

FOSSE GREEN DEADLINE 1: SUMMARY

Time Limited Consent Period:

NPS EN-3 states an applicant is required to 'seek consent' for a time-period above 40 years. Where has the Applicant done this and with what justification?

Grid Connection:

There is no Navenby Substation and no planning application submitted. Therefore, how can the Applicant have 'achieved' a Gate 2? A Gate 2 requires a confirmed connection date, confirmed point of connection and a queue position; how can this be achieved in the absence of a planning approved substation?

Alternatives:

The Applicant has built a case solely around willing landowners and therefore has made no attempt to genuinely look at alternative sites. Urban areas have been avoided. NPS EN3 states "Government seeks large scale ground-mounted solar deployment across the UK, looking for development mainly on brownfield, industrial and low and medium grade agricultural land." This been ignored. The Applicant's own criteria sets a minimum generating capacity of 50MW; any potential alternatives above 50MW should have been considered.

Overplanting Ratio:

The Applicant's planned solar PV panel overplanting ratio of 1.6 is excessive; an overplanting ratio of 1.3 would meet the grid connection agreement of 240MW whilst still allowing for random solar panel damage and reduced panel efficiency over time.

Climate:

The Applicant has not adopted the worst case 'Rochdale Envelope' in assessing GHG emissions from the manufacture of solar PV Panels. If similar data to that for the proposed Springwell Solar Development were used, the projected emissions would be a magnitude of 3 times greater. This has resulted in a lower predicted carbon intensity figure than reality; the carbon intensity figure is even higher if there is no justification for exceeding a 40 year time consent.

Based on the Secretary of State's remarks, the Applicant's GHG comparison with an OCGT is inappropriate.

BESS:

The targeted BESS storage capacity in the UK is already being achieved so what is the need for the BESS?

What is the proposed BESS spacing? What material will the firewater containment liner be made of, and what thickness? How will any contaminated firewater be extract and disposed of? What is preventing the Applicant from deciding now between the centralised or dispersed BESS so that greater safety detail can be assessed?

There have been over 100 BESS fires worldwide, yet the Applicant is dismissive of the risk. Why is only a single container event being modelled for fire/thermal runaway when there have been multiple instances of propagation to date? This is not the realistic worst case scenario.

Funding Statement:

The Funding Statement does not address the cost of decommissioning. Indeed, the Applicant has stated a commitment to set aside money for decommissioning; where is the detail?

Landscape and Visual:

The Applicant states, “.... *there will be long-term moderate to major adverse effects on landscape character and visual amenity.*” These are similar words to Springwell, Coleby BESS, Navenby BESS, the Navenby Substation, and Leoda. If, individually, the impact is ‘long-term moderate to major adverse effects on landscape character’, the cumulative impact must be significantly greater.

Agricultural Land:

“The Applicant has sought to minimize the use of BMV land.” Given that 702ha would still be a large development (the size of the non-BMV land within the Order Limits), the Applicant has clearly NOT sought to minimize the use of BMV land. Meeting the Applicant’s grid connection offer of 240MW is easily achievable using the non-BMV land.

The Applicant “..... *will ensure that the ALC grades will be unaltered ...*” Exactly how will the Applicant **ensure** this? Developments of this timescale on land to be returned to its previous quality are not proven in this respect; the Applicant has provided no evidence to the contrary. Soil compaction may take years to recover or could even be permanent.

Waste:

Notwithstanding earlier statements to the contrary, the Applicant intends to store waste on site, including hazardous waste. Therefore, it appears that areas within the Order Limits need to be classified as a Regulated Waste Sites for eg batteries and solar panels awaiting disposal.

DEADLINE 1 COMMENTS FOR THE PROPOSED FOSSE GREEN SOLAR DEVELOPMENT

I object to the proposed development on the grounds detailed below.

1.0 Standard of Documentation:

1.1 Firstly, it should be noted that the Applicant's standard of documentation is poor. Whilst it is appreciated there is a necessity for a large number of documents, there is multiple repetition, resulting in the reader drowning in documentation, along with many spelling and grammatical errors. For one person to try to work through this documentation is extremely challenging. Where the Applicant references another document, in many instances it is just a Chapter reference; most chapters are many pages long, a number are well over 100 pages; the Applicant should always refer to a Chapter and paragraph/page number. It is clear that the documentation has not been proof read for duplication, consistency or basic correct written English.

1.2 Even where the documentation references the same chapter it is generally unhelpful. An example of many is in Chapter 6 Climate (APP-031). In response to the NKDC statement (Page 6-6) that "*Consideration should be given to impact on climate change of waste panels due to intermediate component replacements*", the Applicant states that this is included in Section 6.4 of the Chapter. Section 6.4 has 88 paragraphs. The Applicant's response does further refer to Section 6.4.49 onwards, leaving some 30 paragraphs to read. Could the Applicant please give a specific paragraph and/or page references.

1.3 Has the Applicant copied large amounts of documents from other solar NSIPs? As an example, could the Applicant please explain the meaning of APP-028 (Chapter 3) Para 3.2.5: "*The Draft DCO has been submitted with the DCO to the Secretary of State*".

1.4 On a number of occasions, eg APP-125 (Appendix 7B) Para 4.5.101, Bassingham is referred to as a town. Equally, on a number of occasions eg APP-035 (Chap 10) Para 10.5.45 Navenby is referred to as a medium scale town. Clearly this is an attempt to suggest the rural landscape is more urbanised than the reality! Indeed, in referring to other villages such as Norton Disney, the Applicant does not add the word village, which makes the Bassingham and Navenby "Towns" even more prominent. APP-035 para 10.5.45 states "*.... There is a more suburban character to Navenby.*" Navenby has featured as one of the Sunday Times top 30 rural villages to live in the UK. The Applicant should look at the local plans; LCC and NKDC always refer to these villages as such. This is misleading to anyone who does not know the area; the Applicant should correct these references.

2.0 Time Limited Consent Period:

2.1 Paragraph 2.10.57 of NPS EN-3 states, "*Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation.*" No mention of 60 years is made in the Application Form (APP-004/5); so where has the Applicant formally applied for consent 'for a differing time-period of operation?' The Application Form does reference the draft DCO; however, the first mention of 60 years in the draft DCO (APP-016) is not until Schedule 2 Para 20 (Page 44), "*Decommissioning works must commence no later than 60 years following*

the date of final commissioning.” This is not ‘SEEKING CONSENT’, this is a statement of intent and therefore appears to be in contravention of NPS EN-3. What justification is the Applicant presenting for seeking time limited consent beyond 40 years?

2.2 APP-031 (Chap 6) Page 6-6, in response to NKDC’s comment regarding 60 year lifespan rather than 40, the Applicant states that “*A 60-year operating life span has been selected in line with the project description set out in **Chapter 3***” The first mention of 60 years in Chapter 3 (APP-028) appears to be Para 3.5.8 (page 3-49) “*The operational life of the Proposed Development will be 60 years from the point of commissioning of the entirety of the Proposed Development.*” This is a merely a statement, it does not answer NKDC’s question. Indeed, if the Applicant has ‘selected’ 60 years, the Applicant has failed to comply with NPS-EN3 which states consent should be sought.

3.0 Grid Connection:

3.1 APP-200, Grid Connection Statement Paragraph 2.1.1 states “*The Applicant submitted an application for the grid connection and received a grid connection offer from National Grid Electricity Systems Operator Limited (NESO) to connect the Proposed Development to the National Electricity Transmission System (NETS) at the proposed National Grid substation near Navenby.*” Paragraph 2.1.2 (APP-200) further states “*The grid connection offer (a Bilateral Connection Agreement (BCA)) to the Applicant was originally received on 09 September 2022 and this was accepted by the Applicant on 24 November 2022.*”

3.2 The National Grid Navenby Substation Environmental Impact Assessment Scoping Report, dated June 2025 (available on NKDC Planning Portal 25/0699/EIASCO (Documents Tab)) Para 3.3.8 states, regarding 7 potential options for a substation, that “*Site visits were undertaken from publicly accessible areas to ground-truth potential sites and receptors on 22 June 2023 and 29 June 2023.*” If the current proposed location for the National Grid Navenby Substation was not known until after the site visits in Jun 2023, how can a connection agreement have been reached in late 2022 in respect of ‘*the proposed National Grid substation near Navenby*’? Note: 2 of the 7 options were sites near Leasingham and Ruskington, much further away from the proposed Fosse Green development than the currently proposed Navenby Substation.

3.3 At the Issue Specific Hearing 1 (time 31.24), 6 Jan 2026 (EV2-003), Agenda Item 3.1, the Applicant stated that the grid connection status was Gate 1 for the BESS, and that Gate 2 had been ‘achieved’ for the Solar PV. As at 16 January 2026, the Transmission Entry Capacity (TEC) Register had a single line entry for ‘Housham PV & BESS’ with no gate number showing. Could the Applicant please explain where the Gate details can be found? If NESO have given 2 different levels of approval will the Applicant therefore split the DCO into 2 phases? The definition of a Gate 2 is **confirmed connection point, confirmed connection date and queue position**. How is it possible to have a confirmed connection point and date when a planning application has not even been submitted for the proposed Navenby substation let alone planning permission approved?

3.0 Alternatives:

3.1 It would be reasonable to expect that discussion regarding ‘Alternatives’ would be confined to Chapter 4 Alternatives and Design Evolution (APP-029). This is not the case; ES Non-Technical Summary (APP-180) Section 4 covers ‘Site Selection, Alternatives and Design

Evolution’, and the Planning Statement (APP-185) also covers Alternatives. Indeed, Para 4.1 of APP-180 is titled ‘Site Selection’; it does not even reference the Site Selection Report which was eventually found at Appendix A to APP-185. This is a further example where the standard of documentation is a major barrier to fully understanding the information provided.

3.2 Chapter 4 (APP-029) Para 4.2.5.b states *“Only alternatives that can meet the objectives of the proposed development need to be considered.”* As the Applicant set the objectives this is a self-fulfilling prophecy! It is clear that once the Applicant found willing landowners there would be no genuine attempt to objectively look at alternative sites. ES Non Technical Summary (APP-180) Para 4.1.2 c states *“The Applicant sought to avoid urban areas.”* By immediately excluding urban areas the Applicant excluded consideration of many potential brownfield alternatives. Why was a 15km radius of the proposed Navenby substation set? National Grid have a number of agreed and proposed substations in the country, many with easy access to brownfield sites.

3.3 NPS EN3 (Dec 2025) Paragraph 2.10.21 states “While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible.” The Applicant’s sole reason for using BMV land appears to be willing landowner(s); this surely cannot constitute justification.

3.4 Chapter 4 (APP-029) Para 4.2.11 states *“A smaller scheme would not deliver the same generation capacity or energy security and climate change benefit as the Proposed Development and, as such, would not represent a reasonable alternative.”* Two smaller schemes, for example, could generate the same capacity; this is solely about the Applicant having found willing landowners and therefore maximising significant adverse impact in order to maximise profit. How can this proposed development deliver ‘energy security’ with technology dependent upon and manufactured in China? Appendix A to the Planning Statement (APP-185) states: *“This SSR [Site Selection Report] sets out the approach to assessing the suitability of the site for the Proposed Development with potential alternative sites against a range of planning, environmental and operational criteria for a generating station with capacity of more than 50MW.”* The Applicant’s own criteria sets a minimum generating capacity of 50MW; therefore any potential alternatives above 50MW, should have been considered.

3.5 Chapter 4, Para 4.2.11 (APP-029) refers to ground-mounted solar, small scale solar, and domestic rooftop installations. The glaring omission in that statement is the vast acreage of commercial roof space in the UK. Indeed, less than 10km distance from the proposed development near Newark there are many very large warehouses with thousands of m² of flat roofspace, some still being constructed; why has the Applicant not considered this option?

4.0 Overplanting Ratio:

4.1 APP-184 Para 7.5.2 states that the Applicant will have a solar PV panel overplanting ratio of 1.6. Current high quality inverters typically achieve 90% to 97% efficiency in DC to AC

conversion. By commencement of construction, efficiency will be at the higher end, so assuming a conversion efficiency of 95% an overplanting ratio of 1.3 would meet the grid connection agreement of 240MW whilst still allowing for random solar panel damage and reduced panel efficiency over time.

4.2 Assuming initial output is 670W per panel with a 95% DC to AC conversion efficiency, and allowing for 2% reduction in performance in year one, followed by 0.45% in years 2 – 30, after 30 years average panel performance will be 576W. For fixed south facing panels with an overplanting ratio of 1.6, initial AC output will be 366MW reducing to 315MW in year 30. For an overplanting ratio of 1.3, initial AC output will be 297MW reducing to 256MW in year 30. ie still above the 240MW grid connection agreement.

[Calculations supporting the above figures:

Initial AC output per panel: $670\text{W (APP-028, Page 3.8)} \times 0.95 = 636.5\text{W}$

AC output per panel at 30 yr point: $670 \times 0.95 \times 0.98 \times 0.9955^{29} = 547\text{W}$

1.6 Ratio. 575,000 panels (APP-028 Page 3.8): Initial: 366MW 30 yr point: 315MW

1.3 Ratio. 467,187 panels: Initial: 297MW 30 yr point: 256MW]

5.0 Climate:

5.1 The Applicant states that Green House Gas (GHG) emissions from the manufacture of solar PV Panels will be 110,110 tCO₂e (APP-031 Table 6.7). It is assumed this is, worst case, for the initial build of 575,000 (fixed south facing) panels. The proposed Springwell Solar Development, with 1,500,000 panels, also manufactured in China using coal generated power, is stated to produce emissions for the manufacture of solar PV panels, including transportation, of 1,009,233 tCO₂e (Planning Inspectorate Springwell Solar Farm APP-048 6.1 Environmental statement Volume 1 Chapter 8: Climate Table 8.11). If the equivalent data from Springwell were applied to Fosse Green, the emission figure for the manufacture and transportation of solar PV panels would be 386,872 tCO₂e for the fixed south facing panels ie an order of magnitude of more than 3 times greater compared to the figure the Applicant has provided. Given the unpredictable nature of the direction of climate change initiatives in China, and adopting the Rochdale Envelope worst case approach, the Applicant should assume worst case manufacturing emissions and should use a figure close to 386,872 tCO₂e for GHG emissions associated with initial manufacture and that of the replacement panels at the circa 30 year point.

5.2 One possible reason, though not justification, for a 60 year time consent development is that the carbon intensity figure will be lower. If the development were to be 40 years, the lifetime GHG emissions would not greatly change as the vast majority are generated from manufacturing emissions, and the generation figure would drop from 19,438,499 MWh (APP-031 Chapter 6 Para 6.4.67) to approximately 13,000,000 MWh. This would increase the carbon intensity figure to circa 58 gCO₂e/kWh. The UK Government's 2030 target (Clean Power Action Plan) states " the 2030 power system will see clean sources produce as much power as Great Britain consumes in total over the whole year, and at least 95% of Great Britain's generation; reducing the carbon intensity of our generation from 171gCO₂e/KWh [grams of carbon dioxide equivalent per kilowatt hour] in 2023 to well below 50gCO₂e/KWh in 2030". 58 gCO₂e/kWh is significantly above the Government's target and if the Applicant cannot provide reasonable justification to seek a 60 year time limited consent,

then a starting point for carbon intensity already above the Government's target is unacceptable.

5.3 Even for a 60 year project lifetime, if a GHG emissions figure similar to that of the proposed Springwell Solar Development for manufacturing the solar PV panels were to be used, the lifetime emission figure of 715,924 tCO₂e (APP-031 Para 6.4.68) would need to increase by about 270,000 tCO₂e to circa 985,924 tCO₂e. This would result in a carbon intensity of some 51 gCO₂/kWh for the entire 60 years, not exactly 'well below' 50 gCO₂e/KWh and not comparable to circa 12 gCO₂e/KWh for wind and nuclear (Planning Inspectorate Springwell Solar Farm REP2-023 Response to Deadline 1 Submissions Appendix 2, Table 2).

5.4 APP-031 Para 6.4.72 states, "*..... the GHG assessment assumes a do-nothing counterfactual scenario of the operation of the UK grid with no projected decarbonization.*" The entire net zero project will not fail if the proposed development does not proceed, therefore this statement is incorrect; in the absence of the proposed development, other green projects will still come on line. Comparing operational intensity with the 2025 grid average, 7 years before the projected commencement of operations, is meaningless. The comparison should be with alternative forms of energy that will be available at the time. APP-031 Para 6.4.77 uses a comparison with the Open Cycle Gas Turbine (OCGT). This results in the projected GHG emission savings of the proposed development being misleadingly high. The Government are aiming for a 50% Net Zero grid by 2030 and totally net zero by 2050. Therefore, based on Government targets, the Applicant's comparison must be with a 50/50% fossil fuel/green energy mix for the period from commencement of operations (2033) up to 2050 then 100% green energy thereafter ie a mix of 14% fossil fuel/86% green energy across the 60 years of the proposed development. Therefore the Applicant's operational savings figure of 2,242,089 tCO₂e (APP-031 Para 6.4.77) needs to be reduced by 86% (to 313,892 tCO₂e); and this high only if equivalent green energies to the proposed development are considered. Most likely, a considerable amount of the alternative green energy produced across the period of the proposed development will be wind and nuclear, magnitudes lower than the carbon intensity of the proposed development.

5.5 It should be noted that the Secretary of State, in approving the Gate Burton Energy project, considered a Combined Cycle Gas Turbine an **inappropriate** baseline for comparisons (Gate Burton Decision Letter dated 12 July 2024 Para 4.59); an Open Cycle Gas Turbine is more polluting than a Combine Cycle Gas Turbine, therefore the comparison is **even more inappropriate**.

5.6 Finally, APP-031 (Chapter 6) gives 2 different figures for construction GHG emissions (229,637 tCO₂e stated in Para 6.4.49 and 280,682 tCO₂e stated in Table 6-8) and 2 different figures for emissions from component replacements (477,829 tCO₂e stated in Para 6.4.55 and 472.234 tCO₂e stated in Table 6-10); could the Applicant please state which are correct.

6.0 BESS:

6.1 The targeted BESS storage capacity in the UK is already being achieved. To quote Tyler Parkes (Planning Consultants) letter to Redditch Borough Council (Planning Application 25/00628/FUL) dated 9 July 2025, "*..... the applicant's core arguments rest on the premise that additional BESS capacity is urgently needed to meet national targets needed to meet Net-Zero. However, analysis of the Government's own REPD statistics,..... clearly*

demonstrate that the targeted level of need is already being surpassed both nationally and regionally, which must undermine and weigh against the current application. In short, the claimed need does not exist!” (Note: REPD – Renewable Energy Planning Database). Therefore, the only reason for this BESS is to store energy short term from the solar station (it should be noted that BESS can only store energy for hours, not days nor months). BESS cannot store energy generated in summer, when solar is at its least inefficient, to use in winter when demand is at its highest. There is certainly no need for this Applicant to develop 2 BESS (a planning application for the BESS to the South of Green Man Road, Navenby, has been submitted by the same Applicant).

6.2 APP-031 Para 6.4.76 states *“As the lifetime generation figure of the BESS is significantly less than that of the Proposed Development, it is reasonable to assume that the battery will only store and discharge energy generated by the Proposed Development.”* If the BESS will only store and discharge energy generated by the proposed development, it will not import from the grid. The significant potential safety risks do not justify building the BESS. There have been some 100 BESS fires worldwide to date, many leading to thermal runaway; there have been 4 in the UK alone since 2020. The potential risk to human and animal life, and the risk to the Protected Drinking Water area should be given considerable negative weight in the planning balance.

6.3 As the Applicant has stated NFCC Guidance will be followed, it is reasonable to assume BESS spacing is currently planned to be 6m (as battery technology has not yet been selected there cannot be any data presented to reduce this distance). Could the Applicant please confirm the current planned BESS container spacing.

6.4 Furthermore, could the Applicant please confirm what material the firewater containment liner will be made of? If contaminated water enters the containment area, how will the water be extracted and disposed of? APP-147 (Appendix 9D) 4.11.1 refers to a sump beneath each BESS container; what is the size of the sump and is it just an empty void or filled with, say, gravel?

6.5 APP-198 Para 4.5.6 refers to Appendix 14-F: Unplanned Emissions Assessment. It is in fact Appendix 14-G (App-176). APP-176 Para 1.1.2 regarding thermal events states *“Such events are therefore ‘unlikely’ and global experience is that modern BESS sites should operate without experiencing a single fire during their operational lifetime.”* APP-176 Para 4.1.4 states: *“Assuming a scenario that takes the form of a single cabinet fire”* App-176 Para 4.1.6 further states *“..... designed to contain a fire within a single module or within a single cabinet, without the fire spreading.”* Notwithstanding the Applicant’s assertion that global experience suggests unlikely events, 100 plus fires/thermal runaway events suggests otherwise. Indeed, the Tyler Parkes (Planning Consultants) letter to Redditch Borough Council (Planning Application 25/00628/FUL) dated 9 July 2025 included a risk assessment going forward:

Risk Assessment: Fire Incidence per MW-Year

To assess risk systematically, we calculate the fire incident rate per installed MW-year, which allows us to normalise the risk across varying scales of BESS deployment. This method provides a comparative benchmark for assessing the relative safety of energy storage deployment over time and helps quantify the likelihood of future incidents as capacity scales up.

Cumulative Total of UK BESS Fires: 4 recorded incidents 2020-2025

Current Operational Capacity: 2,600 MW

Average Operational Period Considered: 3 years (approximate window over which fires occurred)

Total Exposure: 2,600 MW x 3 years = 7,800 MW-years

This results in an incident rate of:

4 fires / 7,800 MW-years = 0.000513 fires per MW-year, or approximately 1 fire per 1,950 MW-years

Projecting Future Risk:

The UK Government's stated 2030 Clean Power Action Plan BESS delivery targets are:

- **Target Capacity by 2030:** 27,000 MW
- **Target Capacity by 2035:** 29,000 MW
- Assuming a consistent average operational period:
 - 2030 projection: 27,000 MW x 1 year = 27,000 MW-years
 - 2035 cumulative (5-year extension): 29,000 MW x 5 years = 145,000 MW-years

Using the observed rate:

- **By 2030:** 27,000 x 0.000513 = ~13.85 fires per year
- **Cumulative by 2035:** 145,000 x 0.000513 = ~74.4 additional fires

This equates to a cumulative total of nearly **90 BESS fires in the UK by 2035** if current patterns persist. While this extrapolation is based on limited data, it illustrates a crucial trend: as BESS capacity increases, so too does the absolute number of potential incidents—even if relative risk remains constant.

It is important to acknowledge that while BESS technology is rapidly evolving, **there is currently no fail-safe method to eliminate the risk of thermal runaway**. All known fire suppression, detection, and monitoring systems—such as Battery Management Systems (BMS), thermal sensors, gas detectors, and water curtain suppression—can reduce but not eliminate this hazard. These systems are also subject to hardware failure, miscalibration, and limited reaction time during rapidly developing events.

6.6 It should be noted that the Tyler Parkes Letter refers to a number of eminent professors, and is based on evidence. The predictions of no events or, such as the proposed Springwell development, a 1 in 7700 year event, are based on no empirical evidence. Given the evidence of incidents to date, the worst case approach adopted under the Rochdale Envelope must require modelling of fire spread beyond a single container.

7.0 Funding Statement:

7.1 The Funding Statement (APP-021) para 1.3.1 states *“The current capital cost estimate for the Proposed Development is approximately £340M. This estimate covers all aspects of the Proposed Development and has been arrived at by including construction costs, preparation costs, supervision costs, land acquisition costs, equipment purchase and commissioning.”*

The current capital cost DOES NOT cover all aspects as decommissioning is not included in the above statement. In over 60 years, the estimated cost of decommissioning will be significant (£100M+ ?); how does the Applicant intend to ensure adequate provision will be made?

7.2 Indeed, in Chapter 12, Page 12-17 (APP-037) in response to Carlton le Moorland PC, the Applicant states *“The Applicant is committed to setting aside money for decommissioning the Proposed Development.”* Where has the Applicant detailed this? It is most likely that the ownership of the proposed development will change hands on a number of occasions in 60 years; the Applicant should take the responsibility to ensure that the local authority, and hence the local taxpayer, does not end up needing to meet the cost. Indeed, the Applicant was also the Applicant for the Mallard Pass Solar Project which obtained DCO approval in October 2024; construction has not yet commenced but the Applicant has already sold the development. Given this precedent, it is even more important that decommissioning funding be included in the Fosse Green DCO. An example of a requirement for a decommissioning bond is in the draft DCO for Helios Renewable Energy Project dated 27 May 2025 where paragraph 5(3) of Schedule 2 states:

“No later than year 15 of operation the undertaker must notify the local planning authority that the undertaker has put in place the requisite decommissioning security in the form as required by the landowners”.

Given the likelihood that the Applicant will, if a DCO is approved, sell the project as soon as possible, the Applicant should demonstrate its commitment to setting aside money for decommissioning the proposed development from the date of any DCO approval. This requirement and how the Applicant intends to satisfy it, should be detailed in the draft DCO.

8.0 Noise & Vibration:

8.1 The Applicant dismisses significant adverse effects (impacts to health arising from noise and vibration) during construction and decommissioning due to them being temporary. Even with the proposed mitigation, the entire construction and decommissioning periods will be hell for local communities. Moreover, the constant noise to close receptors during 60 years of operation cannot be considered anything other than significant; the quiet, tranquil PRoWs will have constant noise which cannot be deemed transitory given that a number of PRoWs connect to form circular routes.

8.2 In Chapter 11 (APP-036) the Applicant states *“In the absence of the Proposed Development, it is considered likely that the future baseline noise environment may be higher than represented by the September 2023 measurements on the ambient sound levels.”*

Where is the evidence to support this statement? What activities is the Applicant suggesting will be generating this noise? The use of the word 'may' suggests this is speculative and the comment should be deleted.

9.0 Landscape and Visual:

9.1 The recently erected full-size Lancaster bomber statue, a magnificent statement on entering 'bomber county', is on the Nottingham/Lincolnshire border close to the village of Norton Disney. Of the large number of visitors who will visit the site, it is likely that many will explore the local area. If this proposed development goes ahead, visitors will encounter numerous fields of glass and will probably never return. The impact of the proposed development on tourism will be significant.

9.2 The Planning Statement (APP-185) states "...there will be an adverse impact on the surrounding landscape and visual impact caused by the Proposed Development during the operational phase and there will be long-term moderate to major adverse effects on landscape character and visual amenity." These are very similar words to Springwell Solar Development, Coleby BESS, Navenby BESS, the Navenby Substation, and Leoda solar Development. This serves to add to the cumulative visual effect, all in an area within about 15km radius of the proposed Navenby Substation. How can the Applicant consider this to be ONLY moderate negative weight in the planning balance?

9.3 Regarding landscape strategy, AS-122 (FLEMP (Rev 3) Para 4.1.20) states "*Hedgerows will generally be improved through 'gapping up'.*" The Applicant's definition of 'best practice' appears to be to screen everything with tall planting including 3m hedgerows. Most current hedgerows in the area are a maximum of 2m; this will have as devastating an effect on the open landscape as the fields of glass themselves. Indeed, 16km of new hedgerow and over 200 new trees (Para 4.2.5) will result in the open landscape no longer being open.

9.4 AS-122 Para 5.2.13 states "*Removal of existing hedgerow will only occur where access is required.*" Why has the Applicant not given an estimated amount of hedgerow removal? Instead, the Applicant refers to Figure 3.7 Maximum Vegetation Removal (APP-064). In the Figure, the 'vegetation removal areas appear to be bounded in the same colour as both the DCO Boundary and the ancient woodland, resulting in the Figure giving little clear indication as to what vegetation is actually being removed. Indeed, where the area of vegetation removal is bounded does that mean all vegetation within the area is being removed or just the boundary? APP-033 (Chap 8 Table 8.13) Page 8-122 states "*small areas of hedgerow and scrub will be lost.*" The only place where the amount of hedgerow removal appears to be detailed is in APP-016, the Draft DCO (APP-016) Schedule 11 (Page 81+). In total there are some 1985m of hedgerow to be removed. The Applicant's definition of 'a small amount' should have been made clear. Why does the Applicant need to remove almost 2km of hedgerow for the purpose of access?

10.0 Agricultural Land:

10.1 In Chapter 15 (APP-040) Table 15-2, Page 15-13, states "*The Applicant has sought to minimise the use of BMV land, and the Proposed Development is not considered to have an impact on food security.*" Given that 702 ha would still be a large solar industry (the size of the non-BMV land within the Order Limits), the Applicant has clearly NOT sought to minimise the use of BMV land. Indeed, APP-037 Para 12.4.38 states "*Best and Most Versatile (BMV) agricultural land is a strategic, finite, and irreplaceable national resource with longstanding policy protection to prevent the unnecessary loss of such land to non-agricultural development.*" What is the reason for this statement if the Applicant then ignores it? The Applicant has produced no credible justification for using BMV land. As

mentioned earlier, the Applicant's own criteria was a development in excess of 50MW. Therefore, using 283ha of BMV cannot be justified.

10.2 Chapter 12 (APP-037) Table 12-2, Page 12-15, in response to Natural England, states *"..... will ensure that the ALC grades will be unaltered through operation and decommissioning .."* Exactly how will the Applicant **ensure** this? Land will be compacted and will not have been worked for over 60 years. Developments of this timescale on land to be returned to its previous quality are not proven in this respect; it would be reasonable that a financial penalty clause be included in the draft DCO should the Applicant fail. Certainly, where the substation, BESS, compounds and access tracks are located, the land will be permanently sealed.

10.3 The ADAS 2020/21 Soil Policy Evidence Programme, commissioned by the Welsh Government, investigated the impact of solar photovoltaic sites on agricultural soils and land. "The reversibility of soil compaction may take years and in some cases compaction may be permanent." "Research undertaken in Colorado, USA, by Choi (2020) recognised that utility scale solar PV sites are land intensive and can have negative impacts, such as 'extensive landscape modifications that transform soil ecological functions, thereby impacting hydrologic, vegetative and carbon dynamics'. An investigation over a 7 year period reported that disturbance of the topsoil can accelerate erosion of fine soil particles and that site maintenance activities caused compaction along the panel rows."

10.4 At ISH1, (Session 5, transcript time 1.35.56+(EV2-011)) the Applicant dismissed the Lancaster and ADAS Reports, *"Some of these early solar farms were built during periods of very wet weather, and the soil was compacted. That is what our soil management plan seeks to avoid, and we have controls in place for that."* How many of the solar farms that the Applicant mentioned were built during periods of very wet weather? Indeed, the Lancaster University Report does not list the specific solar farms, so can the Applicant please share the information it has obtained showing the developments concerned and the dates of construction. All solar developments of the scale of the proposed development will have construction periods well in excess of 12 months, and therefore are highly likely to span periods of bad weather.

10.5 The Framework Soil Management Plan (APP-192), Para 5.4.1 states *"Stripping of topsoil must only occur in the right weather conditions, not in averse weather conditions, such as sustained heavy rainfall (>10mm in 24 hours)"*. This is vague, it gives one example of bad weather. What are the 'controls in place'? If, say, there are 5 days of heavy rain, how long before work can recommence? Are there any specific measurable criteria that can be applied before any work can recommence? A contractor incentivised by timescale would recommence work immediately post heavy rain. What other weather conditions are significant eg can soil stripping take place when the ground is frozen?

10.6 The 2023 ADAS Report and the 2025 Lancaster University Study both referred to by the Applicant at ISH1 (EV2-011), do not solely consider earlier solar farms as suggested by the Applicant. It should be noted that the ADAS Report assumed a 40 year operational life; 60 years can only worsen the impact on soil quality. The Applicant has been selective in referring to the 2 documents; I will attempt to redress the balance. The Lancaster University Study 'Plant and Soil Responses to Ground Mounted Solar Panels in Temperate Agricultural Systems' by Fabio Carvalho et al in Environmental Research Letters Vol 20 No2 Published 10 Jan 2025' Abstract states:

“We sampled 32 solar farms in England and Wales in summer 2021. Plant cover and aboveground biomass were significantly lower under solar panels than in the gaps between solar arrays and in pastures. Soil compaction was 14.4% and 15.5% higher underneath solar panels than in gaps and pastures, respectively. Soil organic carbon was 9% lower under solar panels than in gaps, while particulate organic matter was 29.1% and 23.6% lower than in gaps and pastures, respectively. Soil mineral nitrogen was 30.5% higher under solar panels than in gaps, while soil (plant-available) phosphorus was approximately 60% higher in solar farms than in pasture soils.”

This report provides clear evidence that solar panels **do have a serious detrimental effect on soil quality**. There is no definitive evidence to prove the Applicant’s assertion that it can ENSURE land will be returned to its previous ALC quality.

10.7 In ISH1 Session 5 1.08.44 (EV2-011) the Applicant refers to the permanent sealing of land. It was stated that the IEMA guidelines has been interpreted as relating to the sealing of land by roads and building and not solar development and cited the Tillbridge, Cottam and West Burton DCOs as authority. These 3 examples do mention permanent and temporary loss of land but not in relation to the IEMA guidelines regarding roads and buildings as suggested by the Applicant; what are the specific references (eg document and paragraph numbers) supporting the Applicant’s argument in these 3 cases?

10.8 As with all the energy solar/BESS projects in the region, the Agricultural Land Classification results show significantly less BMV land than the previous gradings produced by MAFF and predicted by Natural England. For example, the ALC Classifications for the Tillbridge Solar Project and the proposed Fosse Green and Springwell developments, all show actual BMV land is significantly less than what was previously thought. If this trend is extrapolated across the entire country, it shows there is much less BMV land than currently assumed. Therefore, BMV land is even more precious than previously thought and any case to use BMV land should be robust and considered totally unavoidable; the Applicant’s case regarding BMV land is neither robust nor unavoidable.

11.0 Traffic & Transport:

Chapter 13 (APP-038), Para 13.4.67 is a further example of how the Applicant confuses the reader: *“Although the Proposed Development is located close to several villages/settlements including Thorpe on the Hill, Haddington and Basingham, only a small proportion of trips are expected to either originate from or pass through these villages.. Any such trips are expected to be local construction worker trips and not HGV trips”* The very next paragraph (13.4.68) states *“Where practicable, the **Framework CTMP [EN01054/APP/7.18]** will restrict HGVs to routes which avoid these villages”* So is it NO HGVs or only no HGVs when it is PRACTICABLE? Indeed, having specifically stated in APP-038 Para 13.4.67 that HGV trips will not pass through Haddington, APP-110 (Figure 13-4) shows HGVs being routed through the village, as well as Thurlby. So when the Applicant states *“where practicable”* it in fact appears to be **planned** that that HGVs will go through these villages.

12.0 Waste:

12.1 In APP-039 (Chapter 14), Table 14-22, the Applicant has scoped out waste arising during manufacture and other environmental impacts associated with the management of

waste, on the assumption manufacturers have their own waste management plans. Why has the Applicant not kept this in scope until there is assurance that all processes with potential impact on waste are adequately managed? How will the Applicant confirm acceptable waste management plans for components manufactured in China?

12.2 APP-039 (Chapter 14) Para 14.5.63 states *“It is not proposed to store waste batteries on site. They will be removed from the containers and taken away straight away, following waste duty of care.”* This is repeated in APP-190 Para 3.13. At the Issue Specific Hearing 2, 33.25+ (8 Jan 2026) (EV4-003), the Environment Agency stated that the Applicant now intends to store waste on site (this is logical given that a licensed hazardous waste transportation company would most likely expect to move a complete load at a time). Therefore, it appears that the BESS needs to be classified as a Regulated Waste Site. Equally, if solar PV panels are to be stored pending disposal, this activity may also give rise to classification as a Regulated Waste Site.

13.0 Not Cheap Nor Secure Energy:

Finally, the Applicant refers to solar as ‘cheap energy’. As an example, a nuclear Small Modular Reactor (SMR), will sit on only 2ha of land, can be built in approximately 5 years and power one million homes (The Times 22 Aug 2025). During public consultation the Applicant has stated the proposed development will power 110,000 homes. At approximately £2Bn to power one million homes, a SMR will power 110,000 homes for circa £220M; compared to the Applicant’s projected cost of £340M (APP-021) to power 110,000 homes – some 1.5 times higher cost than an SMR. Hence, an SMR is cheaper energy, will sit on a fraction of the amount of land the proposed development, will produce significantly lower carbon intensity and, unlike the proposed development sourcing technology from China, will be secure home grown energy.