

Application for DCO by FOSSE GREEN
Representation by Interested Party reference [REDACTED]
Deadline 2

Comments on REP1-047 Applicant's response to Written Representations

1. The Applicant has repeated the same comments against a number of relevant representations. Rather than referencing each of the many instances where the same response has been given by the Applicant, I am selecting one example against which I am making comments in reply.

Table 3-1 North Kesteven District Council

8. Landscape and Visual Impact – Cumulative Effects page 105

2.1 Applicant's response

The Joint Interrelationship reports for schemes such as Springwell, Tillbridge, West Burton and Cottam found that given the notable distances and lack of intervisibility between the schemes, there was no potential for significant cumulative effects.

2.2 Comments in reply

2.2.1 The purpose of the Joint Interrelationship reports as they relate to cumulative impacts is for the developers of each scheme to review the information and assessment made in relation to other projects and consider whether there are any changes to the assumptions and conclusions on their own cumulative impact assessments. The basis for the assessments of the cumulative landscape and visual impacts in relation to the schemes referred to by the Applicant was not accepted by the ExA in the Tillbridge and West Burton schemes as set out below. The Springwell ExA report has not yet been published.

2.2.2 The ExA Recommendation Report for Cottam (dated 5 June 2024) noted at paragraph 3.6.70 that there was limited intervisibility between the proposed development and other cumulative developments, and that there would be some changes to land use over a large area which would be seen in the context of an extensive agricultural landscape. The ExA did not agree that it would create an "energy" landscape. However, it does not appear that the concept of the sequential approach of visual receptors travelling through the landscape and experiencing multiple schemes across several kilometres was either put to or considered by the ExA.

2.2.3 In the subsequent examination of the Tillbridge and West Burton schemes, the sequential approach was considered by the ExAs. In the ExA Examination Report for West Burton dated 8 August 2024, it was noted at paragraph 3.3.97 that the applicant's LVIA "underestimates the potential for cumulative sequential visual impacts" and at paragraph 3.3.98 that "the focus of the Applicant's LIVA assessment on the intervisibility between solar schemes and therefore combined views does not fully acknowledge the potential landscape and visual effects of the spread of considerable, albeit dispersed, solar development across an extensive area". At paragraph 3.3.106 the ExA concludes that the extent of the proposed

solar NSIPs, along with other proposed solar development across the district and beyond raises concerns about their potential combined effect on the landscape character of a wide area as well as cumulative sequential visual impacts.

2.2.4 The ExA Recommendation Report for Tillbridge dated 14 July 2025 says at paragraph 3.7.133 that “we consider that the Applicant’s focus on specific viewpoints neglects the sequential cumulative effects experienced when receptors move through the landscape” and concludes at paragraph 3.7.145 that “overall, we attribute great negative weight to the landscape and visual harm which would be caused by the development in isolation, and when considered cumulatively with other developments”.

**Table 3-2 Lincolnshire County Council
17. Public Health- Mental Health page 139**

3.1 Applicant’s response

The Applicant recognises that elements of the proposed development have the potential to affect mental health. The Applicants proposes to address these concerns by:-

- The provision of new planting to screen views
- The removal of solar panels in Field 46
- The provision of 9.4km of new permissive paths
- The provision of a new Community Orchard
- The establishment of a Community Liaison Group
- The establishment of a Community Benefit fund

3.2 Comments in reply

3.2.1 The Heart of Lincs website promoted by North Kesteven District Council describes the district as endless countryside characterised by big skies and wide-open spaces. The proposal by the Applicant to screen 569,000 solar panels with 3-4m high hedging (paragraph 5.3.23 of the FLEMP (REP1-039)) will not only take many years to attain the desired height but it will then obscure the wide open views that characterises the area. Instead of walking along footpaths with endless views across open farmland, residents and visitors will be walking along paths flanked by high hedges and solar arrays.

3.2.2 The new permissive paths are shown on Figure 3-3 (AS-024). Part of the new network of permissive paths shown on the plan is along Clay Lane Bassingham. This is a public highway with existing rights of way so this section of the path should be removed from Figure 3-3. A length of proposed new permissive path shown on Figure 3-3 to the east of Housham Wood Farm is part of the Thorpe on the Hill Stepping Out Walk and already a permissive path so this should be correctly annotated on the plan and a revised figure for the length of new permissive paths should be provided. The route of the proposed new permissive paths mainly around Thorpe on the Hill will be around the edges of solar array fields, along the noisy A46, and along the existing busy Fosse Road running into Thorpe on the Hill. None of these walks are likely to be attractive to walkers especially until the proposed screening matures in 15 years, which will still impact the panoramic views. The new permissive paths are stated to be available for up to 364 days a year so in theory could

be only open one day a year and will in any event be permanently closed at the end of the period of operation (paragraph 6.1.2 of the FLEMP (REP1-039)).

3.2.3 I understand that the Community Liaison Group met for the first time in April last year. One of the Parish Council attendees said (pers. comm.) that the Applicant was unable to answer questions raised nor able to provide details of the Community Benefit Fund. A second planned meeting of the Group was cancelled by the Applicant a few weeks before Christmas. This behaviour by the Applicant is more likely to increase stress and anxiety than allay concerns.

3.2.4 From a personal point of view the measures to be taken by the Applicant will in no way compensate for the anguish that is being caused to me and many in the local communities by the proposed solar developments. My ancestors have farmed in Lincolnshire since the eighteenth century. My grandfather came to Bassingham in 1930 and he and latterly my father have between them worked the land for decades. I was also born and raised in the village and I have lived and worked in the County all my life. To now be faced with foreign investment companies who have no affinity with the land or its people, forcibly taking huge swathes of farmland, ripping out trees and hedgerows, filling fields with industrial buildings and solar panels, and contaminating the soil with thousands of kilometres of cabling is heart breaking. If these developments are permitted, then in every direction I journey from my home, there will be field upon field of solar panels, BESS at Bassingham, Coleby and Navenby, along the A607 and along the A15 as well as the Navenby Substation. No longer will this land be a source of solace and a joy to me but a constant reminder of the devastation that has been wrought.

**Table 4-2 Welbourn Parish Council
RR-288 6. BESS fires page 152**

4.1 Applicant's response

There have been very few utility scale fires in the UK to date, all of which were built prior to the current NFCC safety guidance, meaning that the components/setup which caused these fires are no longer permitted for use.

4.2 Comments in reply

The NFCC guidance was published in 2023.

The fire which broke out on 19 February 2025 in East Tilbury was at a 300MW BESS under construction and not already built as the Applicant asserts. The fire that broke out on 21 February 202 near Rothienorman in Aberdeenshire was at a 50MW BESS, also under construction and not already built.

Table 7-2 Applicant's response to General Public Relevant Representations relating to Cultural Heritage- Bassingham Conservation Area page 250

5.1 Applicant's response

-The quoted "substantial harm" is unsubstantiated- this comprises a high test, measured by a degree of harm to heritage significance of an asset (as opposed to scale of development or level of change in an asset's setting).

5.2 Comments in reply

5.2.1 In the case of *Bramshill v SSHCLG* [2021] EWCA Civ 320, the Court of Appeal addressed the interpretation of policies in the NPPF on the assessment of harm to heritage assets. Paragraph 74 of the judgement states:-

"What amounts to substantial harm in a particular case will always depend on the circumstances. Whether there will be such "harm" and, if so, whether it will be "substantial" are matters of fact and planning judgement. The NPPF does not direct the decision maker to adopt any specific approach to identifying "harm" or gauging its extent."

5.2.2 West Burton NSIP is an example of the determination by the Secretary of State that there was "substantial" harm to the setting of a heritage asset. It was proposed to site solar arrays within the former deer park associated with the Stow Park SAM. It was agreed by the parties that the former deer park formed part of the setting of the SAM but the point of contention was the extent to which the setting of the deer park contributed to the significance of Stow Park SAM and the subsequent level of harm caused by the impact to the setting of the SAM. Paragraph 3.4.133 of the ExA Recommendation Report states:-"the placing of solar panels within the former deer park would result in a material alteration to the character of the landscape..... there would be a loss of rural openness that has supported an appreciation of the SAM, undermining its current legibility". Paragraph 3.4.135 of the report states:- "The ExA 's clear view is that notwithstanding the lack of direct physical impact, the effects of the proposed development on the designated heritage asset of the highest significance would represent substantial harm". The view was endorsed by the Secretary of State at paragraph 4.175 of the decision letter.

5.2.3 Turning to the consideration of the impact of the proposed development on Bassingham Conservation Area, I have set out my submissions on this in section 3 of REP1-106. In summary:-

- Bassingham Conservation Appraisal describes the village as originally "an agricultural settlement with the village being surrounded by flat open farmland". There is therefore a strong association between the village and the surrounding fields that were worked by the agricultural community living in the village. The fields surrounding the village in my view form part of the setting of the Conservation Area.
- The proposed development will wrap around the village on three sides, along Clay Lane and Bassingham Road leading to Thurlby, along Fen Lane and along Bassingham Road leading to Aubourn. This will result in the character of the area changing from extensive open arable fields to an industrial landscape.

- This in turn will impact on the way that the village is perceived as a rural agricultural settlement. For example, the approach to the village along Clay Lane will be through solar arrays on both sides of the road, it will no longer be evident that the area was part of the fabric of the life of the community, cultivated by the people who lived there.

5.2.4 The Applicant refers to the assessment of Bassingham Conservation Area in the Detailed Heritage Asset Setting Assessment (APP-127) which concluded that the proposed development would cause no harm to the Conservation Area's setting. The credibility of the Detailed Heritage Asset Setting Assessment is undermined by the Applicant's acceptance that its analysis of the level of harm to the setting of the Grade II medieval Aubourn church in the Assessment was incorrect. The Applicant's conclusion that there was no harm to this heritage asset was criticised by Historic England which commented (RR107) that the assessment was reductive in terms of analysis. The Applicant has accepted the criticism as the Change Request (AS-103) now seeks to remove the solar arrays from Field 46 due to their impact on views towards heritage assets.

Table 7-5 Applicant's response to General Public Relevant Representations relating to Noise and Vibration – Noise impact on St Michael and All Angels Church page 266

6.1 Applicant's response

Piling activities would only take place during a short window during construction. It should be possible to avoid periods when the churchyard is particularly sensitive to noise through consultation and liaison committed to in Table 3.7 of the FCEMP (REP1-031).

6.2 Comments in reply

6.2.1 St Michael and All Angels church is open to the public each day. The church receives visitors from all over the world, some paying their respects to family graves, other carrying out ancestry research. Comments in the visitor's book inside the church repeatedly mention the peacefulness experienced by those visitors. Their experience will be marred by construction activities being carried out. Table 1 of Appendix 11-D Construction and Operational Noise Modelling (APP-159) sets out the plant and equipment that will be used during construction and whilst the pile driving will be the loudest, there will be other machinery such as dumper trucks, cranes, generators and cement mixers all contributing to the noise. The area between the proposed solar arrays and the Church is open and over a flat landscape with no intervening buildings that might attenuate the noise. In the article entitled "'A nightmare': the grim reality of living near a mega solar building site" (the Stop East Park Energy website accessed online on 30 January 2026), one of the residents of Graveney living close to the Cleve Hill solar NSIP is quoted "The constant thud thud of pile-driving from early in the morning and into the evening drove us all mad. It was so intrusive that even when it stopped we felt we could hear it still".

6.2.2 The Table 3.7 referred to by the Applicant as being in the FCEMP does not exist. There is a section 3.7 on Noise and Vibration which identifies as NV-C1 an acknowledgement of the potential impact of construction traffic and machinery noise. The mitigation does not include consultation as the Applicant asserts, it refers to "liaison" prior to construction

works being undertaken. I suggest that this will amount to no more than the contractor informing nearby residents of when the work will be taking place.

Table 7-5 Applicant's response to General Public Relevant Representations relating to Noise and Vibration – Impact of noise on PRow users page 266

7.1 Applicant's response

-The use of WHO guidelines in the EA is specified in paragraph 11.4.64 of Chapter 11 Noise and Vibration (APP-036).

-Operational noise would be between 35 and 50 dB on PRowS. These levels are below the WHO guidelines on moderate community annoyance and are akin to the existing sound environment as evidenced by the baseline sound surveys given in Table 11-12 of Chapter 11 Noise and Vibration (APP-036).

7.2 Comments in reply

7.2.1 The Applicant's consideration of the WHO Guidelines as set out in paragraph 11.4.64 of Chapter 11 Noise and Vibration (APP-036) is limited to the guidance on noise levels which permit good sleeping conditions at night within dwellings. There is no reference in the EA to consideration of the WHO Guidelines as it applies to PRow.

7.2.2 The Applicant's reference to noise levels of between 35 and 50 dB (I assume that the Applicant refers to A weighted levels) being below the WHO guidelines for moderate community annoyance relates to Table 1 of the Guidelines set out below:-

Table 1: Guideline values for community noise in specific environments.

| Specific environment | Critical health effect(s) | L _{Aeq} [dB(A)] | Time base [hours] | L _{Amax} fast [dB] |
|---|--|--------------------------|-------------------|-----------------------------|
| Outdoor living area | Serious annoyance, daytime and evening Moderate annoyance, daytime and evening | 55 50 | 16 | - |
| Dwelling, indoors | Speech intelligibility & moderate annoyance, daytime & evening | 35 | 16 | - |
| Inside bedrooms | Sleep disturbance, night-time | 30 | 8 | 45 |
| Outside bedrooms | Sleep disturbance, window open (outdoor values) | 45 | 8 | 60 |
| School class rooms & pre-schools, indoors | Speech intelligibility, disturbance of information extraction, message communication | 35 | during class | - |
| Pre-school bedrooms, indoor | Sleep disturbance | 30 | sleeping-time | 45 |
| School, playground outdoor | Annoyance (external source) | 55 | during play | - |
| Hospital, ward rooms, indoors | Sleep disturbance, night-time Sleep disturbance, daytime and evenings | 30 30 | 8 16 | 40 - |
| Hospitals, treatment rooms, indoors | Interference with rest and recovery | #1 | | |
| Industrial, commercial shopping and traffic areas, indoors and outdoors | Hearing impairment | 70 | 24 | 110 |
| Ceremonies, festivals and entertainment events | Hearing impairment (patrons:<5 times/year) | 100 | 4 | 110 |
| Public addresses, indoors and outdoors | Hearing impairment | 85 | 1 | 110 |
| Music and other sounds through headphones/ earphones | Hearing impairment (free-field value) | 85 #4 | 1 | 110 |
| Impulse sounds from toys, fireworks and firearms | Hearing impairment (adults) | - | - | 140 #2 |
| | Hearing impairment (children) | - | - | 120 #2 |
| Outdoors in parkland and conservations areas | Disruption of tranquillity | #3 | | |

#1: As low as possible.

#2: Peak sound pressure (not LAF, max) measured 100 mm from the ear.

#3: Existing quiet outdoor areas should be preserved and the ratio of intruding noise to natural background sound should be kept low.

#4: Under headphones, adapted to free-field values.

It appears that the Applicant is referencing line 1 of the Table where a level of 50dBA would cause moderate annoyance daytime and evening in an outdoor living area. The WHO guidelines consider adverse health effects according to specific environments. The reference to an outdoor living area is to areas such as residential gardens or balconies. More akin to the PRoW is the environment described in the last line of the Table “Outdoors in parkland and conservations areas” where the guidelines state that existing quiet outdoor areas should be preserved.

7.2.3 The Applicant asserts that the levels of operational noise along the PRoW of between 30dBA and 50dBA are akin to the existing sound environment as evidenced by the baseline sound surveys given in Table 11-12 of Chapter 11 Noise and Vibration (APP-036). However, none of the monitoring locations for the sound surveys were on the ProW. The purpose of the sound surveys was to assess noise levels at noise sensitive receptors, not PRoW as these had been scoped out of the EA. The position of the monitoring locations for the sound surveys is at Fig 11-1 Receptor and Noise Monitoring Locations (APP-099). The closest monitoring locations to the Thorpe on the Hill Stepping Out Walk footpaths are ML3 adjacent to the Cathedral View Holiday Caravan Park, ML5 close to the village of Thorpe on the Hill and ML4, close to a farm and vehicular track. The closest monitoring location to the stretch of footpath from Bassingham towards Aubourn (along LL/Bass/22/1, LL/Bass/21/2, LL/Bass/21/3 and LL/Aubo/8/1) is ML18 adjacent to a residential property along Fen Lane, a public highway open to all traffic. Noise levels measured at these locations will inevitably be higher than on the ProW network which are away from roads and residential properties.

The Applicant has therefore no evidence to substantiate their claim that the existing sound levels along the PRoW are akin to between 30dBA and 50dBA.

Table 7-6 Applicant's response to General Public Relevant Representations relating to Socio-Economics and Land Use- Impact on Food Security theme page 274

8.1 Applicant's response

-Based on 2024 research by the Applicant 40% of the principal site is used for bio energy crops, whilst the remaining 60% is used for the cultivation of crops for animal and human consumption.

-Within the 1070 ha of the principal site, there will be 181 ha of retained arable land which will be cropped for maize, barley or wheat.

8.2 Comments in reply

8.2.1 The current use of part of the principal site for bio energy crops is evidence of the mounting pressure on the finite amount of food producing land in the country. Michael Alder (Emeritus) Professor in Rural Environment at the University of Essex and a Fellow of the Agricultural Society has long advocated for a national land use strategy to protect valuable food producing land. In his article in The Property Chronicle dated 3 March 2025 (online accessed 27 January 2026) entitled "UK Policy will lead to Food Insecurity" he says that the area of utilised agricultural land is declining and suggests that land being used for solar farms and bio energy crops are the main drivers for change. He says that "Government must put home based food production at the heart of its rural policies".

8.2.2 The urgency of taking such steps is highlighted in a report issued by DEFRA on 20 January 2026 "Nature Security Assessment on global biodiversity loss, ecosystem collapse and national security". This strategic assessment explores how global biodiversity loss and the collapse of critical ecosystems around the world could affect the UK's resilience, security and prosperity. One of the key judgements is that "without significant increases in UK food system and supply chain resilience, it is unlikely that the UK would be able to maintain food security if ecosystem collapse drives geopolitical competition for food". The accompanying text explains that the UK cannot currently produce enough food to feed its population and would be best placed to adapt to ecosystem collapse by investing in resilient and efficient food systems for example by investing in the agri-food sector so that it is capable of innovating in sustainable food production.

8.2.3 The acknowledgement of the risks to this country from global biodiversity loss surely means it is imperative to retain our agricultural land for food production. It would be reasonable to assume that the government will as a consequence of this threat to food security, impose restrictions on the use of arable land for anything other than food production.

Table 7-14 Applicant’s response to General Public Relevant Representations relating to Safety- Safety Concerns and Fire Risk (BESS) page 337

9.1 Applicant’s response

BESS failure rates dropped by 98% from 2018 to 2024 as lessons learned from BESS failure events have been incorporated into BESS design, testing requirements, control and monitoring systems, safety standards and construction and operation best practices.

9.2 Comments in reply

9.2.1 The figures quoted above by the Applicant are taken from the EPRI “Insights from Battery Energy Storage Systems (BESS) Failure Incident Database: Analysis of Failure Root Cause” and based on Figure 1 of the paper:-

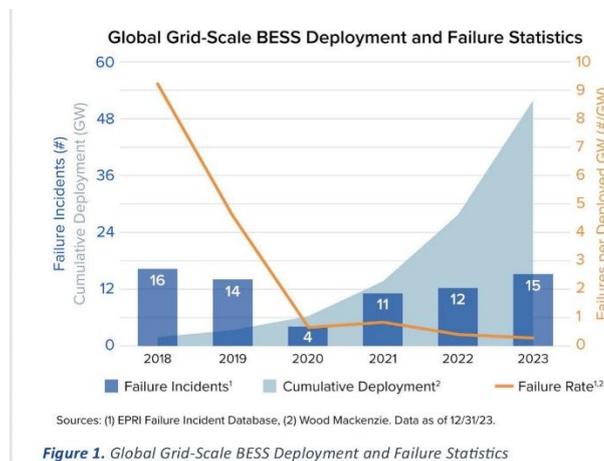


Figure 1 of the EPRI “Insights from BESS failure incidents database: Analysis of failure root cause”

9.2.2 The Applicant suggests that the BESS failure rates as a proportion of BESS deployment has sharply decreased as the BESS technology has matured. However, if the years 2018 and 2019 are discounted (when the technology is less well advanced) the failure rate from 2020 onwards is on a far less steep downwards trend. EPRI acknowledge that not all of the BESS failures are included in their database, for example the Aberdeen fire in 2025 is not included. The EPRI database shows 8 BESS failures in 2024 and 13 BESS failures in 2025. Regardless of the root cause of the BESS failures, a BESS fire/explosion can have potentially devastating consequences.