



Fosse Green Energy

EN010154

9.2 Written Summaries of Oral
Submissions

Issue Specific Hearing 2

Planning Act 2008 (as amended)

Regulation Rule 8(1)(k)

The Infrastructure Planning (Examination
Procedure) Rules 2010

20 January 2026

VOLUME

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Planning Act 2008

The Infrastructure Planning (Examination Procedure)

Rule 2010

Fosse Green Energy Development Consent Order 202[]

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Issue Specific Hearing 2

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1. About this document

1.1 Introduction

- 1.1.1 This document summarises the case put by the Applicant, Fosse Green Energy Limited (FGEL), at Issue Specific Hearing 2 (ISH2) on Thursday 8 January 2026 for the Fosse Green Energy project (the Proposed Development).
- 1.1.2 The hearing opened at 2:30pm on 8 January 2026 and took place as a blended event, at County Assembly Rooms, 76 Bailgate, Lincoln LN1 3AR and by virtual means using Microsoft Teams. ISH2 closed at 16:58 on Thursday 8 January 2026. The agenda for the hearing [EV4-001] was published on the Planning Inspectorate's website on 19 December 2025 (the Agenda).
- 1.1.3 This note does not purport to summarise the oral submissions of other Interested Parties (IPs), and summaries of submissions made by other IPs are only included where necessary to give context to the Applicant's submissions.
- 1.1.4 The structure of this note broadly follows the order of the items set out in the Agenda. Numbered agenda items referred to are references to numbered items in the Agenda. It should be noted that although the items addressed at ISH2 followed the Agenda, the order in which these were addressed differed. Agenda Item 3.3 was omitted as this was covered elsewhere within the hearing.
- 1.1.5 The Applicant's substantive oral submissions commenced at Item 3 of the Agenda. Therefore, this document does not address Items 1 and 2 of the Agenda, as these were procedural and administrative in nature.

1.2 Attendees on behalf of the Applicant

- 1.2.1 [REDACTED], instructed by Womble Bond Dickinson (UK) LLP appeared on behalf of Fosse Green Energy Limited, the Applicant.
- 1.2.2 The following individuals also made submissions throughout the hearing on behalf of the Applicant:
- [REDACTED], Womble Bond Dickinson (UK) LLP (Legal); and
 - [REDACTED] AECOM (Design / Battery Safety).
- 1.2.3 The following members of the Applicant's team were also present:
- Lloyd Sandles, Fosse Green Energy Limited;
 - Mark Sandles, Fosse Green Energy Limited;
 - Helen Heward, Fosse Green Energy Limited;
 - Keith McKinney, Fosse Green Energy Limited; and
 - [REDACTED], Womble Bond Dickinson (UK) LLP.

2. The Applicant's Summary of Case on Agenda Item 3

2.1 Agenda Item 3.1 – Discussion of the draft Development Consent Order

Issue Discussed

ExA: Rather than the Applicant provide an opening summary, the ExA suggested commencing with comments from the Councils.

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that there were two points to note which may help curtail discussions. Firstly, noting those present, in terms of protective provisions, the Applicant's written summary of ISH2 will include a detailed update on the position with each of the parties. The Applicant explained that discussions are progressing very well, and well in advance of where one would normally be at this stage of a DCO Application. Whilst the bespoke protective provisions are not currently seen on the face of the Order, that has been done intentionally to ensure that the ExA sees them when they are in an agreed form. However, those negotiations are continuing well.

In terms of the Council's points on the draft DCO, the Applicant has seen the points that have been made in the relevant representations (RRs), and is responding to those points as part of the response to RRs. That may help to cut down the need to make repeat points from those already made in the RRs that the Applicant is fully aware of and responding to.

Post-Hearing Note: The following paragraphs provide an update on the negotiations between the Applicant and each of the parties with whom it is seeking to agree bespoke protective provisions (PPs). The progress in relation to PPs for National Highways and PPs for the British Pipeline Agency (BPA)/Prax have not been included here, as these are noted as part of the Applicant's written response to these parties' oral submissions at ISH2 set out in this written summary. In line with the ExA's request, the Applicant will incorporate these bespoke PPs into the draft DCO [APP-016] at or before the midpoint of the examination.



Status of Negotiation of PPs with Anglian Water Services Limited (AWS)

Negotiations between the Applicant and Anglian Water Services (AWS) are ongoing but the parties are nearing a point of agreement on the form of PPs with only a small number of outstanding points on the most recently circulated draft.

Status of Negotiations of PPs with Cadent Gas Limited (Cadent)

The PPs are in a final form and effectively agreed between the Applicant and Cadent.

Status of Negotiations of PPs with Lincolnshire Fire and Rescue Services (LFRS)

In its RR [RR-157], Lincolnshire County Council indicated that the Applicant should agree protective provisions with LFRS. The Applicant therefore reviewed previous solar DCOs in the LFRS area, to ascertain the form of that PPs had been agreed. These PPs are consistent across all relevant DCOs granted across 2024 and 2025. The Applicant therefore replicated these standard form PPs, making amendments only to reflect the specifics of the Proposed Development. These were sent by the Applicant to the relevant contact at LFRS, who has confirmed that these would be reviewed by the legal team. Since ISH2, the Applicant has received confirmation from LFRS that these PPs are agreed, and accordingly has incorporated these into the updated draft DCO [APP-016] to be submitted at Deadline 1. The inclusion of these standard form PPs has precedent in the Gate Burton Energy Park Order 2024, the Cottam Solar Project Order 2024, the West Burton Solar Project Order 2025, and the Tillbridge Solar Order 2025.

Status of Negotiations of PPs with Network Rail Infrastructure Limited (NRIL)

The Applicant has contacted NRIL's legal representatives multiple times since December 2024 to seek clarity as to the extent of NRIL's land interests within the Order Limits. The Applicant is yet to receive a substantive response on this point, despite the Applicant having set out where NRIL's interests are understood to be, and asking for clarification. Although NRIL have provided their standard form PPs, the Applicant is seeking to ascertain whether or not bespoke PPs are required, given it is unclear whether NRIL's land interests within the Order Limits are part of any active railways. It is therefore unclear whether the Proposed Development poses any risk to NRIL's ability to safely operate and maintain active railway land.



Status of Negotiations of PPs with National Grid Electricity Distribution (East Midlands) plc (NGED)

Negotiations between the Applicant and NGED are ongoing but the parties are nearing a point of agreement on the form of PPs with only a small number of outstanding points on the most recently circulated draft.

Status of Negotiations of PPs with National Grid Electricity Transmission plc (NGET)

Negotiations between the Applicant and NGET are ongoing but the parties are nearing a point of agreement on the form of PPs with only a small number of outstanding points on the most recently circulated draft.

Status of Negotiations of PPs with Openreach Limited

The Applicant has sought to establish communication with Openreach multiple times since July 2025, providing a copy of the generic PPs for comment. However, as of January 2026, no response has been received from Openreach's legal team.

Status of Negotiations of PPs with Virgin Media Limited (VM)

The Applicant has contacted VM several times since July 2025, providing a copy of the generic PPs for comment. VM's Diversionary Support Team have advised that they will review the PPs, but have not provided a contact for their legal team. The Applicant has requested on multiple occasions that a member of VM's legal team review the generic PPs and provide comments to the Applicant, but as of January 2026, no comments have been received.

ExA: Following these submissions from the Applicant, the ExA, turned to the IPs with which the Applicant is seeking to agree bespoke PPs, with three such IPs being in attendance.

ExA: The ExA asked the Environment Agency (EA) for their submissions in relation to the general drafting of the Order.

The below is a brief summary of the submissions made by the EA to provide context for the Applicant's submissions in response.

The EA did not have anything to add to what was submitted in its RR [RR-089] in terms of the draft DCO and are satisfied that progress has been made on the points they raised. Although they have not had a response, the EA acknowledged that the Applicant is actively considering the issue raised concerning the disapplication of the byelaws of the Water Resources Act 1991.

In response to the EA's submissions.

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant, confirmed that this point was made in the RRs and that a detailed response is being drafted in response to the RRs, as well as the ongoing discussions on the Statement of Common Ground (SoCG).

Post-Hearing Note: The Applicant is reviewing the position in relation to the disapplication of the byelaws of the Water Resources Act 1991. The Applicant will liaise directly with the EA in relation to this and is hoping to provide a substantive update at Deadline 2.

ExA: The ExA asked National Highways (NH) for their submissions in relation to the general drafting of the Order and/or any PPs.

The below is a brief summary of the submissions made by NH to provide context for the Applicant's submissions in response.

NH agreed with the Applicant's comment that discussions on the PPs are progressing well. It is hoped that the PPs will shortly be in an agreed form and NH will submit a written update to the examination at the next deadline.

In NH's RR [RR-201], it was noted that the directional drilling under the A46 was not included within Schedule 4 (streets subject to street works) of the draft DCO [APP-016], meaning the Applicant would not have powers over the A46 under Article 8 (Street Works). The Applicant has now agreed that the proposed crossings beneath the A46 will be included in Schedule 4 of the draft DCO. NH confirms that it supports this approach and has agreed to the inclusion of wording in Schedule 4 which confirms that Work No. 6 will involve directional drilling beneath the A46 Trunk Road. NH will continue to work with the Applicant on the detailed arrangements for the trenchless crossing locations.

The protective provisions for NH will ensure that all necessary technical approvals and requirements are secured and NH will continue to work with the Applicant to progress these matters.



In relation to the Requirements set out in Schedule 2 (Requirements) of the draft DCO [APP-016], NH stated in its RR [RR-201] that they wish to be consulted on Requirements 4, 7, 8, 9, 10, 12, 13, 14 and 20. The Applicant has agreed to include NH as a consultee for the following Requirements in Schedule 2 (Requirements): Requirement 12 (Construction environmental management plan), Requirement 13 (Operational environmental management plan), Requirement 14 (Construction traffic management plan), and Requirement 20 (Decommissioning).

NH confirmed that the Applicant has proposed to include a new sub-paragraph within Requirement 4 (Approved details and amendments to them) of Schedule 2 (Requirements) of the draft DCO [APP-016] to ensure that the relevant planning authority must reconsult all consultees who were originally required to be consulted on those documents, plans, details or schemes. NH indicated agreement with this approach and will reflect this in their next representation and the draft Statement of Common Ground (SoCG).

Following further review, NH clarified that it no longer requires to be consulted on Requirement 7 (Battery safety management) or Requirement 9 (Fencing and other means of enclosure) and will reflect this in their next representation.

However NH maintained its position on Requirement 8 and Requirement 10. NH re-expressed its wish to be consulted on Requirement 8 (Landscaping and Ecological Mitigation Plan). The principal sites, including solar sites, share a direct boundary with the A46 Trunk Road. As indicated in paragraph 7.1.7 of the Framework Landscape and Ecological Management Plan (LEMP) [AS-122], maintenance measures will be specified and implemented as part of the detailed LEMP, including a post-construction monitoring program, which will be formalised, agreed and included within the detailed LEMP. Results from post-construction monitoring will feed into the LEMP, and if required, management measures may be amended accordingly based on this monitoring. For example, replacement planting or changes to planting species where planting has failed to establish. NH requires sight of, and an input into, this information in the interest of the safe and efficient operation of the Trunk Road, specifically for glint and glare mitigation measures.

Additionally, NH wishes to be consulted on Requirement 10 (Surface and foul water drainage). It is essential that NH protect the integrity of the SRN drainage infrastructure in line with DfT, circular



01/2022. At the moment, it is not clear whether a connection or outfall is proposed to the NH drainage network. If a connection is proposed, this would need to be considered by NH. If agreed, a maintenance and management agreement may be required. Whilst any consents given by NH for connections to its drainage network would be sufficiently managed under the PPs in the current form agreed with the Applicant, there are swales proposed within the solar sites adjacent to the SRN. NH do have concerns about the flood risk, if not properly maintained, which is a clear safety risk to the SRN. For this reason, NH seek consultation on the surface water and foul water drainage plan to ensure the safety of the SRN.

NH explained difficulties in reviewing Environmental Statement (ES) Appendix 9-D: Framework Surface Water Drainage Strategy [APP-147]. Whilst NH has attempted to review it, they are currently unable to assess the drainage information in terms of its impact on the SRN. They explained that they require focused information relating specifically to the areas adjacent to the A46 to support their assessment. NH added that ideally, this information would be presented as a series of link drawings along the A46 interface in a manageable file size that allows them to easily open, view and zoom into the details.

ExA: The ExA stated that it was also struggling to access that document and reminded the Applicant that these rendering issues are a serious matter and cause of concern.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ confirmed that these rendering issues are indeed being taken seriously by the Applicant and conveyed apologies on behalf of the Applicant. He further submitted that the Applicant has put mechanisms in place to ensure that the issues are rectified.

ISH2 Action Point 3 – The Applicant is to 'fix' the rendering issue with ES Appendix 9-D: Framework Surface Water Drainage Strategy [APP-147]

Post-Hearing Note: The Applicant is working to rectify this issue. Having investigated thoroughly, the issue is occurring at the point the documents and plans are uploaded to the PINS portal, whereby the 'optimising' of pdf's undertaken by the Applicant to reduce file size and enable better readability of plans appears to be undone by the PINS portal processing, resulting in large file sizes with rendering



issues. Since the issue was raised with the Applicant, prior to the submission of any further plans the Applicant has been carrying out extensive checks to ensure that these are formatted so as to avoid any rendering issues. The Applicant intends to discuss this matter further with PINS to understand the logistics surrounding the processing when documents and plans are uploaded to the PINS portal to better understand how this issue can be resolved going forwards.

In response to NH's submissions.

██████████ **on behalf of the Applicant**

On behalf of the Applicant, ██████████ explained that the Applicant has nothing to address in response, though is grateful for the hard work that National Highways has put into addressing the points which have arisen.

Post-Hearing Note: The draft DCO [APP-016] has been amended to add National Highways as a consultee for Requirement 12, Requirement 13, Requirement 14 and Requirement 20 of Schedule 2.

The Applicant has inserted a new sub-paragraph at Requirement 4 of Schedule 2 as follows: *"In determining whether to approve any amendments to any of the approved Documents, Plans, Details or Schemes, the relevant planning authority must re-consult all consultees that were required to be consulted on those Documents, Plans, Details or Schemes when those Documents, Plans, Details or Schemes were originally approved"*

The following wording has been inserted at Schedule 4: *"those parts of the A46 that are within the limits of deviation of Work No. 6"*.

The Streets, Rights of Way and Access (SRoWA) Plans [AS-007] have also been updated to reflect this insertion.

The updated draft DCO and SRoWA Plans will be submitted to the examination at Deadline 1.

With regard to Requirement 10 (Surface and foul water drainage) of Schedule 2 to the draft DCO [APP-016], Appendix 9-D:Framework Surface Water Drainage Strategy (SWSS) [APP-147] sets out the approach to surface water management. Surface water runoff will be collected and drained to surface water bodies, either to watercourses, or in certain cases, to ground where a watercourse is



not present in the vicinity. No surface water drainage will be discharged to NH infrastructure during the operation of the Proposed Development.

The only potential pathway of discharge to any highway infrastructure would be during the construction and decommissioning works, if runoff cannot be drained on-site or to a watercourse. However, given that access to the DCO Site will not be via the SRN, there would be no potential mechanism for drainage to National Highways' infrastructure during these phases of the Proposed Development.

Regarding maintenance, the Framework SWDS [APP-147] (ref. paragraph 4.13.1) notes that the proposed SWDS will be maintained by the Applicant, or another private operator to be confirmed. The provision of a detailed SWDS, to be substantially in accordance with the Framework SWDS, is secured under Requirement 10 of Schedule 2 to the Draft DCO [APP-016], with all proposed drainage features maintained according to standard practice.

As such, the Applicant does not consider there are any requirements for NH to be included as a consultee within Schedule 2, Requirement 10(1) (Surface and foul water drainage) of the Draft DCO [APP-016].

Similarly, with regard to Requirement 8 (Landscape and ecological management plan) of Schedule 2 to the draft DCO [APP-016], the Applicant has provided a full explanation as to why it does not consider it to be necessary for NH to be included as a consultee within this Requirement in response to NH's RR [RR-201] which will be submitted to the examination at Deadline 1.

The Applicant appreciates the ongoing engagement from NH and the parties are continuing to make good progress in terms of negotiation of protective provisions for inclusion in the draft DCO [APP-016], with these being near the point of agreement.

ExA: The ExA asked for submissions from BPA / Prax in relation to the general drafting of the Order and/or any PPs.

The below is a brief summary of the submissions made on behalf of Prax to provide context for the Applicant's submissions in response. These submissions were made further to RRs RR-038 and RR-039 and supplemental to PDA-004 and submissions made at Compulsory Acquisition Hearing 1 (CAH1).

Note – the entities of BPA / Prax are hereafter referred to jointly as 'Prax'.

This submission relates to Prax's high pressure fuel pipeline which could potentially be damaged by the Proposed Development which would cause harm to land, persons and the environment, if adequate mitigation is not identified and put in place, which may require both long and short term



rights in respect of installation, retention, repair and maintenance. This is an issue that the health and safety executive is currently looking at quite carefully across the industry.

As outlined in CAH1, there has not yet been a site specific risk assessment undertaken to establish the claim by the Applicant that no such mitigation, or very little mitigation, will be required over the life of the pipeline, bearing in mind that as cables are upgraded, that also affects issues of AC interference. Prax therefore wanted to add to its submission at CAH1 that they would urge the Applicant to pay close attention to the safety guides included at PDA-004, and specifically to paragraph 6.7 of the UKOPA Good Practice Guide, AC corrosion guidelines, which details the factors to be included in any risk assessment in order to ascertain the risk of AC corrosion over time. Any further delay in obtaining the correct data will in turn delay the parties' ability to quickly agree adequate protective provisions, and for Prax to hopefully withdraw their objection.

Prax submitted that if mitigation is needed to protect the practice pipeline, this presents two significant issues in terms of the current form of the draft DCO [APP-016]. The first issue is that such mitigation, if needed, might be required on land outside the Order Limits. As Prax touched on that during CAH1 it did not propose to go into that further. The second issue is that the Order as drafted may not be sufficient to deliver the necessary mitigation rights over third party land, given that those might need to include both the short term installation, and also long term retention with attendant land rights. In both cases, these would need to benefit the pipeline owner.

Prax appreciates the point made by the Applicant that hopefully and in an ideal world, the detailed design will show that no mitigation is necessary and that this is not a concern, but has to work on the basis of the worst case scenario for now. In another similar project where significant mitigation works are required the proposed DCO drafting includes wording relating to the ability to share the benefit of the Order with the pipeline owner. It includes specific itemised provisions setting out the detail of what those pipeline protection works are. There is wording which would need to be included, in Article 6 (legislation to be disapplied) of the draft DCO [APP-016], to specify that for the purposes of the Town and Country Planning Act 1990 the pipeline protection works would not constitute development of land under section 55 which would be consistent with section 5(2) of the Pipelines Act 1962. This similar DCO also includes drafting ensuring the acquisition of long term retention and monitoring rights to monitor any damage to the pipeline for the life of the pipeline.



In Schedule 1 of the current draft DCO [APP-016] for the Proposed Development, there are no specific references to pipeline protection works in respect of Work No. 5A, 8A and 8B which are those relevant to the Prax pipeline plots, save for the overarching reference to further associated development. Whilst that wording might be sufficient to cover de minimis work, it seems unlikely to be applicable to any significant mitigation works.

In addition, if long term rights are needed (i.e., if there is infrastructure that needs to be installed in and around the pipeline and kept there for the life of the pipeline) and that would include the ability to include monitoring equipment in line with the UKOPA guidance referred to earlier, the current DCO drafting does not include, provision for such permanent rights to be acquired and shared with Prax.

Therefore, if the planning inspectorate is minded to recommend the DCO for approval, Prax would urge that this would only be done once Prax have been granted satisfactory protective provisions and these issues have been addressed.

Post-Hearing Note: The Applicant believes that reference made in the above submission to Article 6 (legislation to be disapplied) was intended to be to Article 6 (Application and modification of statutory provisions) and Schedule 3 (legislation to be disapplied).

In response to Prax's submissions.

██████████ on behalf of the Applicant

The Applicant requested that Prax provide the specific drafting that they would like to see replicated in the DCO so that the Applicant may consider it, and if there is sufficient time, potentially include it within the revisions at Deadline 1.

ISH2 Action Point 4 – Prax to provide its proposed drafting to be added to the draft DCO.

Post-Hearing Note: As stated during CAH1, the Applicant is awaiting the results of the AC interference modelling for its review and will share these with Prax shortly thereafter.



The points raised by Prax during ISH2 largely replicated those raised during CAH1 as well as those in the RRs submitted by Prax [RR-038] and [RR-039]. To avoid repetition, the Applicant has not provided a detailed response here.

However, it should be reiterated that the Applicant will seek to agree bespoke protective provisions for Prax to be included in the draft DCO [APP-016] as soon as practicable and is ready and willing to begin negotiations of such PPs in advance of the results of the risk assessments.

Furthermore, Prax has not yet provided the specific drafting to the Applicant, and therefore, this has not been considered for inclusion in the revisions at Deadline 1, but will be considered by the Applicant for possible inclusion in a later iteration of the draft DCO once received.

ExA: The ExA indicated that it would defer its questions on the draft DCO to writing, but requested to hear submissions from the host local authorities in acknowledgement of the fact these may overlap with issues identified by the ExA.

ExA: The ExA asked North Kesteven District Council (NKDC) for their submissions in relation to the general drafting of the Order.

Post-Hearing Note: The Applicant has considered the oral submissions made by NKDC and where it has sufficient detail to provide a comprehensive response, has set these out following each substantive point made by NKDC.

The below is a summary of the submissions made on behalf of NKDC to provide context for the Applicant's submissions in response. Where the Applicant considers it has sufficient detail to provide a comprehensive response, these have been provided as post-hearing written follow up.

1 – Grid Connection Requirement

Oral submission made by NKDC

This was raised in NKDC's RR [RR-210] but in short, NKDC say it is necessary and appropriate there should be a requirement that the Proposed Development must not commence until the Navenby substation has at least received consent. The point was raised in NKDC's RR and it was a live issue in the Springwell examination and a proposed change to the requirements. As was made clear from the Applicant's submissions during ISH1, the case is made on the basis of an overriding need and benefits. Without the Navenby substation the need is not met, and there are no benefits, only potential harm. There should be a preclusion on the commencement, including any harmful preliminary works, unless and until the Navenby substation gets consent. It should contain provision to deal with the possibility of legal challenge.

Post-hearing written response by the Applicant

As noted, this point was raised in the RR submitted by NKDC [RR-210] and its response to RRs has provided a detailed explanation as to why the Applicant does not feel that there is sufficient justification for the request to add a requirement to the DCO to prevent the commencement of the Proposed Development until such time as planning permission has been granted for the Navenby Substation.



The Applicant's responses to RRs are to be submitted at Deadline 1 so to avoid repetition, the Applicant has not provided the full response here.

To briefly summarise the Applicant's position, one reason that such a requirement is not considered necessary is that a grid connection has been secured, meaning that the Proposed Development has been allocated a connection bay at the proposed Navenby Substation. Further details of this are set out in the Grid Connection Statement [APP-200]. Secondly, based on the information available at this time, National Grid estimates that, subject to approval of the planning application, construction of the Navenby Substation will commence in mid to late 2026, with the currently estimated completion date being late 2029. This is around three and a half years ahead of the connection date proposed for the Proposed Development, meaning that even if there were a delay to the National Grid's currently estimated timetable, this would be highly unlikely to impact the Proposed Development.

Additionally, given the generally supportive national and local policy position, and on the basis that National Grid take a responsible approach to siting, design and mitigation, in compliance with the 'Horlock Rules', there are no obvious reasons known to the Applicant why consent for the Navenby Substation and associated overhead lines to connect it into the national grid would be withheld.

National Grid has stated to the Applicant that should consent not be granted the fall back is to appeal any such refusal to the Secretary of State and await determination. Therefore, there is nothing to suggest that deliverability of the Navenby Substation will not be secured. As such, a requirement is not necessary for inclusion in the draft DCO.

2 – Decommissioning – Requirement 20 of Schedule 2

Oral submission made by NKDC

Currently decommissioning is defined by reference to the "date of final commissioning" and that is defined in itself as the date that each part of the authorised development commences operation by generating electricity on a commercial basis. There are many issues with that. First of all, "part" is not defined and it's quite unclear what is and isn't a part, who decides this and how any disputes would



be resolved. There are certain references to parts which refer to approval of details at the outset, then parts in decommissioning. Are they the same, or can they be different?

More substantially, it is unclear to NKDC what possible date there could be in relation to certain parts. It is understood that for Work No. 1, that generates electricity, but Work No.s 7-9, for example, are not parts of the Proposed Development which generate electricity. Therefore, how do they have a decommissioning date if we are looking at different parts of the authorised development? The same is true of the further associated development identified at the end of Schedule 1.

The third substantive point on this is that what appears to be envisaged in the draft Order, overall, and in particular in relation to this part, is there could be different decommissioning dates for different parts, including Work No. 1. It is unclear how that sits with the contents of the Environmental Statement (ES) and the assessments carried out in the ES, which are predicated on a 60 year lifespan, because it seems that there might be different 60 year periods, and overall, the total lifespan could be substantially in excess of 60 years if different parts can have different decommissioning dates. NKDC's suggestion would be, as matters stand, that a more orthodox approach is taken, and that the 60 year period runs simply from the date of the first commercial generation of electricity from the Proposed Development.

Alternatively, NKDC submits that it is for the Applicant to explain why anything said may be wrong, or why a different approach should be taken. For example, if the Applicant wishes to be able to proceed, in parts, why a phased approach isn't appropriate, as it has been used in other DCOs and an explanation of how that that would actually work and how it fits with the assessment in the ES.

One final subsidiary point on this issue is there are no details yet set out for the actual decommissioning. That is all to be dealt with in the DEMP, which is referred to in Requirement 20. That is not required to be provided or submitted in advance of the actual deadline for decommissioning, and so maybe some thought needs to be given, as whether that should be prioritised at an earlier stage to ensure it is dealt with and properly considered in good time for actual decommissioning.

Post-hearing written response by the Applicant

Due to the numerous points made in NKDC's oral submission regarding the timeframe of decommissioning and how this relates to the definition of the "date of final commissioning", the



Applicant considers that it would be more beneficial to provide a substantive response when in receipt of the full written detail, to ensure that such a response is structured and comprehensive.

However, the Applicant is able to provide a response to the subsidiary point made by NKDC in this respect. Requirement 20 (Decommissioning) at sub-paragraph (2) secured that prior to the commencement of any decommissioning works, a detailed Decommissioning Environmental Management Plan(s) (DEMP) must be submitted to the relevant planning authority (being NKDC) for approval, in consultation with LCC (in its capacity as the local highway authority and waste planning authority), National Highways and the Environment Agency.

With regards to the comment that there are no details set out for decommissioning, the Applicant has submitted a Framework DEMP [APP-191], and the provisions of sub-paragraph (3) of Requirement 20 state that the detailed DEMP must be substantially in accordance with the Framework DEMP [APP-191]. The Framework DEMP [APP-191] provides that:

- During decommissioning, all infrastructure associated with the Proposed Development will be removed and recycled or disposed of in accordance with good practice and market conditions at that time.
- This is with the exception of the cabling and/or cable ducting in the Cable Corridor, which may remain in-situ. The mode of cable decommissioning for the Cable Corridor and interconnecting cables will be dependent upon government policy and best practice at that time. Currently, some local authorities consider the most environmentally acceptable option to be leaving the cables or cable ducting in situ, as this avoids disturbance to overlying land and habitats and to neighbouring communities. Alternatively, the cables or cable ducting can be removed by opening the ground at regular intervals and pulling the cable through to the extraction point, avoiding the need to open up the entire length of the cable route.
- The future of the substations and the Onsite Substation building would be agreed with the relevant Local Planning Authority prior to commencement of decommissioning.
- The drainage of the land within the Proposed Development will be checked and grassed after decommissioning. Should any agricultural drains be altered or removed, they will be restored



such that agricultural activities could continue after decommissioning of the Proposed Development.

- Areas of habitat and biodiversity mitigation and enhancement, as well as permissive paths delivered as part of the Proposed Development, would remain up until the Proposed Development is decommissioned. Following this, the landowners would choose how the land is to be used and managed.
- Decommissioning access will aim to use the operational accesses as far as possible. The need to widen these or reuse construction accesses to remove large infrastructure will be determined and agreed with the Local Planning Authority and Local Highway Authority ahead of decommissioning activities.

It should be noted that, due to the 60 year operational lifetime of the Proposed Development, there is a limited extent to the precision which can be included in the wording of this Requirement. The Applicant needs to retain a degree of flexibility to ensure that decommissioning is carried out in line with good practice at the time, as well as relevant policy and legislation which may be in place at the time.

3 – Security for Decommissioning

Oral submission made by NKDC

This has been a live issue in other DCO examinations, most recently there has been a made DCO, the Helios DCO, which has included as Requirement 5(3), provision for security. It was also an issue in Springwell. NKDC submits that it is necessary and appropriate here because the provisions allow transfer to new undertakers without the Secretary of State's consent, once the issues of compensation related to compulsory purchase have been dealt with. Although the ExA may be satisfied with the credentials and the financial wherewithal of the Applicant, it is quite possible that by the time decommissioning comes, the undertaker will not be the same and there will not be the same scrutiny of their financial wherewithal.

Clearly, as the Proposed Development nears the end of its lifespan, the balance becomes very different with the remaining profits to be obtained from it versus the costs of decommissioning. Whilst



we appreciate there are provisions of enforcement, there is nothing we can see that would prevent transfer to a new operator and potential evasion of decommissioning liabilities. NKDC submits that it is important that that is dealt with so to avoid a situation where there is no one who can effectively or practically be chased after in order to fulfil the decommissioning obligations, and NKDC is not left with a site that is full of redundant panels, or in a position where the public purse has to meet the cost of clearing it all up.

Post-hearing written response by the Applicant

The Applicant is applying for a 60-year operational period for the Proposed Development, which is secured under Requirement 20 of the draft DCO [APP-016], which provides that decommissioning works must commence no later than 60 years following the date of final commissioning. At the end of the operational lifetime of the Proposed Development, it will be decommissioned in line with the controls set out within the Framework DEMP [APP-191] (the provision of a detailed DEMP, which is to be substantially in accordance with the Framework DEMP, is secured under Requirement 20 of the draft DCO [APP-016]), with the land reinstated to its original quality, and returned to the landowners who would choose how the land is to be used and managed. It should be noted that the breach of any commitment under a DCO amounts to a criminal offence and the provisions and Requirements of a DCO are enforceable by the Local Planning Authority.

The Applicant therefore does not consider a restoration bond (or decommissioning security) to be necessary or proportionate. Funding for restoration of land is not required to be secured under the Planning Act 2008 (PA 2008), nor is the Applicant aware of any guidance requiring this in the National Policy Statements or otherwise. Given that decommissioning of the Proposed Development is adequately controlled by virtue of the Framework DEMP [APP-191] the Applicant considers that any further requirement would be a duplication of existing controls potentially creating confusion. As above, the production of a detailed DEMP, to be substantially in accordance with the Framework DEMP, is secured under Requirement 20 of the draft DCO [APP-016]. Given the legally binding obligation to carry out decommissioning works, including the funding of the same, the provision of a restoration bond is not justified.

4 – Panel Replacement and Repowering



Oral submission made by NKDC

NKDC stated that this has been picked up in the ExA's questions, and others have noted it as well – Article 2 defines 'maintenance' very broadly to include replacement of any part, except for the whole of Work No. 1 at the same time. That would appear to mean that 99% of Work No. 1 could be replaced in one go, and the remaining 1% thereafter. NKDC submits that this gives rise to a clear potential for materially different effects from those assessed. NKDC notes that page 46 of the Potential Main Issues for Examination [APP-193] suggests there will be repowering around the 30 year midpoint of the operational phase, and perhaps there would be a need for 10% replacement of the remainder.

NKDC submit that it is not clear that the effects of that have been assessed, and there is no requirement currently for that to occur in the way suggested. NKDC would suggest that there should be a repowering strategy submitted and approved and then implemented, subject to the proviso that it doesn't have any materially different or new effects.

A further limitation is required for replacement to not exceed 10%. There is some precedent for this in the draft DCO for Springwell, although it is a contested proposed change in Springwell – the ExA after the hearings proposed a 5% limit on replacement of panels.

Post-hearing written response by the Applicant

The definition of "maintain" in Article 2 (Interpretation) has been inserted to ensure that the activities authorised under Article 5 (Power to maintain authorised development) are clearly defined. This drafting directly reflects the nature and context of the Proposed Development, particularly in relation to the lifecycle of the infrastructure, as this will need to be properly maintained, managed, and protected throughout the operational lifetime of the Proposed Development. Whilst the drafting retains an element of flexibility in order to keep up with changing standards, controls and advances of technology, the definition of "maintain" is intended to be read alongside paragraphs 2.3.1 to 2.3.6 of the Framework Operational Environmental Management Plan (OEMP) [APP-190] which sets out how an annual maintenance schedule will be agreed. Examples of anticipated maintenance activities are set out in at paragraph 4.2.2.f.ii of the Explanatory Memorandum to the Draft DCO [APP-019].

With regards to the suggestion that there is a potential for materially different effects from those assessed, the Applicant would like to highlight Article 5(3) (Maintenance) of the draft DCO [App-016] which states "this article does not authorise the carrying out of any works which are likely to give rise



to any materially new or materially different effects that have not been assessed in the environmental statement". This sub-paragraph ensures that no maintenance activities would result in any materially new or materially different effects, and the Applicant considers that this sufficiently addresses the submission made by NKDC in this regard.

5 – Permissive Paths – Article 2 (Interpretation) and Requirement 17 of Schedule 2

Oral submission made by NKDC

The current definition of a "permissive path" in Article 2 is one which provides restricted public access. NKDC say that is opaque. What does "restricted" mean? It is inadequate, because one could comply with it, even perhaps by opening a path for a couple of days a year, which isn't what would be expected.

NKDC submit that the definition should set out clearly what is being proposed by way of a permissive path by the Applicant, so it can assess whether it is appropriate and adequate mitigation and identify any other related issues. Even more fundamentally than that, there does not seem to be any direct requirement for the proposed permissive paths to be provided so that needs to be addressed. As far as NKDC can see, there is currently nothing that directly commits to that. There may be a commitment very indirectly, by reference to one of the framework plans, but it's not a clear commitment. Obviously that's of concern in particular given the broad powers to close public rights of way that have been sought in other articles.

Post-hearing written response by the Applicant

The full definition of "permissive paths" in Article 2 (Interpretation) is "new paths providing restricted public access within the Order limits along the routes shown on the framework landscape and ecological management plan" and the Applicant submits that this is sufficiently clear. As stated in the definition, the details of the permissive paths are set out, and the indicative routes are shown, in the Framework Landscape and Ecological Management Plan (LEMP) [AS-122]. The permissive paths will be made available to the public for up to 364 days a year during the operational lifetime of the Proposed Development, as set out at paragraph 6.1.2 of the Framework LEMP [AS-122]. This paragraph notes that the Applicant reserves the right to periodically exclude the public by closing the path, to ensure the way does not become a highway, or to carry out repair and maintenance, although in practice such



closures are likely to be infrequent. The permissive paths will be managed by the Applicant and signage will make clear that their use is for the public by permission of the landowner. At the end of the operational lifetime of the Proposed Development, when the land will return to private ownership, the permitted public use will cease.

The provision of the permissive paths is secured under Requirement 17 at Schedule 2 of the draft DCO [APP-016] which requires that these must be provided and open to the public prior to the date of final commissioning of the relevant part of the Proposed Development. It would not be appropriate for these to be open to the public significantly in advance of the date of final commissioning of the respective part, due to ongoing construction activities.

6 – Permitted Preliminary Works (c), (e), (f) and (h) – Article 2 (Interpretation)

Oral submission made by NKDC

In the definition of "permitted preliminary works", items (c), (e), (f), and (h), which are above ground site preparations, diversions of existing apparatus and laying of temporary apparatus, temporary means of enclosure and site security and site clearance, are likely to have some adverse environmental effects. That is part of the reason NKDC say that they should be precluded before consent is granted for the Navenby substation. If that is done, then NKDC submits that will address this concern. If not, NKDC suggest that they should be taken out of this definition because whilst some of the other works are less problematic, these could be harmful if they can occur before the substation has consent and it is confirmed that the grid connection will be made.

Post-hearing written response by the Applicant

The "permitted preliminary works" include pre-commencement activities such as surveys, site investigations and site clearance which are required to ascertain further information which is necessary for the undertaker to submit in order to obtain approval under some of the requirements at Schedule 2 to the draft DCO [APP-016]. Such works have been considered and assessed, as relevant, within the construction phase assessments presented in the Environmental Statement (ES). As set out in Chapter 16: Summary of Environmental Effects of the ES [APP-041], likely significant construction phase effects of the Proposed Development relate to landscape, visual amenity and construction vibration effects, which are as a result of construction activities, and not pre-commencement activities



such as surveys, site investigations and site clearance. As such, these works are not anticipated to have adverse environmental effects as suggested by NKDC and are appropriate to be included in permitted preliminary works to enable the Proposed Development to come forward in a timely manner.

As outlined under sub-heading 1 (Grid Connection Requirement) above, and further detailed in the Applicant's responses to RRs to be submitted at Deadline 1, the Applicant submits that there is insufficient justification for any form of requirement to be inserted into the draft DCO which restricts any aspect of the Proposed Development in connection with the proposed Navenby Substation.

7 – Article 12 (temporary street closures), Article 13 (stopping up of public rights of way), and Article 15 (traffic measures)

Oral submission made by NKDC

The drafting of these articles seems very broad and they don't seem to be tied to reasonable necessity. NKDC would submit that some consideration should be given to that to make sure these articles are really necessary to implement the Proposed Development.

Post-hearing written response by the Applicant

This response has been provided on the understanding that NKDC's submission was in relation to Article 12 (Temporary prohibition or restriction of the use of streets and public rights of way), Article 13 (Stopping up of public rights of way) and Article 16 (Traffic regulation measures).

Although the extent of detail provided in the oral submissions was limited, the Applicant has provided its justification for the inclusion of these articles, taking each in turn.

Article 12 (Temporary prohibition or restriction of the use of streets and public rights of way)

Article 12 permits the Applicant to temporarily close, prohibit, restrict or authorise the use of, alter or divert any street or public right of way for the purposes of the authorised development or in connection with it. This is required as the Applicant will need to temporarily divert certain streets or public rights of



way to enable the construction of the authorised development, as shown on the Streets, Rights of Way and Access (SRoWA) Plans [AS-106].

Without prejudice to the generality of this provision, Schedule 6 to the draft DCO [APP-016] sets out specific public rights of way which are to be subject to these provisions and the extent to which the provisions are to be applied. The Applicant must consult the street authority in relation to these public rights of way, but does not need to obtain consent, as this is provided by the inclusion of the public right of way in Schedule 6. This mirrors Article 11 of the model provisions.

In respect of any public right of way not specified in a Schedule to the DCO, the undertaker must obtain the consent of the street authority. Under sub-paragraph (5) of this Article, compensation is payable in respect of loss suffered by the suspension of any street which is necessary to appropriately compensate persons who temporarily lose private rights of way, as a result of the suspension of a street or public right of way.

Sub-paragraph (6) builds on the model provisions by allowing the undertaker to use any street or public right of way temporarily stopped up as a temporary working site whilst sub-paragraph (8) makes it clear that the powers of Article 12 may be exercised more than once.

Similar wording has been used in other made DCOs including the Wrexham Gas Fired Generating Station Order 2017, the Meaford Gas Fired Generating Station Order 2016, the Riverside Energy Park Order 2020 and the Mallard Pass Solar Farm Order 2024.

Article 13 (Stopping up of public rights of way)

This Article provides the Applicant the power to stop up public rights of way (PRoW) with the provision of a replacement route as shown on the SRoWA Plans [AS-106]. Where a route is stopped up, all PRoW over or along it are extinguished and private rights over or along it are extinguished or cease to have effect subject to the provisions in Article 23 (private rights) of the draft DCO [APP-016].

Sub-paragraph (6) notes that this article is subject to Article 32 (Apparatus and rights of statutory undertakers in stopped up streets) whilst sub-paragraph (7) provides that compensation is payable in



respect of loss suffered by the suspension of any private rights of way. This is required to ensure that persons who temporarily lose private rights of way as a result of the suspension of PRoW can be appropriately compensated.

It should be noted that there are only three PRoW which will be permanently diverted as a result of the Proposed Development. Where any PRoW is permanently stopped up, a replacement route will be provided, which is also shown on the SROWA Plans [AS-106].

The Applicant has also prepared a Framework Public Rights of Way Management Plan (PRoWMP) [APP-195] which sets out the details of the how these permanent diversions will be implemented and managed. Requirement 18 of Schedule 2 to the draft DCO [APP-016] provides that a detailed PRoWMP, which is substantially in accordance with the framework, must be produced.

The Applicant submits that, through the SROWA Plans [AS-106] and the Framework PRoWMP [APP-195], the permanent stopping up of public rights of way has been adequately addressed.

Article 16 (Traffic regulation measures)

The Applicant acknowledges that this article is not contained within the general model provisions, but it is common in DCOs granting permission for infrastructure projects where, in the interests of public safety, the undertaker needs to implement some temporary restrictions on road usage. The powers under this Article are provided for in section 120(5)(a) of the PA 2008.

Article 16 provides the Applicant with powers to place temporary traffic signs and signals and to impose temporary speed limits in the extents of the roads specified in Schedule 8 to the draft DCO [APP-016] and as shown on the Traffic Regulation Measures (TRM) Plans [AS-107]. The specific measures detailed in Schedule 8 are required to safely regulate traffic for the purposes of the authorised development.

As set out in Schedule 8 and shown on the TRM Plans [AS-107], these temporary traffic regulation measures relate to traffic signals and banksman control, other than in relation to a section of Fosse Lane Northbound (as shown on sheet 2 of those Plans) where there is an existing 7.5 ton weight



restriction which is to be temporarily suspended to allow access for construction vehicles. These are necessary to safely regulate traffic for the purposes of the authorised development.

Sub-paragraph (2) of this article provides a general power to authorise other temporary traffic regulation measures and is justified to provide a degree of flexibility to the measures that the undertaker has the power to implement. This flexibility is required to allow the undertaker to respond to changing conditions on the road network over the lifetime of the authorised development. The power is appropriately regulated by sub-paragraph (4) of Article 16, which states that prior to exercising the power conferred by sub-paragraph (2), the undertaker must consult with the chief officer of police in whose area the road is situated, and obtain the written consent of the traffic authority.

A similar provision is contained within the Network Rail (Norton Bridge Area Improvements) Order 2014, National Grid (Hinkley Point C Connection Project) Order 2016, the Great Yarmouth Third River Crossing Development Consent Order 2020 and, more recently, in the Mallard Pass Solar Farm Order 2024.

8 – Article 40 (trees subject to TPOs)

Oral submission made by NKDC

The planning authority would ask that this article contain some provision for their approval, and if necessary, for appeal against any disputes, or in respect of any dispute that may arise. The way this is currently drafted, the Applicant is judge and jury on that, and in NKDC's view, that is not a fair balance struck with the role of the planning authority.

Post-hearing written response by the Applicant

Article 40 provides that the undertaker may fell or lop any tree within or overhanging land within the Order Limits subject to a tree preservation order (TPO), where the undertaker reasonably believes it to be necessary to do so to prevent the tree from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development or from constituting a danger to persons using the authorised development.



The Applicant notes NKDC's concerns, which were also flagged in its RR [RR-210]. Although the specifics of these concerns were not stated in the RR, the Applicant acknowledges the oral submission from NKDC requesting a provision for their approval to be incorporated into this article. When the Applicant is in receipt of the proposed drafting from NKDC in this respect, it will give consideration to this and provide a further detailed response. However, it is important to note that any works to be undertaken under Article 40(1) must be done in consultation with the relevant planning authority, prior to the works taking place (Article 40(2)(c)).

Further, sub-paragraph (2)(b) of Article 40 provides that, whilst the duty contained in section 206(1) of the Town and Country Planning Act 1990 (TCPA 1990) (replacement of trees) does not apply, where possible the undertaker is to seek to replace any trees which are removed. The disapplication of the duty to replace trees under s106 TCPA 1990 has precedent in numerous made DCOs, including but not limited to the Tillbridge Solar Order 2025, the Heckington Fen Solar Park Order 2025, the West Burton Solar Project Order 2025, the Sunnica Energy Farm Order 2024 and the Gate Burton Energy Park Order 2024. However these precedents completely disapply the duty to replace trees, without requiring replacement trees to be provided where possible. As such, the drafting at Article 40 provides additional protection than those precedents cited above.

9 – Article 46 (procedure in relation to certain approvals etc.)

Oral submission made by NKDC

This article deals with the approval procedure for approvals other than those under the Requirements of Schedule 2 to the draft DCO. There is a difference in the determination period between the approval procedure for non-requirement approvals, and it's an eight week period, we say that they should align, and they should be ten weeks for both. It is not clear why it needs to be two weeks shorter, and it would make things clearer and avoid any potential slip ups, particularly given that the deeming provisions mean that if there is non-determination within that period, it's automatically approved.

Post-hearing written response by the Applicant

Article 46 provides procedures in relation to consents and approvals required pursuant to the DCO (other than Requirements). Any applications for consent submitted by the undertaker will be deemed



to be granted if notice is not given of their refusal by the consenting authority within eight weeks of the submission of the application, unless a longer period has been agreed between the parties. The provisions of sub-paragraph (4) provide for the Applicant and the consenting authority to agree a longer timeframe in writing if necessary. Additionally, where these provisions apply the Applicant must provide a statement of the timeframe for consideration by the consenting authority which details the consequences of failure to meet that timeframe (sub-paragraph (5)).

Whilst the Applicant notes the point about the timescale, this article has precedent in the Mallard Pass Solar Farm Order 2024 and is considered appropriate and justified in order to ensure that the authorised development can proceed in a reasonable timescale, and so that there is a consistent approach to consents that must be sought by the undertaker pursuant to the DCO.

The Applicant acknowledges that NKDC feel a longer timeframe is appropriate due to the automatic approval if there is non-determination within the set timeframe. However, the Applicant submits that extending this timeframe could result in unnecessary delays and impact the efficient delivery of the Proposed Development and is therefore not appropriate. The timescales currently provided are appropriate given the nature of the authorised development as a Nationally Significant Infrastructure Project which is meeting an identified, urgent national need for renewable energy.

10 – Schedule 15 (procedure for discharge of requirements)

Oral submission made by NKDC

NKDC notes that the appeal procedure sets some quite tight timescales, for example, ten days for the planning authority to respond to an appeal. NKDC questions whether that is necessary or appropriate, given that the Planning Inspectorate will be in charge of the appeal timetable. NKDC would request some thought be given to whether or not it needs to be that tight, or whether it really should be left to the Planning Inspectorate.

Post-hearing written response by the Applicant

The provisions of Schedule 15 provide a bespoke procedure for dealing with an application made to the relevant planning authority for any consent, agreement or approval as necessitated by the



Requirements in Schedule 2 of the draft DCO [APP-016]. The schedule sets out time periods within which decisions must be made and provides for deemed approval of the applications in certain circumstances. Where an application has been made to the relevant planning authority, it has ten weeks to give notice of its decision to the undertaker.

As submitted by NKDC, the schedule makes provision for appeals to be made in the event of a refusal of an application or if the relevant planning authority requires further information to be provided in relation to that application and provides timescale for this process. Schedules similar to Schedule 15 have been used in various made Orders and can be found in a similar form in the Longfield Solar Farm Order 2023, the Cleve Hill Solar Park Order 2020, Little Crow Solar Park Order 2022, The Mallard Pass Solar Farm Order 2024 and the Heckington Fen Solar Farm Order 2025.

The bespoke process is required in order to ensure that applications under Requirements are dealt with efficiently so that the anticipated timeframe of the authorised development is not disrupted. Deemed consent of applications is required for the same reason and ensures that the nationally needed authorised development will not be slowed down by the discharge of requirements. Given the determination period provided is ten weeks, the provisions of this schedule must ensure that any appeal is dealt with expeditiously so as not to delay the delivery of the Proposed Development. The Applicant would also have ten working days to make any counter-submissions and therefore feels that this timescale is both fair and appropriate for the effective delivery of the Proposed Development.

Additional Point

Oral submission made by NKDC

Although not directly in the DCO, in relation to a possible section 106 agreement, NKDC will be seeking monitoring fees for biodiversity net gain and will be asking for a contribution to employment skills and training in order to fund and implement the package which is referred to in the Requirements in Schedule 2 of the draft DCO [APP-016].

Post-hearing written response by the Applicant

The submission by NKDC regarding monitoring fees for biodiversity net gain and a financial contribution to employment skills and training replicates that made in the RR submitted by NKDC [RR-



210]. The Applicant has provided a full response to these point in its response to RRs which are to be submitted to the examination at Deadline 1. However, a summary of these responses is provided below.

BNG Monitoring

The Applicant considers that a fee for monitoring BNG, ecology and landscape mitigation works is not required given the commitments made within the Framework LEMP [AS-122], secured by the Draft DCO [APP-016]., which includes detail on the relevant management/monitoring regimes to deliver BNG targets and monitor landscaping and ecological enhancements, which will be implemented as part of the detailed LEMP. The following is secured within the Framework LEMP [AS-122] (ref. paragraph 7.1.7) which will be carried through into the detailed LEMP: “A post-construction monitoring programme will be formalised, agreed and included within the detailed LEMP. Walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. This monitoring will also be used for the purposes of BNG Condition Assessments that requires a 30-year management plan.” Given this commitment, monitoring of the BNG, ecology and landscape mitigation works by the Council is not considered to be required.

Employment & Skills Training

A Framework Employment, Skills and Supply Chain (ESSC) Plan [APP-197] was submitted as part of the DCO Application. The overarching aim of the ESSC Plan is to make provision for the Proposed Development to create opportunities for the improvement and employment of local skills and engage in the ethical procurement of the supply chain. Amongst other things, the Applicant will consider the following in the development of the full ESSC Plan:

- A programme to promote apprenticeships during the construction phase;
- Interventions to support the training of employees and works on the Proposed Development;
- Engagement with Local Authorities and Job Centre Plus;
- Community and voluntary sector groups which specialise in local recruitment;
- Awareness raising events to provide businesses with information on supply chain opportunities and the key capacity and capability requirements they would need to meet; and
- Establishing relationships with relevant Chambers of Commerce and Federation for Small Businesses.



Further information, including delivery and monitoring proposals, are set out in the Framework ESSC Plan [APP-197]. The Applicant has engaged with both NKDC and LCC in the development of the Framework ESSC Plan and will continue this engagement. A detailed Employment, Skills and Supply Chain Plan, which will be substantially in accordance with the Framework ESSC Plan, is secured through Requirement 19 of Schedule 2 to the Draft DCO [APP-016] and will be subject to approval by NKDC in consultation with LCC. Given the provisions of the Framework ESSC Plan, the Applicant is of the view that there is no justification for the s.106 contribution being sought.

ExA: The ExA asked Lincolnshire County Council (LCC) for their submissions in relation to the general drafting of the Order but asked that they not repeat points raised in submissions by NKDC.

Post-Hearing Note: The Applicant has considered the oral submissions made by LCC and where it has sufficient detail to provide a comprehensive response, has set these out below. It is noted that LCC intend to provide detailed comments in its LIR to address its concerns, and the Applicant will provide comprehensive responses to these at the appropriate deadline following receipt of the LIR.

The below is a summary of the submissions made on behalf of LCC to provide context for the Applicant's submissions in response. Where the Applicant considers it has sufficient detail to provide a comprehensive response, these have been provided as post-hearing written follow up.

Oral submission made by LCC

LCC stated that it had eight points, but NKDC had covered quite a number of those. All of LCC's points will be detailed in its Local Impact Report (LIR), and once the ExA has had an opportunity to review those and any submissions made during ISH2, LCC would encourage the ExA to give consideration to a further hearing on the draft DCO during the week reserved for hearings in March.

LCC stated that its submissions would be limited to those where LCC has statutory responsibility.

The definition of "maintain"

Oral submission made by LCC

With regard to the definition of "maintain" LCC supports the fact that, the current drafting appears not to prevent the wholesale replacement over the lifetime of the Proposed Development happening incrementally.

Post-hearing written response by the Applicant



As LCC indicated agreement with NKDC's comments on this point, to avoid repetition, the Applicant would direct LCC to the response set out under sub-heading 4 (Panel Replacement and Repowering) above.

Concerns raised by LCC in its capacity as waste planning authority

Oral submission made by LCC

In LCC's LIR, some significant concerns will be identified about waste arising from the Proposed Development and in particular its cumulative impact alongside other schemes, given the current lack of existing waste facilities for recycling solar PV waste. In summary, current data suggests that if all solar NSIP and TCPA schemes in Lincolnshire are approved, around 15 million panels could require recycling and disposal at decommissioning alone. Whilst that is a long term issue, LCC is increasingly concerned about the ongoing failure rates, and even a modest failure rate of 0.2% equates to 31,000 panels needing replacement each year. This is relevant to LCC as the waste planning authority, as it has a statutory duty to plan for sustainable waste management, and this requires accurate data on future waste streams. LCC currently lacks that information in relation to solar waste. Without this, it is difficult to identify sites, safeguard facilities and support the transition to a circular economy. Therefore similarly to NKDC, LCC would request that consideration is given to including a requirement to limit panel replacement over the lifetime of the Proposed Development, but also to require annual reporting of replacement figures to the waste planning authority to allow it to fulfil its duties in terms of waste management. This approach was discussed during the Springwell DCO examination, and in that case, the ExA did propose a similar requirement as an amendment to the draft DCO, though it is acknowledged that this application is not yet determined.

Post-hearing written response by the Applicant

The Applicant notes that LCC's concerns in relation to waste will be set out in its LIR. Where comments regarding waste were provided in the RR submitted by LCC [RR-157] these have been addressed in the Applicant's responses to RRs which are to be submitted to the examination at Deadline 1. Once the Applicant is in receipt of LCC's LIR, it will consider in detail any concerns identified about waste arising from the Proposed Development and provide a comprehensive response at the appropriate deadline.

The "street articles" referred to by LCC (articles 8, 9 and 10)

Oral submission made by LCC

Moving onto the "street articles", 8, 9 and 10 as they are currently drafted, it would give the Applicant rights to undertake works with no further approvals from LCC, and at this stage, LCC has concerns that technical details have not been submitted or approved, which LCC would usually require to be approved under section 184 of the Highways Act 1980. Additionally LCC would like consideration of detailed design and provisions for a bond, and accordingly have made some suggestions within the LIR of how that could be resolved. One way that that could be done is through having those measures set out in some detail in the Construction Traffic Management Plan.

Post-hearing written response by the Applicant

The Applicant notes that LCC referred specifically to the following three articles: Article 8 (Street Works), Article 9 (Application of the permit scheme), and Article 10 (Power to alter layout, etc. of streets).

The street works to be carried out under the powers of Article 8 (Street Works) are detailed in Schedule 4 (streets subject to street works) which is intended to be read alongside the Streets, Rights of Way and Access (SRoWA) Plans [AS-106]. Article 10(1) applies only to the specific streets set out in Schedule 5 (Alteration of streets) and authorises alterations only in the manner specified for each street in that Schedule. Similarly to Article 8, Article 10(1) is intended to be read alongside the SRoWA Plans [AS-106]. The Applicant will provide a full response to any concerns LCC raises with regards to Article 8 and Article 10 in its LIR.

Article 9 (Application of the permit scheme) sets out that the permit scheme applies with the modifications which are set out in the article. As defined at Article 2 (Interpretation) "permit scheme" means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016 made under Part 3 of the Traffic Management Act 2004. The Applicant has included this Article in acknowledgement of the fact that where a permit scheme has been implemented, the notice provisions under the New Roads and Street Works Act 1991 (NRSWA 1991) do not apply. The provisions of this article confirm that the permit scheme will apply, but with the modifications set out in the article. These modifications



ensure that no permit would be granted subject to conditions where compliance with those conditions would constitute a breach of the Order or would render the Applicant unable to comply with the conditions due to a conflict with the powers conferred by the Order. The drafting of this article has been based on wording included the Viking CCS Carbon Dioxide Pipeline Order 2025.

Permissive paths

Oral submission made by LCC

LCC's final submission is regarding the permissive paths, and whilst not wanting to repeat NKDC's submissions, LCC indicated it would go one step further and asked for consideration to be given to making these a dedicated public right of way in perpetuity.

Post-hearing written response by the Applicant

Whilst LCC largely echoed NKDC's comments regarding permissive paths, LCC asked for consideration to be given to making these a dedicated public right of way in perpetuity. Due to the indication of agreement with NKDC's comment on this point, to avoid repetition, the Applicant would direct LCC to the response set out under sub-heading 5 (Permissive Paths) above.

In response to the additional point made by LCC, the context of the Proposed Development must be borne in mind. The Proposed Development is temporary, and therefore, as noted at paragraph 6.1.2 of the Framework LEMP [AS-122] at the end of its operational lifetime, the permitted public use will cease, as the land will return to private ownership. Therefore, the Applicant cannot seek to dedicate these as public rights of way in perpetuity.

In response to NKDC and LCC's submissions.

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant, thanked NKDC and LCC for their clear summaries. The Applicant confirmed that it would endeavour to respond to these submissions in its written summary of ISH2, to the extent that it is able to do so. Where the Applicant does not currently have sufficient



detail, comprehensive written responses will be provided by the Applicant following consideration of the further information NKDC and LCC have indicated is to be set out in their respective LIRs.

The Applicant requested that detailed drafting be provided in advance in relation to the proposals being made, stating that this would be of great assistance so that the Applicant could consider the inclusion in the next draft of the DCO.

ISH2 Action Point 5 – Lincolnshire County Council and North Kesteven District Council are each to provide:

- (a) Summary of their respective points raised on the draft DCO to the Applicant as soon as possible; and**
- (b) The respective detailed drafting that they are seeking for inclusion in the draft DCO.**

Post-Hearing Note: The Applicant notes that the questions posed by the ExA in the Agenda [EV4-001] are contained within the Examining Authority's first written questions (ExQ1) [PD-011] and therefore, will address these matters in the comprehensive written responses to ExQ1 which are to be submitted to the examination at Deadline 2 (6 February 2026).

2.2 Agenda Item 3.2 – Battery Energy Storage System Safety Management

Issue Discussed

The ExA invited the Applicant to provide a 10-minute summary of (a) the mitigation measures proposed to minimise risks of a battery fire and (b) the safeguards that would be put in place to manage the effects of a battery fire should one occur.

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant, explained that the Proposed Development has an associated development of a battery energy storage system (BESS) with 480 megawatt output, which is a two hour BESS scheme.



Lincolnshire Fire and Rescue Service (LFRS) were then invited to comment on the Applicant's BESS proposal and to explain the measures that it seeks for monitoring and risk assessment referred to in [RR-157].

He went on to detail that aim of the Proposed Development is to select equipment that has integrated fire alarms, integrated fire suppression and integrated cell management systems that will measure temperature and identify if thermal runaway is possible. Following the equipment selection, the Applicant would undertake detailed design which would involve consideration of the spacing of the batteries. The Applicant would refer to the applicable NFCC Guidance at the time to establish what the battery spacing should be. The NFCC Guidance is constantly evolving as BESSs are becoming more prevalent across the country. The Proposed Development commits to responding to the guidance from the NFCC at the time of the detailed design to ensure that best practice is followed. Any deviation from NFCC Guidance would only occur through consultation with Lincolnshire Fire Rescue Service (LFRS) and would be informed by specific tests such as UL9540A, a test which physically demonstrates that the thermal runaway from one battery container cannot spread to any other battery containers. Further design elements will ensure that the BESS site is safe and that a fire in one battery container cannot spread to multiple units. Part of the maintenance for the BESS will be to ensure that no flammable material is left on site, and that any vegetation which grows between the battery containers is cleared promptly so as not to provide any bridging between different battery containers.

██████████ explained that, in addition to the physical safety protocols which will be in place, there will be battery management systems that will automatically disconnect units which are not performing within their design parameters and automatic systems to inform the response team of any such occurrences within the BESS.

Further to this, the Applicant submitted that part of the ongoing consultation with LFRS will involve taking the Framework Battery Safety Management Plan [APP-198] and detailing this into the Final Battery Safety Management Plan (BSMP) through the detailed design process. Additionally, an emergency response plan will be agreed with LFRS so that if an incident did occur, LFRS would have a record of what is present in the BESS, how to operate the system and the location of any water tanks or hydrants, to allow them to effectively perform their role in containing any incident.

With regards to safeguards that would be put in place to manage the effects of a BESS fire, should one occur, part of this is ensuring that the BSMP and emergency response plan are continually



updated during the operational lifetime of the Proposed Development. This will ensure that, if any changes occur over the lifetime of the Proposed Development, LFRS would remain fully informed.

The Applicant will provide suitable water storage / hydrant systems for the BESS in line with prevailing guidance at the time, which per the current guidance is 1,900 litres per minute for 2 hours. In the event of an incident, any water used to suppress or contain a fire would be captured on site with an automatic penstock valve which closes off the pond. That water would then be tested for any contaminants to determine the correct protocol for its release. If there were no contaminants, it could then be safely released. However, if the water were found to contain contaminants, it would be de-tankered into a licenced and approved water treatment plant designed for treating water with such contaminants. The overall theme of the BSMP [APP-198] is avoidance of an incident occurring and then mitigation of any problems that occur. The Applicant team is committed to making sure that any BESS installation is of the highest standard at the prevailing time and is agreeable with LFRS.

ExA: The ExA asked Lincolnshire Fire and Rescue Services (LFRS) for their submissions in response to the Applicant's submissions.

The below is a brief summary of the submissions made by LFRS to provide context for the Applicant's submissions in response.

In short LFRS recognised that the Framework BSMP contains generic information, as the detailed design process has not yet been undertaken. The Applicant has acknowledged that LFRS retain the right to be cited on specific details throughout the detailed design process to ensure compliance with specific industry standards. LFRS would encourage ongoing engagement with the Applicant during the detailed design phase.

ExA: The ExA asked the Environment Agency (EA) for their submissions in response to either the Applicant and / or LFRS's submissions.

The below is a brief summary of the submissions made by the EA to provide context for the Applicant's submissions in response.

ExA: The ExA also asked if the EA were content that an agreed position will be reached with the Applicant during the course of the examination.

The EA has been in discussions with the Applicant regarding a draft Statement of Common Ground (SoCG), but some details around the penstock have been missing from that. The EA needs confirmation that there would be a trigger for the penstock to close automatically and also submitted that there should be a manual closing option if required. Additionally, the EA would request that they see a maintenance plan for that penstock to ensure that it can remain functional at all times.



The EA explained that with regards to testing, headway is being made. The EA is aware that its recommendations on testing and the methodology for this are going to be added into the Framework BSMP which is going to be submitted to the examination at the next available deadline, but as it stands, has not yet reviewed the updated Framework BSMP.

With regard to testing, the EA submitted that it believes that can be resolved during the examination period. The EA stated that they have not yet had further discussion on the penstock with the Applicant. The EA submitted that it believes agreement can also be reached in relation to the other drainage aspects of the BESS, in terms of the lining of the swales.

The EA has been looking at the issues surrounding waste batteries, how they are going to be swapped out and where they're going to be stored prior to removal to permitted sites for treatment and onward recycling. It was originally stated that the batteries would be swapped out and removed from site on the same day. However, the EA understands that the position has now changed, and there is going to be a bunded area where waste batteries will be stored and collected, presumably by the waste company in the fullness of time. This area will be monitored for fire detection purposes, either by CCTV or some sort of automatic system. [REDACTED], on behalf of the Applicant has mentioned a response team, and the EA would ask for further information as to how far away that response team would be in the event there were problems with the batteries on the BESS site.

Post-Hearing Note: The firewater and penstock testing referred to in the Environment Agency's submissions have been incorporated at paragraphs 4.5.5 and 3.2.12, respectively, of the updated Framework BSMP [APP-198] submitted at Deadline 1.

In response to the EA's submissions above.

[REDACTED] on behalf of the Applicant

[REDACTED] explained that the reference to a response team was in reference to LFRS and their response to an incident – at the current time, it is not possible to comment on where any of the Applicant's response teams would be located.



The EA stated that DEFRA are looking at the regulation of BESS sites nationally and asked the Applicant to confirm whether there are any measures currently being considered to future proof the BESS site for any regulation that should come in during the lifetime of the Proposed Development.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ confirmed that the Applicant is actively monitoring any developments in regulations, standards and guidance in order to respond to these as the Application for the DCO and the detailed design progresses. The Applicant cannot commit to future regulations that have not yet come forward.

Post-Hearing Note: The Framework BSMP [APP-198] provides a commitment at paragraph 1.2.8 that the BESS will be designed in accordance with the UK and internationally recognised good practice guidance available at the time.

ExA: The ExA asked if the Applicant wished to respond to LFRS submissions.

██████████ on behalf of the Applicant

The Applicant explained that Requirement 7 at Schedule 2 of the draft DCO [APP-016] requires the BSMP, at the detailed design stage, to be approved by the relevant planning authority. This Requirement provides that the relevant planning authority must consult with LFRS on the details of that plan before any approval is given and therefore LFRS will have input into the BSMP at that stage, before it is approved.

Additionally, on behalf of the Applicant, ██████████ explained that the Applicant has commenced discussions with LFRS, at the request of LCC for protective provisions to be included within the draft DCO [APP-016]. These would, for example, enable a familiarisation exercise once the BESS (Work No. 2 or 3) has been installed so they could satisfy themselves that all required systems and measures are in accordance with the BSMP. It was explained that these protective provisions also provide for an annual review of the BESS by LFRS up until the year that the Proposed Development is decommissioned.

Post-Hearing Note: The Applicant has since agreed the form of protective provisions with LFRS and these have been inserted into the draft DCO [APP-016], an updated version of which is to be submitted at Deadline 1.



ExA: The ExA asked if NKDC had any comments.

The below is a brief summary of the submissions made by NKDC to provide context for the Applicant's submissions in response.

NKDC explained that, as will be seen from its Local Impact Report (LIR) which will be submitted at Deadline 1, it has considered the BESS proposals, including the Framework BSMP [APP-198] and notes some of the provisions for mitigation, including Design Principle 11 [APP-186] which refers to separation from sensitive receptors. There is reference in the Framework BSMP [APP-198] to a design parameter, but NKDC stated it could not locate that design parameter.

It was further stated that generally, NKDC defers to the views of LFRS as the experts, but does have concerns regarding safety and understands concerns expressed by members of the public. This is a relatively new and emerging technology. In NKDC's view, it is relevant to consider the perception of public safety, as well as the technology in decision making. As such, NKDC urged the ExA to consider whether the Applicant should be required to install, for instance, the safest battery type and system available at the time.

In response to NKDC's submissions above.

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant, confirmed that the Design Commitment referred to is BA1 in the Appendix to the Design Approach Document [APP-186] and that this commits the centralised BESS to be sited a minimum of 200 metres from residential receptors. She went on to explain that this is secured via Requirement 6 of Schedule 2 of the draft DCO [APP-016].

ExA: The ExA asked if any other IPs wished to make submissions.

The below is a brief summary of the submissions made by Marianne Overton on behalf of the Cliff Villages Solar Action Group to provide context for the Applicant's submissions in response.

Mrs Overton, on behalf of the Cliff Villages Solar Action Group stated that whilst the proposals contain two options for the BESS, comprised of 328 battery containers, distributed and centralised, she has not seen a plan of the distributed BESS arrangement. Furthermore, she explained that whilst unsure how many shipping containers the Proposed Development has and where these are to be located, her



concern is that requirements for the distance between shipping containers is increasing to prevent them all going up in one fire. Mrs Overton also expressed concern that there is fencing around the compounds, as well as around the batteries which would make it more difficult when trying to tackle a fire.

On behalf of Cliff Villages Solar Action Group, Mrs Overton asked what type of battery is involved and submitted that there should be a requirement to utilise the safest available technology, not the cheapest. She stated that whilst 200 metres might seem a good distance, it could be not just one, but a whole set of batteries going off and as seen elsewhere in the country and the world, the poisonous fumes from BESS fires can spread a considerable distance and be of sufficient concentration of poisons to cause issues to the people who accidentally breathe it in.

Mrs Overton referred to the Applicant's earlier submission that it only has to take into account the likely accidents in its risk assessments, but stated that normally in risk assessments, one would multiply the likelihood by the impact of that accident. She expressed that she thinks these are so serious and life threatening that they would need to be much more properly taken into account. Lastly, she explained that the UK Health and Security Agency have written a letter to the Council in response to the battery storage units at Navenby, and they said that it that would add a significant risk to residents. In relation to this, she asked whether the same points that were made about those battery storage units are being taken into account in this case.

In repetition of an earlier submission by the Environment Agency, Mrs Overton asked how long it would take to get support to the BESS units, and that the Applicant has not provided an answer, simply saying it would not be the Applicant that came, it would be the fire service.

Furthermore, Mrs Overton asked what the fire service would do, stating that her understanding is that the fire service have to obviously not put their own workers at risk, but in previous events, this has meant that it was very difficult for the fire service to do anything but allow the fire to burn out.

Mrs Overton expressed concerns that in terms of the water for the suppression units two hours does not seem sufficient stating that where these have occurred in other parts of the country, the fires have sometimes burnt for days and weeks. Therefore Mrs Overton submitted that more than two hours



water should be required and that this is not necessarily readily available from the mains. She referred to a three day period in the summer where there was no water because the River Trent went too low, meaning that there is no certainty of the availability of a top up from the mains or the Trent. As a result of this she submitted that very significant water storage is required.

Lastly Mrs Overton requested that the ExA ask the Environment Agency, if when water has been used as suppression for thermal runaway and is contained in concrete enclosures, these were to overflow, or the water were to otherwise fall outside of the enclosure, there would be any method of capturing any poisons, PFAs or chemicals that end up on the ground and enter the water courses.

In response to the Cliff Villages Solar Action Group's submissions above. [REDACTED] **on behalf of the Applicant**

The Applicant proposed to respond to the many points made on behalf of the Cliff Villages Solar Action Group in writing upon receipt of Mrs Overton's written summary of the points made in the hearing so that responses can be of sufficient detail.

However, [REDACTED] noted that the indicative distributed BESS layout is shown on ES Figure 3-2A: Indicative Fixed South Facing Layout [AS-022], where the distributed BESS is shown as small grey boxes. She reiterated that these are indicative locations with the final location being controlled by the design commitments referred to earlier.

In response to a question from the Cliff Villages Solar Action Group as to how many shipping containers are in each BESS enclosure. [REDACTED] **on behalf of the Applicant**

[REDACTED] explained that there are four containers per distributed BESS compound, some of which will be unionised where they are co-located and will become one compound. This is currently demonstrated in the indicative plan, but could change at the detailed design stage, for example if energy density has improved and the same capacity can be provided in a lower number of containers.



ExA: The ExA asked whether what is shown in the application documentation is, in effect, the worst-case scenario.

██████████ on behalf of the Applicant

The Applicant confirmed that it has used a realistic prospect for a BESS that you could build using the currently available technology.

In response to the EA's submission that for the future regulation of these sites, the EA's fire prevention guidance will be require minimum 4 metre gaps between containers, and a minimum of four hours water supply.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that this was the first time that the Applicant had heard the figures quoted by the EA and that the Applicant would appreciate having sight of the standards referred to which require those figures to be complied with as to date, these have not been provided by the EA to the Applicant.

██████████ on behalf of the Applicant

██████████ on behalf of the Applicant, asked for the EA to indicate whether this is a national standard that has been adopted as policy by the EA, or whether it is a local standard, reiterating that this was entirely new to the Applicant.

In response to the EA's submission that the quoted figures are from the Waste Regulations and so apply to waste sites, but are common across regulated industry.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ requested for the EA to give the Applicant the exact title of the regulations.

██████████ on behalf of the Applicant

██████████ confirmed that the Applicant is engaging with the EA to produce a SoCG in relation to issues formally raised, but that this is not one of them. On the basis that the site of the Proposed Development is not a regulated waste facility, she explained that it is not appropriate for that to be included with in the SoCG, as it has no application or relevance to the Proposed Development.

ISH2 Action Point 1 – the Environment Agency is to provide a note of the standards and policies regarding Regulated Waste facilities that they say should apply to the Proposed Development.

In response to an IP's question regarding the land area which will be taken up by water storage and whether water companies would be able to provide sufficient amounts.

██████████ on behalf of the Applicant

The Applicant clarified that is has undertaken a water resources assessment with Anglian Water who have confirmed that they are able to supply all of the water that would be required for the operation and construction of the Proposed Development, including the fire water referred to in recent submissions.

Post-Hearing Note: The Water Resources Assessment is to be submitted to the examination at Deadline 1.

In response to an IP's question as to whether the water will be readily available if needed.

██████████ on behalf of the Applicant

In response to the EA's question as to whether each of the containers in the distributed BESS is to have its own water supply available to be used for two hours, or the Applicant is going to use centralised water tanks with piping systems and hydrants.

██████████ on behalf of the Applicant explained that the water resources assessment had been undertaken on the basis of what is required to operate the Proposed Development, meaning that the water is available as required to respond to any fire safety issues. This assessment was shared with the EA and is to be submitted to the examination at the next available deadline.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that within the centralised BESS, the Applicant would likely have tanks with a hydrant system dedicated for the centralised BESS. For the distributed BESS, some will share tanks where they are located close enough to each other that they meet the guidance from the fire service in terms of the distance from the tank to the location, whilst others will have a dedicated tank. He noted that although it sounds like a lot of water, the tanks are not massive, as they can be made into different shapes. He clarified that the size of the tanks is about 218 cubic metres in total for a location.

Post-Hearing Note: The Water Resources Assessment is to be submitted to the examination at Deadline 1.

ExA: The ExA asked, from the Applicant's perspective, in terms of safety management, whether it considered the centralised BESS layout or the distributed BESS layout would be more beneficial.

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant confirmed that both options are capable of being implemented safely. Whilst noting that the safety features of the distributed BESS may be more challenging for the designer, ██████████ emphasised that this is by no means prohibitive in terms of supplying the required fire water, monitoring systems and signage. Other Solar and BESS DCOs have had distributed BESS schemes consented and they have the relevant agreements with their local fire services.

ExA: The ExA asked, in terms of the practicalities of fighting a fire, whether LFRS considers there be any advantage of one BESS layout over the other.

The below is a brief summary of the submissions made by LFRS to provide context for the Applicant's submissions in response.

LFRS explained that any BESS installation involved in a fire situation would bring about unique challenges, and noted that this is where ongoing engagement with the Applicant and the development of the emergency response plans alongside the detailed design phase to ensure that the relevant minimum requirements for mitigating the impacts of a fire would be welcomed from LFRS.

In terms of the practicalities of fighting fire, LFRS confirmed that the concept of any BESS design with regards to the minimum standards that the Applicant is adhering to is a suggestion that any fire would be contained within a single container. LFRS went on to clarify that firefighting operations would very much be focused on the containment of any fire and limiting fire spread. If the BESS installations are distributed across the site, it may mean that LFRS would need more resources to be called upon to be able to deal with that, but clarified that going back to the concept of design, the fire should be contained within a single container. LFRS emphasised that the focus would be to limit the fire spread from the initial container.

In response to LFRS's submission summarised above. **Emma Harling-Phillips on behalf of the Applicant**

For clarification, Ms Harling-Phillips, on behalf of the Applicant, explained that under either scenario, the fire would be contained in one location because either it would be a centralised BESS where the batteries are all in one location, or it would be a distributed BESS where there are disparate locations, but there are measures in place to prevent the spread of fire from one container to another. It would therefore still be a response to a single container event.

In response to an IP's submission that the worst case should be considered, as there is a possibility of a unit exploding and the fire spreading to more than one unit. **[REDACTED] on behalf of the Applicant**

[REDACTED] explained that in all three BESS fires that have occurred in the UK, all three were a single container incident.

ExA: The ExA noted, in relation to draft written question GC.112, in terms of the relationship between the proposed BESS and the Framework Construction Environmental Management Plan (CEMP) [APP-189], it is stated at paragraph 1.4.2(g) of the Framework BSMP that the BSMP forms part of the emergency response plan, included in the CEMP, but the CEMP would primary deal with the construction phase, whereas the BESS, when it is operational, would be an operational matter. The ExA therefore asked, in terms of BESS safety, that should form part of the CEMP or should be a standalone document and potentially be secured under Requirement 7 of the draft DCO. **[REDACTED] on behalf of the Applicant**

The Applicant explained that there are two separate documents; the Battery Safety Management Plan which will remain as it is and be its own standalone document, but will also be reflected in the emergency response plan which is also in and of itself a standalone document which, whilst provided for by the Framework CEMP, is a document that continues into the operation of the Proposed Development. Therefore, the BSMP is referred to in the emergency response plan to the extent that it relates to operation.

[REDACTED], on behalf of the Applicant noted the point made by the ExA on reference to the plan within the Framework CEMP, but confirmed that these will always be two separate plans.

Referencing the ExA's question in relation to paragraph 1.4.2(g) of the Framework BSMP – on behalf of the Applicant, [REDACTED] explained that, with gratitude to the team behind her, she could confirm that the relevant wording is already being updated to refer to the Framework CEMP [APP-189], the Framework OEMP [APP-190] and the Framework DEMP [APP-191], so that the Framework



BSMP [APP-198] refers to all three management plans that would apply to the Proposed Development and that this will be submitted at Deadline 1.

ExA: The ExA stated that there had been several references to the National Fire Safety Council (NFSC) Guidance which, has been in draft form for some time. The ExA asking LFRS whether they are away if that is going to change or is it a situation that, because this technology is moving at a pace, it is deliberately being kept in draft so that the fire service can react to the environment in terms of movement in technology.

The below is a brief summary of the submissions made by LFRS to provide context for the Applicant's submissions in response.

LFRS acknowledged that it has been in draft format for some time and whilst the draft guidance was anticipated to be signed off early this year (2026), this remains to be seen. LFRS noted that there has been some evolution in terms of technology and testing etc., which has allowed the guidance to be updated hence the draft.

Furthermore, LFRS explained that it would be worth noting that they do refer to both guidance documents, which allows them to have that overview. Additionally, LFRS explained that the NFSC guidance outlines for example a minimum amount of water supply for initial firefighting operations, and it is then for the local fire and rescue service to have arrangements in place to be able to augment that supply. It is elements like that which have changed over time, and certainly with regards to the spacing of BESS units, the initial discussion was six metres, then it went down to three meters. There were then talks about some of the mitigation measures that can be incorporated within the detailed design of the BESS unit, which allows the minimum spacing to be reduced to 0.941 metres, which is quite a significant reduction. LFRS highlighted that this is absolutely in the context of the mitigation measures that need to be implemented, which is a key part of their ongoing discussions with the Applicant.

ISH2 Action Point 2 – Lincolnshire Fire and Rescue Service is to provide a PDF of the fire safety guidance to be submitted by Lincolnshire County Council as part of Deadline 1 submissions.

In further response to the ExA's question regarding the relationship between BESS safety and the Framework CEMP.

██████████ on behalf of the Applicant

██████████, on behalf of the Applicant stated that the Framework BSMP [APP-198] has been drafted in line with the draft guidance as well as the existing guidance. She went on to say that ██████████



██████████ has confirmed that at least in terms of spacing, for example, it goes further than what is currently required in the draft guidance.

3. ISH2 Action List

- 3.1.1 This section sets out the Applicant's understanding of the agreed action points arising from ISH2 which are subject to confirmation by the ExA.
- 3.1.2 **ISH2 Action Point 1** – the Environment Agency is to provide a note of the standards and policies regarding Regulated Waste facilities that they say should apply to the Proposed Development.
- 3.1.3 **ISH2 Action Point 2** – Lincolnshire Fire and Rescue Service is to provide a PDF of the fire safety guidance to be submitted by Lincolnshire County Council as part of Deadline 1 submissions.
- 3.1.4 **ISH2 Action Point 3** – The Applicant is to 'fix' the rendering issue with ES Appendix 9-D: Framework Surface Water Drainage Strategy [APP-147].
- 3.1.5 **ISH2 Action Point 4** – Prax to provide its proposed drafting to be added to the draft DCO.
- 3.1.6 **ISH2 Action Point 5** – Lincolnshire County Council and North Kesteven District Council are each to provide:
 - a. Summary of their respective points raised on the draft DCO to the Applicant as soon as possible; and
 - b. The respective detailed drafting that they are seeking for inclusion in the draft DCO.