	2
APP-090	Figure 10-4B East Midlands Regional Landscape Character Areas	2
APP-091	Figure 10-4C North Kesteven Landscape Character Areas	2
APP-092	Figure 10-5 Local Landscape Character Areas	2
APP-093	Figure 10-6 Zone of Theoretical Visibility - Bare Earth	2
APP-094	Figure 10-7 Zone of Theoretical Visibility - Barrier Earth with Viewpoint Locations	2
APP-096	Figure 10-9 Scoping Viewpoint Locations	2

Reference	Plan/ Document	Revision
APP-099	Figure 11-1 Receptor and Noise Monitoring Positions	2
APP-100	Figure 11-2 Noise Contours Operational Phase Consolidated BESS	2
APP-101	Figure 11-3 Noise Contours Operational Phase Distributed BESS	2
APP-102	Figure 12-1 60 Minute Drive Time from the Site Boundary	2
APP-103	Figure 12-2 30 Minute Drive Time from the Site Boundary	2
APP-104	Figure 12-3 Socio Economic and Land Use Study Area 500m	2
APP-105	Figure 12-4 Socio Economic and Land Use Study Area 2km	2
APP-106	Figure 12-5 Agricultural Land Classification for the Principal Site	2
APP-107	Figure 13-1 Transport Study Area	2
APP-108	Figure 13-2 Existing Walking and Cycling Network	2
APP-109	Figure 13-3 Traffic Survey Locations	2
APP-110	Figure 13-4 Heavy Goods Vehicle Routing	2
APP-111	Figure 13-5 Abnormal Indivisible Load Routing	2
APP-112	Figure 13-6 Traffic Construction Zones	2
APP-113	Figure 14-1 Dust Risk Assessment Zones	2
APP-114	Figure 15-1 Zol Extents for Assessment of Potential Cumulative Effects (Construction and Operation)	2
APP-115	Figure 15-2 Long List of Cumulative Developments	2
APP-116	Figure 15-3 Short List of Cumulative Developments	2

Reference	Plan/ Document	Revision
APP-117	Figure 15-4 Solar Nationally Significant Infrastructure Projects in Relation to the Proposed Development	2
APP-134	Appendix 8-B: Terrestrial Habitats and Notable Flora	2
APP-135	Appendix 8-C: Aquatic Ecology	2
APP-136	Appendix 8-D: Terrestrial Invertebrates	2
APP-137	Appendix 8-E: Great Crested Newt	2
APP-138	Appendix 8-F: Reptiles and Common Toad	2
APP-139	Appendix 8-G: Breeding Birds	2
APP-140	Appendix 8-H: Non-breeding Birds	2
APP-141	Appendix 8-I: Bats	2
APP-142	Appendix 8-J: Riparian Mammals	2
APP-162	Appendix 12-C: Minerals Safeguarding Assessment (updated figures only no change to text)	2
APP-178	Appendix 8-K: Badger Annex A CONFIDENTIAL	2
APP-179	Appendix 8-G: Breeding Birds Annex A CONFIDENTIAL	2
APP-180	Environmental Statement Non-Technical Summary	2
APP-192	Framework Soil Management Plan	2
APP-196	Framework Landscape and Ecological Management Plan	2
APP-199	Framework Construction Traffic Management Plan (page 47 only)	2

1.3 The Examining Authority also suggested an increase in the number of sheets within each set of plans to enable the extent of the Order Limits shown per sheet to be reduced and more contextual information relating to the proposed development's surroundings to be included. Given the extent of change this

would require to the application, the Applicant has instead provided the following contextual mapping:

- Satellite plans at a scale of 1:7000 that show the Scheme in relation to its surroundings [AS-002]
- Plans at a scale of 1:7000 that show the Scheme in relation to its surroundings [AS-003]

(b) Format of Plans and Figures – Volumes 2 (Plans) and 7 (Management Plans and other documents)

1.4 The following plans and documents have been re-submitted to rectify the issue of 'plan layer rendering':

Reference	Plan/ Document	Revision
APP-007	Land Plans	2
APP-008	Works Plans	2
APP-009	Streets, Rights of Way and Access Plans	2
APP-010	Traffic Regulations Measures Plans	2
APP-011	Location Plan	2
APP-012	Statutory or Non-Statutory Sites or Features of Nature Conservation Plan	2
APP-013	Waterbodies in a River Basin Management Plan	2
APP-014	Statutory or Non-Statutory Sites or Features of the Historic Environment	2
APP-015	Hedgerow Plan	2
APP-192	Framework Soil Management Plan	2
APP-196	Framework Landscape and Ecological Management Plan	2
APP-199	Framework Construction Traffic Management Plan	2

(c) Proposals for land rights powers (compulsory acquisition and/or the taking of temporary possession)

1.5 The Applicant can confirm that there are no parcels of land within the Order Land which are just subject to power of temporary possession. All land shown

within the DCO Site Boundary on the Land Plans **[APP-007]** is shown as being subject to either:

- 1.5.1. Freehold and leasehold to be compulsorily acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights (the 'pink land'); or
- 1.5.2. New rights to be compulsorily acquired and restrictive covenants to be imposed and land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished (the 'blue land').

1.6 The Procedural Decision notes, however, that as explained in the Explanatory Memorandum **[APP-019]** and the Statement of Reasons **[APP-020]**, the Applicant is seeking powers of temporary possession under articles 29 and 30 of the Draft Development Consent Order **[APP-016]** (the 'Draft DCO'). However, in line with the standard drafting provided for in other DCOs of this sort, the Applicant is seeking a general power of temporary possession over the entirety of the Order Land, rather than seeking to take temporary possession over (i) specific land parcels identified in a Schedule to the DCO and (ii) any other Order Land of which notice of entry has been served.

1.7 For example, at article 29(1)(a) of the Mallard Pass Solar Farm Order 2024 and article 29(1)(a) of the West Burton Solar Project Order 2025, the powers of temporary possession sought were for:

"(i) so much of the land specified in column (1) of the table in Schedule 11 (land of which temporary possession may be taken) for the purpose specified in relation to the land in column (2) of that table; and

(ii) any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;"

1.8 In the case of the current Application, the Applicant is not seeking temporary possession of any land falling within category (i) of article 29(1)(a) quoted above, but does wish to retain the more general power provided under article 29(1)(a)(ii) for the reasons explained in paragraph 5.4.1 of the Statement of Reasons **[APP-020]**. This approach is the same as that adopted in the Cleve Hill Solar Park Order 2020 at article 24(1) which provides that:

"(1) The undertaker may, in connection with the carrying out of the authorised development—

(a) enter on and take temporary possession of any of the Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;"

1.9 As with the Draft DCO, the Cleve Hill Solar Park Order 2020 did not identify any specific land parcels over which powers of temporary possession alone were sought, but still provided for the general power of temporary possession over the whole of the Order Land specified in Article 24(1)(a) of that DCO and in article 29(1)(a) of the Draft DCO **[APP-016]** as part of this Application. It is for this reason that the Land Plans **[APP-007]** do not refer to the proposed temporary possession of specific areas of land. However, the Applicant has updated the descriptions of the Order Land within the Land Plans **[APP-007]** to describe the land as:

- 1.9.1. freehold and leasehold to be compulsorily acquired *and temporary use of land* and in relation to which it is proposed to extinguish easements, servitudes and other private rights; and
- 1.9.2. new rights to be compulsorily acquired *and temporary use of land* and restrictive covenants to be imposed on land in relation to which existing easements, servitudes and other private rights the exercise of which is inconsistent with the rights and restrictions acquired pursuant to the Order are to be extinguished,

which is in-line with the approach taken in the Cleve Hill Solar Park Order 2020.

1.10 The Applicant acknowledges that the wording in Appendix A of the Covering Letter **[APP-001]** accompanying the Application was not sufficiently clear. By stating that there was '*no temporary acquisition sought, therefore temporary acquisition of land plots is not listed in the key or plans*', the Applicant meant that there was no temporary acquisition sought over specific land plots, which were then shown on the Land Plans **[APP-007]** (i.e. akin to the power sought under articles 29(1)(a)(i) of the Mallard Pass Solar Farm Order 2024 and the West Burton Solar Project Order 2025 quote above). The Applicant should have clarified, however, that it was still seeking the more general power of temporary possession provided for in DCOs of this type, as per article 24(1) of the Cleve Hill Solar Park Order 2020.

1.11 As such, the Applicant does not believe that any amendments to the Land Plans **[APP-007]** are required as a result of the general power of temporary possession sought pursuant to article 29(1)(a) of the Draft DCO **[APP-016]** and notes in this regard that the Land Plans accompanying the Cleve Hill Solar Park Order 2020 do not refer to any powers of temporary possession being sought.

1.12 The Applicant notes the comments of the Examining Authority in respect of the proposed permanent acquisition of new rights or the imposition of restrictive covenants in relation to the public highway. The Examining Authority specifically referenced the example of Fosse Lane, Thorpe on the Hill shown as Plots 2/8 and 2/9 of the Land Plans **[APP-007]**. Permanent acquisition of rights or the imposition of restrictive covenants is sought over these Plots for:

- 1.12.1. the permanent alteration of the street layout, the temporary alteration of the street layout and for carrying out street works, as shown on Sheet 2 of the Streets, Rights of Way and Access Plans **[APP-009]**; and
- 1.12.2. works to facilitate access (Work No 8A), and ancillary works to facilitate access (Work No 8B) as shown on Sheet 2 of the Works Plans **[APP-008]**.

1.13 The Applicant notes the Examining Authority's comments that the above land may not be required to be subject to compulsory acquisition powers. However, whilst some of the above works are temporary in nature, the Applicant is also seeking to carry out permanent works on these Plots as well. For example, the carrying out of "street works" as defined in Article 8(1) of the Draft DCO **[APP-016]** is proposed in these Plots and may include works to place and keep apparatus under the street, maintain, change or remove such apparatus and repair, replace other otherwise alter the surface or structure of the street. These are works which will require permanent rights of access and maintenance, the nature of which is set out in paragraph 1(a) of Schedule 9 of the Draft DCO **[APP-016]**.

1.14 Whilst the above relates to the example of Fosse Lane, Thorpe on the Hill, the Applicant can confirm that where there are other temporary street works shown within the Order Land on public highway, as set out in the Streets, Rights of Way and Access Plans **[APP-009]**, the same areas also include permanent works, such as, for example, "street works" as described above.

1.15 In addition to the above, the Applicant is seeking permanent acquisition of new rights or the imposition of restrictive covenants in relation to a number of Plots for the purposes of Work No 5A which relates to the laying of high voltage electricity cables to connect to the National Grid. Whilst areas of the cable corridor will likely only be used for construction compounds or laydown areas, the Applicant has not shown on the Land Plans **[APP-007]** any temporary possession only of the cable corridor as the exact location of the cable corridor (and thus the areas required for permanently laying down of cables and construction works) are still to be determined. The Applicant requires this flexibility to enable it to refine the design of the authorised development at the detailed design stage.

1.16 The Applicant believes that this approach is consistent with the approach taken in other made solar Development Consent Orders, and notes that in a number of these Orders where only temporary possession of land was sought, this land was required only for facilitating construction of the authorised development such as laydown areas and construction compounds. See The Longfield Solar Farm Order 2023 and The West Burton Solar Project Order 2025.

1.17 Accordingly, the Applicant is satisfied that in respect of the proposed works to the public highway within the Order Land, the compulsory acquisition powers sought are appropriate for the works envisaged in those areas and that seeking temporary possession over these areas only would not be sufficient to allow the Applicant to carry out and maintain the authorised development.

(d) Funding Statement

1.18 Further information demonstrating that the Applicant has the financial standing to fund the Proposed Development has been provided in a revised version of the Funding Statement, which includes a copy of the annual accounts for the ultimate parent company of the majority shareholder of the Applicant..

1.19 The revised version of the Funding Statement also includes, at paragraph 1.5.3, an estimate of the costs for exercising the compulsory acquisition powers being sought as part of the submitted Application.

(e) Appendix 14-D of the ES – Glint and Glare Assessment Parts 1, 2 and 3 [APP-171 APP-172 and APP-173]

1.20 The Applicant has provided a re-formatted Glint and Glare Assessment which has been more logically split into parts. The document now comprises five parts. Part 1 contains an overarching contents detailing the contents of each part and each part is paginated and has its own table of contents. The revised document now includes title pages for each appendix so it is clear where they start and end. An abbreviations list has been added to the front of Part 1. The Glint and Glare Assessment is provided as follows:

- Part 1 – Main report and Figures
- Part 2 – Appendices BA to DA
- Part 3 – Appendices DB to FC
- Part 4 – Appendices GA to L
- Part 5 – Appendix M to S

2. Protective Provisions and Statements of Common Ground

2.1 The Applicant has been actively engaging with the relevant undertakers, seeking to negotiate the required sets of bespoke Protective Provisions (PPs). These negotiations are ongoing, and at varying stages, though the Applicant is satisfied that all undertakers for which bespoke PPs may be required have been identified and contact has been made with all such parties.

2.2 The Applicant notes the Examining Authority's expectation that bespoke PPs be available for incorporation into the Draft DCO **[APP-016]** at or before the midpoint of the examination, regardless of whether these are fully or partially agreed. The Applicant will include the PPs in line with that expectation, unless

agreed PPs are capable of being included in the Draft DCO **[APP-016]** at an earlier point.

2.3 The Applicant is commencing Statements of Common Ground (SoCG) pre-examination and notes the Examining Authority's requirement for final and signed SoCG to be available to be submitted at the midpoint of the examination.

3. Clarification with respect to the assessment of the proposed development's cable corridor effects

3.1 Each topic of the Environmental Statement (ES) **[APP-025 – APP-180]** considers the potential impact of the entire Proposed Development, i.e., the works within the Principal Site and the Cable Corridor. Where the results of planned surveys and assessments within the Cable Corridor was not available at the time of submission of the Application (as discussed further below), relevant worst-case assumptions in line with the assessment methodology set out in Chapter 5: EIA Methodology of the ES **[APP-030]** have been adopted and mitigation developed and secured via various management plans to reduce/avoid significant environmental effects. As is explained below, there are only two areas where full baseline data was not available at the point of submission: archaeological trial trenching of the Cable Corridor and Agricultural Land Classification (ALC) survey of the Cable Corridor. Where this is the case, commitments are made within the Application to complete the planned surveys and assessment within the Cable Corridor as relevant (further discussed below). As such, the Applicant can confirm that the potential effects associated with the Cable Corridor have been fully considered.

3.2 The table below sets out, on a topic-by-topic basis, the scope of assessments undertaken within the ES with regards to consideration of the Principal Site and Cable Corridor.

ES Chapter	Principal Site Assessed	Cable Corridor Assessed	Notes
Chapter 6: Climate Change [APP-031]	✓	✓	-
Chapter 7: Cultural Heritage [APP-032]	✓	✓	At the point of DCO Application submission in July 2025 elements of the planned trial trenching investigations were ongoing. Nevertheless, a

ES Chapter	Principal Site Assessed	Cable Corridor Assessed	Notes
			robust assessment of the Cable Corridor is undertaken within Chapter 7: Cultural Heritage of the ES [APP-032] , the scope of which was agreed with the key heritage stakeholders. Please see discussion below.
Chapter 8: Ecology and Nature Conservation [APP-033]	✓	✓	-
Chapter 9: Water Environment [APP-034]	✓	✓	-
Chapter 10: Landscape and Visual Amenity [APP-035]	✓	✓	-
Chapter 11: Noise and Vibration [APP-036]	✓	✓	-
Chapter 12: Socio-Economics and Land Use [APP-037]	✓	✓	An Agricultural Land Classification survey of the Cable Corridor has not been undertaken as part of the Application. Nevertheless, it is not required for the assessment of the Cable Corridor, which is undertaken within Chapter 12: Socio-Economics and Land Use of the ES [APP-

ES Chapter	Principal Site Assessed	Cable Corridor Assessed	Notes
			037] . Please see discussion below.
Chapter 13: Traffic and Transport [APP-038]	✓	✓	-
Chapter 14: Other Environmental Topics [APP-039]	✓	✓	-
Chapter 15: Cumulative Effects and Interactions [APP-040]	✓	✓	-

Archaeology

3.3 The impact assessment presented in Chapter 7: Cultural Heritage of the ES **[APP-032]** considers the potential impacts associated with the construction works associated with the Cable Corridor (ref. para 7.7.19 of Chapter 7: Cultural Heritage of the ES **[APP-032]**) based upon the worst-case Cable Corridor parameters (e.g., maximum cable trench depths and widths) and the mitigation measures described in the Framework Construction Environmental Management Plan (CEMP) **[APP-189]**, which is secured under Requirement 12 of the draft Development Consent Order **[APP-016]**. This strategy has been discussed and agreed with the archaeological advisors to Lincolnshire County Council.

3.4 As set out in Chapter 7: Cultural Heritage of the ES **[APP-032]**, ongoing and proposed future phases of trial trench evaluation will ensure that sensitive remains can be identified, appropriately assessed and safeguarded, through flexibility of detailed design measures and the industry standard mitigation already included in the Framework CEMP **[APP-189]**. The Framework CEMP will be updated post consent (secured under Requirement 12 of the draft Development Consent Order **[APP-016]**) and informed by the results of on-site investigations. Those measures include:

- Areas where no components of the Proposed Development are proposed with appropriate measures in place to ensure no below ground impacts

would be incurred. This is relevant to parts of the Principal Site devoid from any infrastructure, but also specifically to Site Cabling, Cable Corridor and HDD areas (the detailed design of which would seek to avoid impacts on important buried archaeological remains where feasible); and

- b. When the detailed design determines that 'avoidance' solutions are not viable or warranted, small-scale and localised archaeological excavations will take place, to record the expected buried remains in advance of construction. These locations are more likely to be those where comprehensive ground disturbance from construction is anticipated (BESS, Onsite Substation, Solar Stations, trenching associated with cabling) and where there is less flexibility in the design (regarding the specific location of the works or the required construction methods).

3.5 All fieldwork completed to date, fieldwork expected to take place in the forthcoming weeks, and fieldwork to be secured under Requirement 11 has been and will be carried out in accordance with a Written Scheme of Investigation (WSI) (such as that presented in Appendix 7-H: Written Scheme of Investigation for an Archaeological Evaluation [**APP-131**]) and approved by the Historic Places Team at Lincolnshire County Council, acting as archaeological advisors for the Proposed Development.

Agricultural Land

3.6 An ALC survey has been undertaken for the Principal Site, as deemed necessary to determine the ALC quality of the land, to inform the agricultural land assessment presented in Chapter 12: Socio-Economics and Land Use of the ES [**APP-037**].

3.7 The impact assessment presented in Chapter 12: Socio-Economics and Land Use of the ES [**APP-037**] considers the potential impacts associated with the construction works associated with the Cable Corridor (ref. para 12.7.41 of Chapter 12: Socio-Economics and Land Use of the ES [**APP-037**]) based upon the worst-case Cable Corridor parameters (e.g., maximum cable trench depths and widths) and mitigation measures secured by the Framework CEMP [**APP-189**], which is secured under Requirement 12 at Schedule 2 to the Draft DCO [**APP-016**].

3.8 The soil survey of a defined Cable Corridor is proposed to be undertaken post-consent, as secured by the Framework CEMP [**APP-189**], which is secured under Requirement 12 at Schedule 2 to the Draft DCO [**APP-016**]. The restoration to pre-construction condition of the soil resource is included in the Framework Soil Management Plan [**APP-192**] which is secured under the Framework CEMP [**APP-189**].

3.9 Due to the temporary nature of works in the Cable Corridor, meaning the land can continue to be farmed after construction (and with the ALC category unaltered), the effect on soils cannot be significant, based on the IEMA

methodology outlined in Chapter 12: Socio-Economics and Land Use of the ES **[APP-037]**. There is therefore no value in an ALC survey of the Cable Corridor prior to detailed design (post consent). Furthermore, survey of the Cable Corridor would not provide additional information to avoid Best and Most Versatile (BMV) land because the proposed NatPower Brant BESS scheme (a cumulative scheme discussed in Chapter 15: Cumulative Effects and Interactions of the ES **[APP-040]**, and shown on Figure 15-2 of the ES **[APP-115]**) is located within the Cable Corridor and will have a shared cable corridor with the Proposed Development. As such, flexibility is needed at this stage to ensure both the Proposed Development and this scheme are deliverable, and it is not possible to restrict the Cable Corridor. Whether the corridor would be in BMV or non-BMV land, it would be restored to the same grade through the measures and controls contained within the Framework Soil Management Plan **[APP-192]**, which is secured in the Framework CEMP **[APP-189]**. As such, the agricultural land effects established within Chapter 12: Socio-Economics and Land Use of the ES **[APP-037]** relating to the Cable Corridor would not change following the ALC survey of the Cable Corridor and it is considered that a full assessment has been carried out.

4. The location of the Witham Valley Country Park relative to the proposed development

- 4.1 As described in Section 2 of Chapter 2: The Site and Surroundings of the ES **[APP-027]**, the DCO Site falls within the Witham Valley Country Park. The footnote of Paragraph 2.2.7 in Chapter 2: The Site and Surroundings of the ES **[APP-027]** explains that the Witham Valley Country Park is a Country Park comprising public green space which provides areas for recreation and for people to enjoy the outdoors and experience nature in an informal semi-rural park setting. The Country Park covers approximately 40 square miles of countryside. The Proposed Development does not encroach upon any publicly accessible recreation areas. The Planning Statement **[APP-185]** also describes the Witham Valley Country Park, a protected green space for recreation covering approximately 40 square miles of countryside in Lincolnshire. The Witham Valley Country Park is not referred to in the Central Lincolnshire Local Plan (adopted 2023).
- 4.2 The Applicant has prepared a new figure showing the location of the Witham Valley Country Park and the Order Limits. This is provided as Appendix E in the Planning Statement **[APP-185]**.

5. Biodiversity Net Gain Report

- 5.1 Table 5 of the Biodiversity Net Gain Report **[APP-194]** identifies a 30.64% gain for area-based habitats, 50.62% gain for hedgerow units, and 11.83% gain for watercourse units, based on the maximum design parameters and illustrative layout.

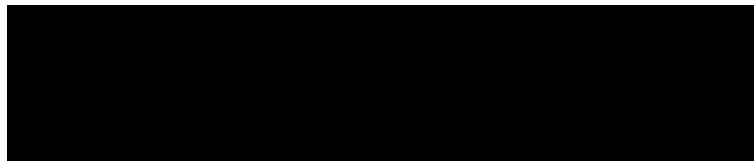
- 5.2 Section 2 of the Biodiversity Net Gain Report **[APP-194]** explains how these have been derived and the assumptions on which they are based. Critically, they are based on the 30m wide working cable corridor rather than the full width of the Cable Corridor. The Maximum Vegetation Removal Plan (Figure 3-17) of the ES **[APP-064]** was also used as the basis for the calculations as it shows the maximum extent of vegetation removal to facilitate the Proposed Development. As per the Landscape Mitigation Plan (Figure 7.15-1) presented in the Framework LEMP **[APP-196]**, a total of 156.34 ha has been identified for potential use as either retained arable land or for species-rich grassland habitat creation, if required. For the purposes of the assessment, a precautionary approach has been adopted, whereby, apart from areas to buffer watercourses, it is assumed that this land will comprise retained arable land without any additional biodiversity enhancements. Consequently, this land has been retained in the BNG assessment as predominantly arable, reflecting its lower biodiversity value and allowing for a robust, worst-case assessment.
- 5.3 Paragraph 8.13.3 of ES Chapter 8: Ecology and Nature Conservation **[APP-033]** references the Biodiversity Net Gain report and refers to the Applicant's commitment to 30% BNG for habitat units, 50% BNG for hedgerow units, and 10% BNG for watercourse units. Based on an assessment of this commitment, ES Chapter 8: Ecology and Nature Conservation **[APP-033]** identifies several moderate beneficial, significant effects.
- 5.4 With reference to the commitment provided within Requirement 8 at Schedule 2 to the Draft DCO **[APP-016]** and the ExA's question, the Applicant does not consider it necessary to commit to the precise output of the BNG calculations; this would imply a greater degree of accuracy associated with the metric than in practice exists, and the Applicant has therefore rounded down to the nearest multiple of 10. This also allows a small degree of flexibility, for example should the Applicant or host councils suggest small changes to the landscaping design post consent (within the parameters of assessment) which could marginally reduce the BNG score.
- 5.5 The significance of effect presented in Document 6.1 Chapter 8: Ecology and Nature Conservation **[APP-033]** would be unaltered if committing to the output in the BNG report (i.e. an extra 0.64% gain for area-based habitats, 0.62% for hedgerow units, or 1.83% for watercourse units). The Applicant acknowledges there is potential to improve on these gains but it is considered a reasonable approach for the Draft DCO **[APP-016]** to commit to less than the output in the BNG report, given it is this commitment that has been assessed in the ecological impact assessment.
- 5.6 The Applicant does not consider the above would change the ExA's approach to compulsory acquisition powers. The commitment is not an overreach; it is based on maximum parameters and is expected to be met or exceeded at detailed design. Furthermore, committing to between 0-2% less BNG than the

output from the BNG calculations allows the Applicant flexibility during detailed design (post consent), for example in the event that small changes are made to the final landscaping plan to benefit other disciplines such as visual amenity impacts.

6. Framework Written Scheme of Investigation

6.1 The Applicant has prepared a Framework Written Scheme of Investigation, which is submitted with this response.

Yours sincerely,




Partner, Womble Bond Dickinson UK LLP

On behalf of Fosse Green Energy Limited | 22 Grosvenor Gardens, London, United Kingdom, SW1W 0DH