

Summary

I wish to thank the applicant for compiling the Relevant Representations of Interested Parties and responding in REP1-047. I wish to submit comments on 7 areas of the applicant's response (page numbers refer to pages in REP1-047).

Knock on Impact on Decarbonisation (page 248)

I welcome the applicant's acceptance that the proposal would displace existing non-food crops on site. I note the applicant's view that the proposed use of the same area of land would contribute more to decarbonisation than current energy generation use so that there could still be a net benefit but the applicant significantly overstates any net benefit. For example, it is not generally accepted that greater use of EVs will eliminate the need for biofuels in the foreseeable future (e.g. Heavy Duty Diesel powered vehicles and machines, particularly those with high duty cycles like long haul trucks, construction vehicles and intensive agricultural applications are expected to be either hybrids or use electricity from generators that still need carbon fuels). By not recognising the displacement effect, the applicant overstates the benefits and the Environmental Statement should be revised to recognise that some replacement farmland will be needed for non-food crops if new harms are to be avoided (such as job losses in other sectors).

Socio-Economic Assessment Methodology (page 270)

Rather than dwell on methodological approaches in abstract terms, I wish to highlight one important tangible omission in the Applicant's approach, namely the Scunthorpe Steel works and associated cluster of firms that are major employers in the applicant's 60 minute travel area. The applicant refers to several aspects of government policy on the green transition but not the policy to re-orientate towards manufacturing for the green economy. There is no indication given by the applicant of engagement on steel production with the Greater Lincolnshire Combined Authority which has the statutory responsibility for economic development and has prioritised saving steel production in the UK. The applicant has identified benefits from the scheme (such as the community fund and new paths through the site to help support the visitor economy). However, the applicant is silent on the measure that would provide the most significant socio-economic benefit to Lincolnshire, namely a purchasing policy to retain Scunthorpe as a producer of steel. The applicant has not indicated the tonnage of steel in the project but, even if not 100% was British-poured steel (from blast or electric arc furnaces), it would have a significant impact. The applicant dismisses the issue by saying "it is not possible to identify suppliers with certainty for products such as steel, due to the construction start date being some years hence". Whilst suppliers may not have been identified, it is currently possible to commit to signing the UK Steel Charter demonstrating a commitment to use procurement to support UK-made steel. Construction starting "some years hence" does not preclude such action in advance of NSIP examination - as evidenced by the Heathrow expansion programme.

Use of Productive Agricultural Land (page 272) and Net Financial Losses (page 276)

The response states all affected landowners have confirmed "that there are not expected to be any job losses as a result of the removal of agricultural land." This is disingenuous as in most arable farming there is relatively little employment of workers by landowners. Much of the employment is in related businesses (mechanics to maintain farm machinery, suppliers of seed etc.). There is also a significant level of contract farming (typically where the contractor supplies labour, machinery and other inputs for a landowner with risk and profit sharing).

The response goes on to say "it is expected that when the rent revenues from the land start, then there will be additional offsite jobs created on their farms as landowners diversify their land further with the underlying financial stability of the rental income". Economic research, often associated with research into "Universal Basic income" and "helicopter money" does not suggest that increased financial stability of landowners leads to investment in new business rather than, say, consumption or financial investment to achieve a steady stream of income. Without elaboration from the applicant, it is difficult to consider this a benefit of the scheme rather than speculation.

Impact of Traffic (page 278-280)

Interested parties at hearings and at deadline 1 have identified specific traffic concerns, (the framework CTMP etc.); they are not repeated here but best addressed in those representations.

An exception relates to page 280 and the assessment of the effects on public transport users being anticipated as negligible. Could the applicant please elaborate on the potential effect on public transport users and the assessment of these as being negligible? For example, a temporary relocation of a bus stop by a short distance would have negligible impact; however, if a diversion meant that a service no longer served a village for even part of a day, it could, for example, significantly impact a care worker no longer able to get to work in that village. Also, PSV buses typically undertake return journeys with a couple of minutes of timetabled layover time at each end. Closures leading to diversions of a couple of minutes to a single trip probably have an imperceptible impact but longer diversion times may mean the return journey not only starts late but itself is further delayed by the works and the delay is compounded during the day as the bus shuttles back and forth; the impact on users would no longer be negligible. The applicant needs to describe the probable range of impacts to give assurance that they are negligible and that the bus operators agree with the assessment.

Cumulative Effects of Numerous NSIPs (page 295)

The applicant uses several different metrics in relation to loss of land. Lincolnshire is a large county and the agriculture in North Kesteven is different to that of South Holland. Rather than loss of "BMV" as a proportion of Lincolnshire, it would offer a more nuanced understanding to indicate the loss of "arable" as a proportion of Lincolnshire and loss of "farmland" as proportion of North Kesteven (recognising these would also need similar caveating about limitations).

The applicant and funding (page 348 onwards)

Towards the top of 348 the applicant responds that "Solar is one of the cheapest forms of electricity generation and is not supported by Government subsidies. The Proposed Development is not funded by, nor is it intended to be subsidised by, the Government.". Why does the applicant believe that the solar industry has not been supported through government subsidies e.g. through price support mechanisms, such as CfD offered through the Low Carbon Contracts Company which is owned by the holder of office of Secretary of State for Energy Security and Net Zero? Could the applicant confirm the intention not to be subsidised includes an intention not to apply for any future rounds of price support mechanisms offered by the Secretary of State or his agents?

The response states the applicant is Fosse Green Energy Limited, a partnership between Windel Energy Limited and Recurrent Energy. Page 349 states the "Applicant will remain an English company during the operation of the Proposed

Development.” Is that not misleading as the company could, for example, be struck off the register before the end of the operation of the proposed development (for example, if a company is not fulfilling its legal obligations to file accounts with Companies House)?

On page 303, the applicant refers to “the consenting of the Mallard Pass Solar Project, (which was promoted by the Applicant)”. The DCO was consented in the summer of 2024 to Mallard Solar Farm Limited (12575861) owned, at the time, by the partners in Fosse Green Energy Limited. In December 2024, the partners’ shares in the company were transferred to another UK company called Renewable & Decarbonisation Holdings Limited; the sole share in Renewable & Decarbonisation Holdings Limited is held by an offshore company. It is worth noting that Mallard Solar Farm Limited is currently red-flagged by Companies House for having “Overdue accounts”.

Decommissioning Responsibility (page 357 -361)

The applicant has stressed that this is a temporary project and that the developed areas of the site will be available for return to agriculture after decommissioning. As is noted by the applicant in the Relevant representations of LCC and NKDC, the reversible nature has been an argument advanced by many solar farm applicants to discount the negative aspects of the development. However, without the prospect of decommissioning, these harms cannot be discounted. Several representations raised concern about non-compliance by the undertaker at the point of decommissioning - particularly if the development has gone through several changes of ownership, some of whom may not be as responsible as their predecessors in financial matters. The applicant’s response on several pages is that the “Applicant considers that any further requirement would be a duplication of existing controls potentially creating confusion. The production of a detailed DEMP, to be substantially in accordance with the framework plan, is secured under Requirement 20 of the Draft DCO [APP-016].” How would any suitably worded requirement cause confusion?. The applicant also notes that “the breach of any commitments under a DCO amounts to a criminal offence and the provisions and Requirements of a DCO are enforceable by the Local Planning Authority and that 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”.

The protections proposed by the applicant are insufficient. As has been clear recently in relation to landfill, there can be insurmountable challenges to prosecuting environmental crime perpetrated by those responsible. For example, the perpetrator may no longer exist (company wound up, perpetrator dead) or be living in an offshore centre with no possibility of extradition. Even if there is a successful prosecution, it is likely that any funding is accessible by the UK justice system (e.g. profits may have been locked in an offshore trust as is alleged in relation to the PPE Medro case which has led to failure to collect £122 million ordered by the High court in 2025).

For these reasons, mechanisms as described in REP1-104 are necessary.

Requirement 20 of the Draft DCO [APP-016] provides that decommissioning must commence no later than 60 years following the date of final commissioning; it does not refer to the completion of the decommissioning work. The Framework Decommissioning Environmental Management Plan says decommissioning “will likely take between 12 and 24 months” but gives no requirement for an end date. It is necessary that an end date be specified (e.g. by amending the order to state phases of decommissioning must be undertaken in accordance with deadlines specified in the Decommissioning Environmental Management Plan).