



Fosse Green Energy

EN010154

9.11 Applicant's Response to Post Hearing Summaries

VOLUME

9

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Regulation 8(1)(k)

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Rules 2010

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9.11 Applicant's Response to Post Hearing Summaries

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1. Introduction

1.1 Purpose of this document

- 1.1.1 The purpose of this document is to provide the Applicant's response to the Post Hearing Summaries received at Deadline 1 of the Examination, submitted by various Interested Parties (IPs) in relation to Fosse Green Energy (the Proposed Development).
- 1.1.2 A total of six Post Hearing Summaries were submitted to the Planning Inspectorate from the following IPs:
- a. Lincolnshire County Council;
 - b. North Kesteven District Council;
 - c. National Highways;
 - d. The Environment Agency;
 - e. British Pipeline Agency as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited; and
 - f. David Crampton.
- 1.1.3 The Applicant's Response to the Post Hearing Summaries is set out in Table 2-1 to Table 2-7 of this document. It should be noted that the Applicant considers that a number of Deadline 1 submissions which were submitted as "post hearing summaries" are more akin to Written Representations. Therefore, the 15 post hearing summaries which the Applicant considers to be Written Representations have been responded to as such, and the Applicant has provided a response to these in the Applicant's Response to Written Representations **[EN010154/EXAM/9.9]**. The IPs that submitted post hearing summaries which the Applicant has responded to as Written Representations and the respective Examination Library references are:
- a. Coleby Parish Council **[REP1-059]**;
 - b. Cliff Villages Solar Action Group **[REP1-080]**;
 - c. Robert Brewer **[REP1-092]**;
 - d. Theresa Brewer **[REP1-093]**;
 - e. Michael Campbell **[REP1-096]**;
 - f. Isobel Formoy **[REP1-103]**;
 - g. James Gallagher **[REP1-104]**;
 - h. Alistair King **[REP1-104]**;
 - i. Carl Anton John Koenen **[REP1-115]**;
 - j. Anthony Paul Magri **[REP1-117]**;
 - k. Susan Makinson-Sanders **[REP1-119]**;

- l. Joanne Mawditt **[REP1-121]**;
- m. Charles Peter Overton **[REP1-125]**;
- n. Allyson Julie Sorrell **[REP1-131]**; and
- o. Martin Robert Sorrell **[REP1-132]**.

2. Applicant's Responses to Post Hearing Submissions

2.1 Lincolnshire County Council

Table 2-1: Applicant's Responses to Lincolnshire County Council Post Hearing Submissions [REP1-054]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Preliminary Meeting			
2		LCC expressed support for including the topics listed in Annex C as principal issues for the examination. LCC noted that the reference to waste under climate change and sustainability relates specifically to decommissioning waste arisings. However, LCC also raises concern about solar PV waste arisings, not only from decommissioning but also from the construction phase due to breakages and operational failures, as being important issues, particularly in relation to cumulative waste arisings given the increasing number of large-scale solar developments in the County.	The Applicant notes LCC's comment that solar PV waste arisings should be considered not only in relation to the decommissioning phase of the Proposed Development, but also in relation to the construction, operation and maintenance phases, as well as the wider context of cumulative waste arisings from the Proposed Development and other solar NSIPs in the County. The Applicant also acknowledges that LCC has a statutory duty in its capacity as Waste Planning Authority. LCC has set out its concerns in detail in its Local Impact Report (LIR) [REP1-053] submitted at Deadline 1 and the Applicant has provided comprehensive responses to these concerns in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] which has been submitted alongside this document at Deadline 2.
3		LCC notes that ISH1 is relatively narrow in scope and requests that the ExA give consideration to holding ISHs in relation to other topics that are not on the agenda for ISH1, in particular landscape and visual, public health and cumulative effects.	The Applicant notes LCC's request but given the examination process, including the scope of topics to be considered at Issue Specific Hearings (ISHs), is at the sole discretion of the Examining Authority (ExA), cannot comment on this. It is noted that the ExA acknowledged this request in the Preliminary Meeting Note [EV1-003] .
4		LCC remains concerned to ensure that members of the public wishing to participate in the examination are able to do so, noting that an Open Floor Hearing (OFH) was not included in the first week of examination hearings. LCC welcomed the ExA intention to consider holding an OFH during the week reserved for hearings in March 2026 and would encourage the ExA to schedule an OFH at a time and in a manner that would allow residents to attend in person if so desired.	The ExA indicated during the Preliminary Meeting that the week reserved for hearings in March 2026 (week commencing 9 March 2026) will include time for an open floor hearing (OFH) and subsequently confirmed this in writing in the Preliminary Meeting Note [EV1-003] . With regards to the specific timing of this OFH, as noted above, the examination process, including the scheduling of hearings, is at the sole discretion of the ExA, and therefore the Applicant cannot comment further on this.
5		LCC is concerned that requiring submission of a final signed SoCG by Deadline 3 may not allow sufficient time for outstanding matters to be resolved, and result in more matters remaining 'not agreed' but acknowledged that the ExA are seeking clarity as to what matters are agreed or not agreed at this mid-point stage in the examination.	The ExA confirmed during the Preliminary Meeting that it will be necessary for the Applicant and all Interested Parties who will be entering into Statements of Common Ground (SoCGs) to submit final and signed SoCGs at or before the midpoint of the Examination, which, as per the Examination Timetable at Annex A to the Rule 8 Letter [PD-010] , is Deadline 3A (24 March 2026). It was highlighted by the ExA that this does not mean negotiations between parties cannot continue beyond this point and it was suggested that, if necessary, an addendum could be submitted to clarify the position beyond Deadline 3A. This was reiterated in writing in the Preliminary Meeting Note [EV1-003] .

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Issue Specific Hearing 1			
6	Proposed National Grid Substation near Navenby	Under agenda item 3.1, in relation to the delivery of the proposed Navenby substation, LCC reiterated the points made in its Relevant Representation. Responding to the applicant's justification for submitting a separate application for the substation, the Council stated that it does not consider the evidence provided within the DCO application to be sufficient. Furthermore, LCC noted that the reasoning presented as to why the application should not be refused is also lacking within the application documents. These concerns are set out in greater detail within Section 8 of the Council's Local Impact Report (LIR).	The Applicant maintains that given the supportive national and local policy position, and on the basis that National Grid Electricity Transmission (NGET) take a responsible approach to siting, design and mitigation, in compliance with the 'Horlock Rules', there are no obvious reasons why planning permission for the proposed National Grid substation near Navenby and associated overhead lines to connect it into the national grid would be withheld. The Applicant will provide a note on this matter at a subsequent deadline.
7	Site Selection	Under agenda item 3.2 in respect of the applicant's assessment of alternatives LCC raised the following concerns. LCC raised a concern that the site selection process has been driven primarily by landowner willingness. LCC acknowledged that technical and environmental factors have been considered within the site selection report, in line with what is set out in NPS EN-3 (November 2023) Section 2 for solar development. However, the initial driver appears to be availability of land offered by landowners, which was a starting point, and shaped the search area. Landowner willingness is also a factor later in the site selection process, during Stage Five. LCC acknowledged that landowner willingness is an important aspect of delivery for any developer, however LCC are of the opinion that further explanation is needed on when this factor should enter the assessment, whether it comes before or alongside the consideration of land use policy.	<p>As set out in Appendix A: Site Selection Report of the Planning Statement [AS-098], the identification of the site for the Proposed Development was driven by the availability of deliverable land and site suitability in accordance with the requirements of policy. Section 2 of Appendix A: Site Selection Report of the Planning Statement [AS-098] sets out the relevant policy, and Section 3.3 describes how planning and environmental constraints were considered, taking into account the requirements of policy. For example, internationally and nationally designated biodiversity sites were excluded and in terms of flood risk which requires a sequential approach, the Applicant considered land at lower risk of flooding (Flood Zone 1) in the search for an unconstrained site before introducing Flood Zones 2 and 3 into the area of search at a later stage.</p> <p>Appendix A: Site Selection Report of the Planning Statement [AS-098] also sets out how the Applicant sought to reduce the need for the use of Compulsory Acquisition powers, meaning that the availability of landowners willing to lease land for the Proposed Development was an important consideration. Taking account of the suitability of the location for solar infrastructure, the availability of a network connection, appraisal of planning and environmental constraints and willing landowners, the Site was selected to be taken forward for the Proposed Development. Following site selection, and through the process of design evolution, the Applicant has sought to minimise impacts wherever possible.</p> <p>As set out in Appendix A: Site Selection Report of the Planning Statement [AS-098], the process for site selection was as follows:</p> <ul style="list-style-type: none"> • Stage 1 - The area of search was based on the point of connection at the proposed National Grid substation near Navenby. The Applicant considered that 15km from the point of connection was a maximum distance for a viable project of this scale. This took into account cost of the infrastructure and construction, and the preference to limit the extent of environmental impacts and disruption which increase as the length of the cable corridor increases.

Para Theme Ref.

Comments from Post Hearing Submission

Applicant's Response to Post Hearing Submission

		<ul style="list-style-type: none"> • Stage 2 – Land with planning and environmental constraints were excluded from initial consideration in order to identify unconstrained land, including BMV, areas of flood risk, ecological sites and heritage assets etc. • Stage 3 - Potential alternative sites were identified on this unconstrained basis. • Stage 4 - Potential alternative sites were assessed against the following criteria: Land Use, Grid connection, ecological and geological sites, landscape and visual, cultural heritage, access for construction traffic, flood risk, solar array shading, topography, site size. • Stage 5 - constraints were then introduced to enable consideration of further sites identified against the criteria above. Land availability was also considered in order to examine whether a deliverable site could be assembled, since this reduces or potentially avoids the need for compulsory acquisition powers to be used. The Applicant sought to identify a site in as few land ownerships as possible within the area of search to aid with deliverability of the proposed development. <p>The site selection process seeks to verify the location of the Proposed Development by considering whether the site is the most suitable for the purposes of the Proposed Development taking into account operational requirements, national and local planning policy and environmental constraints.</p>
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<p>8 Site Selection - Site Size and Commercial Viability</p>	<p>LCC raised a further point regarding the size of sites that have been considered as part of the site selection process. While acknowledging that smaller sites in excess of 40 ha were considered, the applicant's stated preference in the site selection report is for a single, contiguous site of approximately 1,000 ha. Commercial viability seems to have driven this choice. LCC highlighted that there are other solar projects in Lincolnshire, such as the nearby Cottam solar scheme, that have successfully combined smaller, non-contiguous sites and have been considered viable by their developers. Therefore, LCC are of the opinion that some further justification is required on those points. Further detail on the assessment of alternatives and site selection is provided within Section 7 of the Councils LIR.</p>	<p>As set out in Section 2.3 of Appendix A: Site Selection Report of the Planning Statement [AS-098], the identification of the site for the Proposed Development was driven by the availability of deliverable land and site suitability in accordance with the requirements of policy.</p> <p>As stated in paragraph 2.3.1 of Appendix A: Site Selection Report of the Planning Statement [AS-098], the Applicant was approached by a group of landowners who were willing to provide land north of the A46 at Morton Manor and Housham Grange, which comprises a large area of contiguous land, for the purposes of a Nationally Significant Infrastructure Project (NSIP) related to solar energy generation. Following a review of available capacity in the electricity transmission network the Applicant identified a line in and line out connection into the 400kV Overhead Line close to Whisby Hall. A desk top review of the site to consider planning and environmental constraints, concluded that the site was viable, and accordingly, a formal application was made to National Grid for a connection into the 400kV Overhead Line. However, National Grid informed the Applicant that this point of connection (POC) was not available and instead the Applicant was offered and subsequently secured a POC at the proposed National Grid substation near Navenby, which was a location capable of serving multiple</p>
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Comments from Post Hearing Submission

Applicant's Response to Post Hearing Submission

Para Theme Ref.	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
9 Best and Most Versatile Agricultural Land	Under agenda item 3.3 (Effects for agriculture and land use), LCC made a number of points, some of which were touched on by NKDC. LCC referred to the Council's high-level, strategic starting position in respect of Best and Most Versatile (BMV) land, which is essentially enshrined in LCC's Energy Infrastructure Position Statement from December 2023 – that position is one where the Council will object to proposals on BMV land, acknowledging that the County proportionately has a much higher percentage of BMV land compared to the rest of the country. Building on this, those concerns extend to potential cumulative impacts arising from various NSIP and other (TCPA) projects within the County in terms of their land take and the impact on BMV soils. With the continuing trend of an increasing number of NSIPs, the potential impacts on BMV and agricultural land within the County is of significant concern to the Council.	<p>customers, including the Applicant. Further details regarding the POC are set out in the Grid Connection Statement [APP-200].</p> <p>Subsequently, the site selection process set out in Appendix A: Site Selection Report of the Planning Statement [AS-098] seeks to verify the location of the Proposed Development by considering whether the site is the most suitable taking into account operational requirements, national and local planning policy and environmental constraints. Commercial viability is a consideration, however, it is one of a number of factors taken into account in site selection.</p> <p>In relation to site size, as set out in paragraph 3.4.2 of Appendix A: Site Selection Report of the Planning Statement [AS-098] the Applicant's preference was to secure a large area of contiguous land to form a single development as this minimises cabling through third party land, which increases viability and deliverability of a project, and can also assist in reducing environmental impacts, such as reducing the extent of vegetation removal.</p> <p>It is noted that other solar NSIP schemes in Lincolnshire have combined smaller, non-contiguous sites, which is an equally valid approach, however this does not undermine the validity of the approach adopted by the Applicant in the case of the Proposed Development. NPS EN-1 recognises that there may be different approaches, stating at paragraph 4.3.22, in relation to the Secretary of State's decision making <i>"the Secretary of State should subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives: ... only alternatives that can meet the objectives of the proposed development need to be considered."</i></p>
		Considering the Proposed Development in isolation, the agricultural land required temporarily for construction and operation constitutes 0.09% of the total farmland in the East Midlands, and therefore constitutes a very small proportion of the regional agricultural resource and is unlikely to result in an impact upon food production. With regard to loss of agricultural land, potential cumulative impacts of the Proposed Development with relevant schemes is considered in Chapter 12: Socio-Economics and Land Use of the ES [AS-016]. The cumulative effects assessment considers all solar NSIPs within the County of Lincolnshire and presents the best available information on BMV land take for each solar NSIP. The cumulative assessment concludes (ref. paragraph 12.10.17) the effect on agricultural land, including BMV, across the County is likely to remain minimal, as it comprises only a small fraction of agricultural land. Therefore, the cumulative effect on agricultural land associated with the Proposed

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
10	Crop Output	<p>To briefly put its position into context, LCC explained that the County has the largest combinable crop output of any UK county, constituting around 12% of England's arable crop area. High level of production is vital to the county's economy - in 2023 total crop output was valued at over £1,564 million, while total livestock output was valued at £555 million.</p>	<p>Development in combination with relevant schemes remains not significant when considered at the County level.</p> <p>The Applicant has provided comprehensive responses to these concerns in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] which has been submitted alongside this document at Deadline 2.</p> <p>The Applicant notes this comment. As considered in Chapter 12: Socio-Economics and Land Use of the ES [AS-016], the total land area required for the Proposed Development represents approximately 0.09% of the total farmland within the East Midlands, and therefore constitutes a very small proportion of the regional agricultural resource. Furthermore, research undertaken by the Applicant in 2024 indicates approximately 50% of the land within the proposed Principal Site is currently used for the cultivation of non-food crops (biofuels and animal feed). Of this, the majority (approximately 81%) is grown for use as fuels for carbon-intensive energy sources, rather than for direct human or animal consumption. As such, while the land is agricultural in character, its current use does not solely support food production. The Proposed Development would therefore result in a limited and proportionate change in land use, set against the wider regional context and the Proposed Development's contribution to cleaner energy generation.</p> <p>It should be noted that the Proposed Development recognises the need to allow current farming practices to continue. The Order Limits include areas of new grassland for bird mitigation and a significant portion of retained arable land (a minimum of 181ha (447.3 acres) is secured via the Framework LEMP [REP1-039], a detailed version of which is to be developed substantially in accordance with the Framework LEMP, as secured under Requirement 8 of Schedule 2 to the Draft DCO [REP1-007]), which provides mitigation for ground nesting birds whilst also allowing current farming practices to continue. This retained arable land includes approximately 116ha (286.6 acres) of Subgrade 3a BMV land.</p> <p>Furthermore, to minimise the impacts of the Proposed Development on BMV land, Chapter 12: Socio-Economic and Land Use of the ES [AS-016] sets out embedded mitigation measures including the use of panels at a height which could support sheep grazing, and capitalising on the opportunity to improve soil structure during the period of suspended agricultural activities throughout the operational phase of the Proposed Development. Furthermore, the Framework Soil Management Plan (SMP) [REP1-037] a detailed version of which is secured, to be substantially in accordance with the Framework, via Requirement 15 of Schedule 2 to the Draft DCO [REP1-007], contains industry standard good practice mitigation measures (such as avoiding soil handling during overly wet conditions when the soil is in 'plastic' condition, not mixing topsoil and subsoil, and storing</p>

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11	Quantity of Grade 3a Agricultural Land	LCC raised the point previously picked up by NKDC, and Natural England in their Relevant Representation, on the discrepancy in the application documents in respect of the quantity of Grade 3a land. In the ALC survey report [APP-161] it states that 3a land covers 241 hectares (Table 6, page 14), whilst the ES Chapter 12 [AS-016] at Table 12-15 (page 12- 037) reports that 3a land accounts for 282.9 ha (on a smaller survey area). Clarification on which of these figures is correct would be welcome.	soils so that they do not dry out) to reduce impacts on soil which will ensure that the ALC grade will be unaltered through operation and decommissioning of the Proposed Development (temporary impacts during construction may alter the ALC grade but these would be remedied as soon as practical at the end of construction and early stages of operation). The Applicant acknowledges that there is a discrepancy in the area of BMV land reported within Appendix 12-B: Agricultural Land Classification Report [APP-161] and Chapter 12: Socio-Economics and Land Use of the ES [AS-016]. As detailed within the Appendix 12-B: Agricultural Land Classification Report [APP-161] in the disclaimer found on page 3, this Report was produced in October 2024 based on a previous version of the Site boundary, and therefore figures may illustrate a Site boundary that differs to the Order Limits for which consent is being sought. The area of BMV land reported (and subsequently assessed) in Chapter 12: Socio-Economics and Land Use of the ES [AS-016] (i.e. 282.9ha (699 acres)) is correct, and as such this does not affect the findings and conclusions of the Report or the Environmental Statement chapters that rely on it.
12	Site Selection of BMV Agricultural Land	LCC raised a further point in respect of the reference at 12.6.2 of ES Chapter 4 (Alternatives and Design Evolution) [APP-029], where it states that BMV land had been considered in the evolution of site design and layout. However, from LCC's perspective, it is not clear how this evolutionary process has been approached iteratively, i.e. demonstrating clearly how the site design and layout was modified in response to the results from the ALC survey, to ensure full compliance with national/local policy to seek to use poorer quality land in preference to higher quality land, and avoid BMV where possible. LCC considers that the alternatives and design evolution process requires further explanation/amplification from the applicant to show how it complies with BMV policy.	At the level of site selection, the Site Selection Report at Appendix A of the Planning Statement [AS-098] demonstrates that following identification of an area of search all planning and environmental constraints including BMV agricultural land (grades 1, 2 and 3) were excluded in order to seek to identify a site with no constraints. Following identification of potential sites with all constraints excluded and their evaluation, it was concluded that the search needed to be widened as it was not possible to identify an appropriate site on unconstrained land. Alongside other criteria, grade 3 BMV agricultural land was reintroduced back into the area of search. With constraints reintroduced, the Site Selection Report at Appendix A of the Planning Statement [AS-098] concludes that the location of the Proposed Development comprises the preferred site when compared with other potential alternative sites taking into account planning and environmental constraints, including BMV agricultural land, and operational considerations. At the site level, consideration of BMV land continued to influence the design of the Proposed Development. Design Principle 2 of the Design Approach Document [APP-186] states that "The Proposed Development will be sensitive to the existing agricultural land quality in Lincolnshire, reducing the amount of development (and in particular permanent land take) on Best and Most Versatile quality land where possible." An early design decision was made that the cable from the Principal Site to the proposed National Grid substation near Navenby would be buried underground in order to reduce visual impact and to minimise the land take of Best and Most Versatile quality land. Furthermore, a slight reduction in the width of the Cable

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Comments from Post Hearing Submission

Applicant's Response to Post Hearing Submission

Para Theme Ref.	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
13 Permanent loss of agricultural land	<p>LCC also wished to query the quantification of 'permanent' loss of agricultural land (4.6 ha, part of which is BMV), which appears to be very low. The Council raised the matter of 'temporary' use versus 'permanent' use insofar as it relates to this development, and questioning whether it is reasonable to conclude that a 60-year development timeframe is 'temporary'. LCC also queried whether the exclusion of areas that will be covered by infrastructure (hardstandings, access roads, compounds, BESS, substations, etc), again, for the duration of the development, can reasonably be described as 'temporary'. In LCC's experience, this categorisation is at variance to how other projects have approached this same matter.</p>	<p>Corridor was made to remove land from the proposals that was no longer required.</p> <p>It is acknowledged that the Cable Corridor may seem extensive at approximately 351 ha. However, this is to retain flexibility, and once constructed, the cable itself will comprise a smaller fraction of this.</p> <p>For the land affected temporarily during construction and reinstated, the impact would be a few weeks – or months at worst – affecting one growing season. The land will be reinstated to its current condition and will be available for farming immediately after restoration. This is considered to have no discernible loss or reduction of soil functions or soil volumes that restrict the current farming activity; a Negligible magnitude of change using the IEMA criteria. This corresponds with a Slight effect, which in the ES would correspond with a minor adverse effect that is not significant.</p> <p>The Applicant has had to balance several environmental constraints and considerations in the design process, which means that it is not possible to entirely avoid BMV agricultural land. These constraints are illustrated in Figure 2-1: Environmental Constraints of the ES [AS-019]. Archaeology and heritage offsets, landscape buffers, flood risk, and bird mitigation land were the key considerations, with the latter requiring large, open fields of a minimum size and therefore being limited to certain parts of the Site. As a result, approximately 282.9ha (699 acres) of Grade 3a land is used in the Principal Site, although 156ha (385.4 acres) of this is for retained arable and grassland, permanent grassland, or managed arable. The Applicant considers the Proposed Development to be a good design which also achieves the objective of maximising the renewable energy generation from the grid connection offer.</p> <p>The 4.6ha (11.4 acres) of permanent loss relates to land proposed for landscaping, of which 1.5ha (3.7 acres) is BMV land, which the Applicant would not need to remove in order to decommission the Proposed Development and therefore intends to leave in situ. Other than the community orchard, this is mainly linear planting (and therefore would not interfere greatly with future farming activity) and is ecologically beneficial. This has been assessed as permanent loss, but the landowner/farmer may choose to revert it to arable farmland after the Proposed Development has been decommissioned, and therefore it does still have the potential to be brought back into farmland. Following decommissioning, the land will be returned to the original landowners, at which point the Applicant will have no control over the land.</p> <p>The Applicant considers 60 years to be long-term, reversible. Neither 'temporary' or 'permanent' are ideal descriptors for the Proposed Development, although it is clear in planning terms that it is not permanent.</p>

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			The Applicant therefore considers it more appropriate to assess the Proposed Development against the thresholds for temporary impacts in the IEMA guidance on 'A New Perspective on Land and Soil in EIA'. This approach has been approved by the respective ExAs and the Secretary of State (SoS) on several other consented solar NSIPs, such as Tillbridge Solar, East Yorkshire Solar Farm, Gate Burton Energy Park, and Longfield Solar.
14	Effects of Grade 3a BMV Agricultural Land	In respect of the comment raised by NKDC relating to significance of effects under the Institute of Environmental Management and Assessment (IEMA) criteria, LCC are in agreement with the position taken by NKDC. LCC consider that the applicant's assertion that the 'low magnitude withdrawal of land from agricultural production may be interpreted as a minor adverse effect, which is not significant' (reference ES Chapter 12 paragraph 12.7.44 (AS-016)) is incorrect. LCC's understanding of IEMA guidance is that the combination of low (or Minor) magnitude effect and High sensitivity (Grade 3a land) results in 'Moderate' impacts, which are classed as 'Significant'. Whilst the applicant provided commentary in response to this point at the Hearing, LCC remain of the view that the effects on Grade 3a land should be classed as 'significant'. This comment extends to the consideration of cumulative effects also.	<p>The Applicant has provided responses to these concerns in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] which has been submitted alongside this document at Deadline 2.</p> <p>This item is a current topic of discussion with Natural England as part of the SoCG being prepared. Natural England stated on 16 January 2026: "<i>NE acknowledge the use of different terminology in the ES chapter but continue to advise that grade 3a land should be classified as a high sensitivity receptor. Nonetheless, it is recognised that in this scenario when applying the IEMA guidance, the conclusion of the ES on this matter would remain unchanged. As such, this item is considered unlikely to make a material difference to our advice or the outcome of the decision-making process.</i>"</p> <p>The SoCG between the Applicant and Natural England will be submitted will be submitted at the midpoint of Examination in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 [PD-005].</p>
15	Grazing	The final point in this section that LCC wished to raise was in respect of the reasonable likelihood of grazing taking place beneath solar panels. In LCC's experience, the presence of grazing beneath panels is entirely dependent upon the availability of a willing grazier, and this is not always guaranteed, therefore the Council would like this matter to be explored further with the applicant.	Whilst the DCO does not commit to sheep grazing, flexibility is embedded within the design of the Proposed Development to support grazing (i.e. with regards to the minimum height of the panels. This is set out in the Proposed Development Parameters [REP1-029] . Under Requirement 6 of Schedule 2 to the Draft DCO [REP1-007] , the final design of the Proposed Development must be in accordance with the details set out in the Proposed Development Parameters [REP1-029] and the design commitments. This ensures that sheep grazing under panels will be a feasible option for the Applicant to further explore at the appropriate time.
16, 17	Cultural Heritage – Group Value of Historic Farmsteads	<p>Under agenda item 3.4, in respect of cultural heritage, LCC raised the following concerns. With regard to the group value of historic farmsteads, Lincolnshire's rural landscape is characterised by historic farmsteads that form a coherent heritage network. Their collective significance is not fully captured by assessing individual assets alone. Understanding this group value is therefore important for evaluating cumulative and setting impacts.</p> <p>Recent NSIPs in similar contexts, including Springwell Solar Project and Beacon Fen Energy Park, have undertaken structured group value assessments using a framework developed in collaboration with LCC. In the Council's view, without such assessment, as is the case with this application, the examination lacks the same level of certainty applied to comparable schemes. The Council would be</p>	The historic landscape aspects are considered within both Appendix 7-D Detailed Heritage Asset Setting Assessment [APP-127] and Appendix 7-E Historic Landscape Character Assessment of the ES [APP-128] . The Applicant is of the opinion that a proportionate level of assessment with regard to historic landscape was undertaken taking into account the overall significance and impacts from the Proposed Development. In addition, the Proposed Development has been laid out taking into account the sensitivities associated with designated and non-designated heritage assets, including farmsteads, and historic landscape. As a result the overall harm upon such assets is relatively limited, and no potential for significant effects which would warrant consideration within the ES has been identified.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		<p>willing to work with the applicant to apply this approach, ensuring consistency with emerging practice and providing the Examining Authority with a more robust evidence base for its decision-making.</p>	<p>However, the Applicant notes these comments and as such, it is the intention to submit a Technical Note to the Examination at a future deadline which would discuss the historic farmstead group in the vicinity of the DCO Site Boundary (both designated and non-designated), their collective value, setting and potential effects on those values as a result of the Proposed Development. This approach has been agreed with both LCC and NKDC.</p>
18, 19	Cultural Heritage – Methodology and Study Area	<p>In regard to the methodological approach and study area, LCC stated that the Environmental Statement adopts a tiered approach to defining study areas for designated heritage assets. Whilst LCC understands the rationale, the Council's concern is that this approach may not fully capture potential impacts on above-ground heritage receptors, particularly in a rural context. To ensure a comprehensive assessment, the Council would recommend:</p> <ul style="list-style-type: none"> • A single, consistent study area for all designated assets — with the precise extent (for example 3 km or 5 km) to be determined by the Examining Authority; • A schedule of all above-ground heritage assets within the study area, including distance from the Order Limits and listing grade. <p>LCC considers that, under the current tiered approach, the Council are reliant on the applicant's professional judgement as to what is included or excluded. A consistent study area and a clear schedule would provide greater transparency and certainty for the examination.</p>	<p>The Applicant acknowledges there is a difference of opinion regarding the approach to the study areas for the assessment between the consultees. In such circumstances, a decision has to be made regarding scope that is most appropriate, considering the potential cultural heritage receptors and the Proposed Development, based on the advice provided and professional opinion. Following Historic England advice, the flexible approach, based on expertise and not constrained by fixed radii, was utilised in the submission documents, and it is considered that this approach provides proportionate and sufficient understanding of the cultural heritage resource and the potential impacts from the Proposed Development.</p> <p>The Applicant considers that the suggested study areas for designated heritage assets, agreed with Historic England (3km for all such assets, 5km for those that are of the highest significance, and exceptional examples beyond) is appropriate. However, a Technical Note will be provided to Examination at a subsequent deadline, accompanied by an appropriate illustration, which will present a summary of all designated heritage assets within a 5km area from the Principal Site that have previously been scoped out (including distances from the DCO Site Boundary for all assets), and adding consideration of additional exceptional assets beyond (also scoped out). The Applicant's intention to submit this additional note was communicated to the LCC Historic Buildings & Landscape Officer and NKDC Conservation Officer via email on 28 January 2025.</p>
20	Cultural Heritage – Archaeological Information	<p>With regard to archaeological matters under agenda item 3.4, LCC stated that the Council considers the archaeological information incomplete. LCC would welcome sight of site specific design impacts for the potential intensive ground impacts, including drainage, landscape, ecology, and engineering measures.</p>	<p>The Applicant considers that the assessment work completed as part of the ES (ES Chapter 7 Cultural Heritage [APP-032], and Appendices 7-D Detailed Heritage Asset Setting Assessment [APP-127], 7-F Air Photo and LiDAR Mapping and Interpretation [APP-129], 7-G Detailed Gradiometer Survey Report [APP-130], and 7-I Trial Trenching Report (Interim) [APP-132]) is proportionate and fully compliant with the policies of National Policy Statements EN-1 and EN-3, the National Planning Policy Framework and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), and sufficient to inform the determination of the DCO Application. Of particular note (within all of the relevant policies) is the need to understand the specific nature of the potential impacts of the Proposed Development (acknowledged in policy to be 'limited'); to undertake a 'proportionate' assessment of these effects; and to develop mitigation proposals to manage any residual effects. Whilst detailed information regarding certain potential impacts is not available at this stage, this will be obtained as part of the detailed design process to be</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
21, 22	Cultural Heritage – Trial Trenching Evaluation	<p>LCC stated that trenching evaluation demonstrates that archaeology survives here at a depth of 30 cm. Therefore, there are a range of developmental impacts for a solar scheme which have the potential to damage or destroy currently surviving, unknown archaeology without identification or recording.</p> <p>LCC further stated that evaluation trenches are needed to target both geophysical results and also to ground-truth so-called “blank” areas, archaeologically sensitive areas have been identified on other solar NSIPs solely through trenching.</p>	<p>undertaken post-consent and the Applicant is committed to ensuring that archaeological remains are taken into account during this process. This will include consideration of the results of any future evaluation, and where activities such as those listed are identified as unavoidable, appropriate mitigation measures can be defined in response to specific impacts.</p> <p>Within the Framework Construction Environmental Management Plan (CEMP) [REP1-031] (ref. measure CH-C1), the Applicant has committed to ensuring that any archaeological remains to be preserved in-situ as part of the mitigation measures are protected from potential impacts. The provision of a detailed CEMP, which is to be substantially in accordance with the Framework, is secured under Requirement 12 of Schedule 2 to the Draft DCO [REP1-007]. It is considered that appropriate measures will be defined within the detailed CEMP, reflecting the understanding of the archaeological resource (informed by the completed and further trial trenching), specific construction methods and detailed design to be undertaken post-consent. Where non-intrusive methods are proposed, some machinery movement will be required to facilitate construction, but this can be done using appropriate equipment in the right conditions (and not heavy machinery on saturated ground). The details will depend on the detailed design and the mitigation measures proposed, and those can be agreed in the detailed CEMP. The Applicant would also like to highlight the opportunities the Proposed Development brings to define appropriate measures to protect such remains (with no protection currently in place from regular ploughing and movement of farm machinery which result in impacts such as wheel ruts or plough scars).</p> <p>The Applicant would also highlight that trial trenching targeted both areas of known remains and tested areas where previous surveys did not identify such remains. Appendix 7-H Written Scheme of Investigation (WSI) for an Archaeological Evaluation of the ES [APP-131] was subject to consultation with the archaeological advisor at LCC and was approved on 7 May 2025, prior to the commencement of the evaluation. For the avoidance of doubt, the Final Trial Trenching Report (which supersedes the results of Appendix 7-I Trial Trenching Report (Interim) of the ES [APP-132]) will be submitted to the Examination at the next Examination deadline, and will enable a detailed consideration of the relevant results as part of the decision making process. Additional trenching will be carried out where required, as secured within the Framework WSI [AS-001] (to be updated/finalised and submitted to the Examination at a future examination deadline).</p>
23, 24	Cultural Heritage – Mitigation	<p>Fit for purpose mitigation must be informed by sufficient baseline evidence of the archaeological potential. Site-specific mitigation measures can then be deployed effectively in an appropriate and reasonable way. In the absence of such site-specific mitigation, the Council will just be agreeing with the applicant that there are various methods of archaeological mitigation available but not applying this information in any meaningful or concrete way to the scheme's developmental</p>	<p>Chapter 7: Cultural Heritage of the ES [APP-032], specifically Section 7.6 Embedded Mitigation Measures, details key measures that have been incorporated into the design of the Proposed Development, based on the archaeological surveys completed, including early definition of areas of particular archaeological value to ensure those areas are excluded from the Solar PV Array Areas . For the avoidance of doubt, these measures are part</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		<p>impacts. LCC raised that in its current form, the applicant's proposed embedded mitigation measures reads simply as a list of the range of potential mitigation responses available without site-specific reference to where they may be most appropriately applied.</p> <p>LCC further stated that once the detailed design with the range of site-specific impacts have been provided, LCC can work with the Applicant's archaeological consultant to identify areas which will require any further evaluation, then agreement of an appropriate mitigation strategy to deal with the impact of this proposed development on currently surviving archaeology across the DCO order limits can be discussed.</p>	<p>of the design (as opposed to a range of options available). To provide further information on this, at the request of the Examining Authority a summary of embedded measures (informed by the assessment work completed to inform the ES) was submitted at Deadline 1 as Action 3a of the ISH1, providing specific examples where the embedded measures are reflected in the design of the Proposed Development, see Appendix B in Written Summaries of Oral Submissions Issue Specific Hearing 1 [REP1-046].</p> <p>The results of the Final Trial Trenching Report, and any additional required trenching, will inform the detailed design, which will be carried out post determination should the DCO be granted, as detailed within the Framework WSI (draft) [AS-001]. The Framework WSI is currently being finalised following completion of the Final Trial Trenching Report and consultations, and will be submitted to the Examination at a future Examination deadline. The Applicant is liaising with and would like to acknowledge the support and involvement from the consultees (both at LCC and HE) in the preparation of the Framework WSI, with their comments appreciated. Further liaison with relevant Local Planning Authority (LPA) to develop the next stage of site-specific WSIs to guide the detailed design process and post-consent activities, and prior to the carrying out of any archaeological works, will be carried out.</p>
25	Cultural Heritage Evaluation, Mitigation and Commitment	<p>LCC stated that given some specific ground impacts for this scheme may not be known for some time, the Council and applicant are now looking at devising reasonable agreed evaluation and informed proportionate agreed mitigation tied into future commitment, so that when the development impacts are known they can be mitigated adequately. LCC will therefore be working towards that future commitment being included in an agreed overarching or framework WSI which will include an agreed Archaeological Management Plan and an Archaeological Clerk of Works for the lifetime of the scheme, including the decommissioning phase.</p>	<p>As mentioned above, the Applicant is liaising the consultees (both at LCC and HE) in the preparation of the Framework WSI, with their comments and involvement in the process appreciated. The Framework WSI is currently being finalised following completion of the Final Trial Trenching Report and consultations, and will be submitted to the Examination at the next Examination deadline [AS-001]. If deemed necessary, measures such as an Archaeological Clerk of Works and Archaeological Management Plan can be agreed as part of the decision-making process, with details submitted following the DCO being granted, including in relation to potential impacts during decommissioning phase.</p>
26	Cultural Heritage – Use of land for solar Vs ploughing	<p>With regard to whether a solar scheme temporarily has less impact on archaeology than ploughing: there are a range of ground impacts across a solar scheme which would cause much greater (permanent) impacts than ploughing; the decommissioning impacts of the scheme such as removing piles are not known; ecological, habitat and landscape measures may also be removed affecting surviving archaeology, for example tree planting removal or large scale soil movement. There is also the question of what must be done to the soil to restore it to agricultural use following decommissioning. LCC noted that minimum tillage ploughing is a recognised archaeological mitigation measure: DEFRA's Environmental Land Management (ELM) schemes offer payments for minimum till on historic and archaeological features.</p>	<p>Whilst the Applicant notes a general trend towards shallower ploughing, and notes that in some cases (within the DCO Site Boundary) recent intention may not have been to deep plough, this has occurred nonetheless. The results discussed within the Final Trial Trenching Report (which supersedes the results of Appendix 7-I Trial Trenching Report (Interim) of the ES [APP-132]), which will be submitted to the Examination at the next Examination deadline, indicate truncation from agricultural practices to archaeological features. Thus, it remains that the greatest threat to buried archaeological remains is through ploughing and cultivation (this is an industry wide accepted position, and one held by Historic England, as well as reflected in the policies within NPS EN-3). The Applicant has evidenced this within the site and elsewhere that ongoing ploughing</p>

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			over recent seasons has resulted in damage to, or the complete loss of, buried archaeological remains.
28	Transport	In summary, the methodology and assessment of traffic impact is generally agreed with the Council. It provides a reasonable estimate of construction traffic that would be associated with the development. The Local Highway Authority do not expect capacity issues on the highway network as result of this development, provided the mitigation measures included in Section 13.6 of APP-008 are undertaken and delivered. This would mostly be achieved through the Framework CTMP. The Framework CTMP provides sufficient details at this stage for all proposed access locations. It also outlines proposals for site working hours, HGV routes, security, compound parking, wheel washing, delivery management, and traffic monitoring. These elements must be detailed in the final CTMP and be monitored, controlled, and be enforceable to ensure highway safety and that traffic impacts align with the ES assessment. Overall, the transport impact will be neutral.	As noted in the comment, the Framework Construction Traffic Management Plan (CTMP) [REP1-043] outlines proposals for site working hours, HGV routes, security, compound parking, wheel washing, delivery management, and traffic monitoring. The provision of a detailed CTMP [REP1-043] is to be developed into a detailed CTMP, which is to be substantially in accordance with the Framework, as secured under Requirement 14 of Schedule 2 to the Draft DCO [REP1-007]. Under Requirement 14, the detailed CTMP must be submitted to and approved by the relevant planning authority (being LCC), in consultation with National Highways.
29	Shared resources with NKDC	Under agenda item 3.6 LCC made the following comments: LCC stated that they had been sharing resources with North Kesteven District Council on matters relating to ecology and BNG. LCC confirmed that they fully supported comments made in the Hearing by NKDC in relation to BNG.	The Applicant notes this comment.
30	Ecological Meeting	LCC confirmed that they would be happy to meet with the Applicant's ecological consultants to address points requiring clarification and additional information. LCC stated that they had confidence that outstanding issues could be resolved during the course of the examination.	A meeting was held between the Applicant, LCC and NKDC on 22 January 2026 to discuss the points raised by the host authorities regarding ecology and Biodiversity Net Gain. The items discussed at the meeting included the assumptions on baseline conditions, methodology, and trading rules. Following the meeting, the Applicant has agreed to check and clarify some of the points and come back to the councils, and if necessary, update the BNG Report.
Issue Specific Hearing 2			
31	DCO drafting	Under agenda item 3.1 LCC expressed support for the comments already raised by North Kesteven District Council and stated that in light of the time available it would limit its points on DCO drafting to those areas where the Council had statutory responsibilities, noting that LCC's position on DCO drafting is fully detailed in the Council's LIR. LCC encouraged the ExA to give consideration as to whether a further hearing on DCO drafting would be required.	The Applicant acknowledges the time constraints during Issue Specific Hearing 2 (ISH2) and whilst noting that LCC's position on DCO drafting is fully detailed in its Local Impact Report (LIR), where sufficient detail was provided, written responses to the oral submissions made by LCC were provided in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044]. The Applicant notes that LCC consider a further hearing on DCO drafting may be required but given the examination process, including the scope of topics to be considered at ISHs, is at the sole discretion of the Examining Authority (ExA), cannot comment on this suggestion.
32	Definition 'maintain' of	LCC raised concern regarding the definition of 'maintain' within the draft DCO, as currently worded, it would seem to appear to LCC that it wouldn't prevent the wholesale replacement over the lifetime of the development happening incrementally. LCC highlighted that significant concerns would be raised in its LIR about waste arising from the development and in particular its cumulative impact	In its oral submissions regarding the definition of "maintain", LCC indicated agreement with the oral submissions made by North Kesteven District Council (NKDC). The Applicant provided a written response to the oral submissions made by LCC and NKDC in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].

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alongside other schemes, given the lack of existing waste facilities for recycling solar PV waste currently. Current data suggests that if all NSIP solar and TCPA solar schemes in Lincolnshire are approved and constructed, around 15 million PV panels could require recycling and disposal at decommissioning alone. Whilst this is a long term issue, LCC are increasingly concerned about the ongoing operational failure rates, and even a modest failure rate of 0.2% equates to 31,000 PV panels needing replacement each year.

In summary, 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) [REP1-033] which sets out how an annual maintenance schedule will be agreed. Examples of anticipated maintenance activities are set out at paragraph 4.2.2.f.ii of the Explanatory Memorandum to the Draft DCO [REP1-009].

LCC's concerns regarding waste arising from the Proposed Development have been addressed in detail in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] which has been submitted alongside this document at Deadline 2., however, it should be noted that Article 5(3) of the Draft DCO [REP1-007] states that:

"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 that have not been assessed in the Environmental Statement (ES), including in relation to waste arising from the Proposed Development.

Where further details have been provided in LCC's LIR, the Applicant has responded comprehensively in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10], which has been submitted alongside this document at Deadline 2.

33 Sustainable waste management – Future Streams Waste
 LCC, as the Waste Planning Authority (WPA), has a statutory duty to plan for sustainable waste management, and this requires accurate data on future waste streams. We currently lack that information in relation to solar waste. Without this information, it is difficult to identify sites, safeguard facilities and support the transition to a circular economy. LCC requested that consideration is given to including a requirement to limit panel replacement over the lifetime of the development, but also to require annual reporting of replacement/wastage figures to the WPA. This approach was discussed during the Springwell Solar examination, and in that case, the ExA did propose a similar requirement as an

As noted in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044], given LCC indicated that its concerns in relation to waste are set out in detail in its LIR, the Applicant has provided a comprehensive response to LCC's identified concerns about waste arising from the Proposed Development, including the suggestion of a requirement to limit panel replacement, in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10], which has been submitted alongside this document at Deadline 2.

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		amendment to the draft DCO, however, it was acknowledged that this application has not yet been determined. Further details are provided in LCC's LIR within section 19, specifically referenced in paragraph 19.14.	
34	Draft DCO Articles 8 and 10	In respect of Street Articles 8 and 10, as currently drafted they would give the developer rights to undertake highway works without further approvals from LCC as the Highway Authority. LCC's concern is that at this stage, we do not have the technical and detailed design details that the Council would usually require to be approved under the Highway Act and provisions for a bond. LCC have highlighted this within Section 11, and the table included with Section 22 of its LIR, and made suggestions as to how this could be resolved to the satisfaction of the Highway Authority through the detail of the Construction Traffic Management Plan (CTMP).	<p>Where further details have been set out in LCC's LIR, the Applicant has provided a comprehensive response in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10], which has been submitted alongside this document at Deadline 2.</p> <p>In summary, the provisions of Article 8 (Street Works) and Article 10 (Power to alter layout, etc. of streets) of the Draft DCO [REP1-007] give the undertaker the powers which would be granted to a statutory undertaker.</p> <p>Article 10(2) provides a general power to allow the undertaker to alter the layout of any street with the prior consent of the street authority. Unlike Article 10(1), which applies to specific streets set out in Schedule 5 (alteration of streets) to the Draft DCO [REP1-007], this power applies to any street within the Order Limits. The broad extent of this provision is justified because it is necessary to enable the undertaker to exercise its powers and undertake works in an efficient and expeditious manner and respond to unforeseen circumstances. It is also necessary to give full effect to the power to carry out the authorised development as provided for under section 120(5) of the Planning Act 2008. A limit on the general nature of this power is afforded by Article 10(4) which provides that the general power provided for under Article 10(2) may not be exercised without the prior consent of the street authority. Article 10(3) requires the undertaker to restore any street that has temporarily been altered under the powers of the Order to the reasonable satisfaction of the street authority. Therefore, the provision of a bond is not considered necessary.</p>
35	Requirement 17	Regarding Requirement 17 and the proposed permissive footpath route LCC commented that it would wish to see consideration given to making this a dedicated public right of way instead, which would allow it to be protected in perpetuity and provide a permanent betterment as an outcome of the proposal.	<p>A response to this was provided in writing in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>Whilst the Applicant notes LCC's comment, it is important that the context of the Proposed Development is not overlooked. Due to the temporary nature of the Proposed Development, as noted at paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (LEMP) [REP1-039], at the end of its operational lifetime, the permitted public use of the permissive paths will cease, as the land will return to private ownership. Therefore, the Applicant cannot seek to dedicate the permissive paths as public rights of way to be protected in perpetuity.</p>
36	National Fire Chiefs Council Guidance	Under agenda item 3.2 Lincolnshire Fire and Rescue (LFR) provided an overview of the current draft National Fire Chiefs Council (NFCC) guidance, set within the context that the document is still awaiting formal national sign-off. Reference was also made to the existing current NFCC guidance, with confirmation that much of	The Applicant understands the importance of considering any updates or revisions to guidance with regards to fire safety. The Framework BSMP [REP1-041] , developed in consultation with the Lincolnshire Fire and Rescue Service (LFRS), recognises the evolving nature of standards and

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		<p>the content remains valid and applicable. However, it was emphasised that careful consideration is required to identify where specific details have been amended, updated, or expanded within the draft guidance. It was further highlighted that NFCC guidance is intended to set out minimum standards, and that individual fire and rescue services may apply additional or enhanced measures where local risk profiles require this.</p>	<p>guidance, and as such notes (ref. 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. The Applicant will continue to engage with the LFRS during detailed design and preparation of the BSMP. Requirement 7 of the Draft DCO [REP1-007] requires that the relevant planning authority must also consult with Lincolnshire Fire and Rescue and the Environment Agency before determining an application for approval of the battery safety management plan.</p>
38	<p>Firefighting tactics – strategic direction and operational guidance</p>	<p>NFCC provides strategic direction and operational guidance in relation to firefighting tactics. It was noted that these tactics have evolved over time in response to emerging evidence, operational learning, and technological developments. Current NFCC direction generally promotes a defensive firefighting approach for incidents involving battery energy storage systems (BESS). This approach would typically involve the establishment of a secure and sustainable water supply, maintaining firefighter safety, and focusing on limiting fire spread beyond the container of origin, rather than committing crews to internal firefighting operations.</p>	<p>The Applicant notes this comment.</p>
39	<p>Management of firefighting water runoff</p>	<p>LFR confirmed its commitment to working collaboratively with the Environment Agency (EA) in relation to the management of firefighting water runoff. This includes consideration of potential environmental contamination, anticipated volumes of water required for firefighting and cooling operations, and opportunities for containment, treatment, and potential re-use where appropriate. It was acknowledged that these factors will need to be further developed and refined as site-specific plans and designs progress.</p>	<p>The Applicant notes this comment.</p>
40	<p>BESS Approach Design</p>	<p>It was explained that, while the underlying design philosophy for BESS sites is that any fire should be contained within the container of origin, a dispersed BESS layout is considered more manageable from an operational firefighting perspective than a centralised design. A dispersed model increases separation distances between containers, thereby reducing the likelihood of fire spread, thermal escalation, or domino effects. This approach also supports more effective defensive firefighting tactics and enhances overall site resilience in the event of a container failure or fire.</p>	<p>The Applicant notes this comment.</p>

2.2 North Kesteven District Council

Table 2-2: Applicant's Responses to North Kesteven District Council Post Hearing Submissions [REP1-058]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Issue Specific Hearing			
Article interpretation Sch2 Requirements: 'Date of final commissioning'	2 +	<p>The 'date of final commissioning' is defined as the date that each 'part' of the Authorised Development commences operation by generating electricity on a commercial basis. This is problematic for the following reasons:</p> <ol style="list-style-type: none"> 'Part' is not defined, and does not appear to mean 'Work'. 'Part' could effectively mean whatever the Undertaker decides. This Article is arguably incoherent. 'Part' could, for instance, mean the Authorised Development as a whole or, alternatively, just anything within Work No. 1 that generates electricity. Other Work or parts do not in themselves generate electricity, and hence cannot have a 'date of final commissioning' It would appear to follow that there is no required date for decommissioning per Sch. 2 Requirement 20 for any part other than Work No. 1 – because the deadline for the commencement of decommissioning is dependent on the date of final commissioning Work No.1 itself could have several decommissioning deadlines, as there may be several different 'dates of final commissioning' if Work No.1 is done in 'parts' The consequent implication is that the operational lifespan of the development could be well beyond 60 years assessed in ES etc It is also possible that there would be disagreement over what constitutes a 'part', and hence what the relevant date for decommissioning should be. It is not clear how those disputes would be resolved. The Council suggests an amendment to the definition as follows: <i>'date of final commissioning' means the date on which the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing</i> 	<p>The Applicant has considered NKDC's submissions and amended the Draft DCO [REP1-007] accordingly.</p> <p>The definition of "date of final commissioning" within Article 2 has been revised as follows:</p> <p><i>“date of final commissioning” means in respect of each part of the authorised development the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;”</i></p> <p>The wording of Requirement 20 of Schedule 2 to the Draft DCO [REP1-007] has been revised accordingly as follows:</p> <p><i>“20.—(1) Decommissioning works must commence no later than 60 years following the date of final commissioning. (2) Prior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must submit to the relevant planning authority for approval, in consultation with Lincolnshire County Council (in its capacity as the local highway authority and waste planning authority), National Highways and the Environment Agency, a decommissioning environmental management plan for that part. (3) The decommissioning environmental management plan submitted and approved under sub-paragraph (2) must be substantially in accordance with the relevant part of the framework decommissioning environmental management plan. (4) No decommissioning works must be carried out until the relevant planning authority has approved the plan submitted in relation to such works. (5) The plan submitted and approved pursuant to sub-paragraph (2) must be implemented as approved for the works required to decommission that part of the authorised development. (6) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.”</i></p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Article interpretation: 'maintain'	2	<p>In Article 2, 'maintain' is defined as including replacement of any part of the development, save for replacement of the whole of Work No.1 at the same time. The following points arise:</p> <ol style="list-style-type: none"> 1. What does 'at the same time' mean? 2. Not 'the whole of' means that up to 99% replacement 'at the same time' would be permitted 3. There is no cap on this, which means that potentially much more significant environmental effects may occur during the operational phase (e.g. construction-related and waste generation impacts) than are anticipated by the ES. Article 5(3) is inadequate in dealing with this because it is plain that significant replacement above 5% would have new/materially different effects and there is too much room for dispute over whether or not they are significant. 4. The Council notes that the Examining Authority for the Springwell DCO examination proposed a cap on annual replacement at 5%, though this may prove problematic for the Fosse Green scheme which suggests a panel lifespan of 30 – 40 years and suggests but does not detail possible phasing of replacement works (APP-028, Table 3-11 and paragraph 3.5.1). 5. The Council suggests that a new Requirement is included in Sch.2 for details of a solar panel / array replacement and repowering strategy to be submitted to and approved by the Local Planning Authority and implemented as approved, with the proviso that implementation of the strategy should not have new or materially different effects from those assessed in the ES 	<p>An updated version of the Draft DCO [REP1-007] reflecting these amendments has been submitted alongside this document at Deadline 2.</p> <p>Oral submissions regarding the definition of "maintain" were made by NKDC during ISH2 and the Applicant provided the below written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>The definition of "maintain" in Article 2 (Interpretation) has been included 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) [REP1-033] which sets out how an annual maintenance schedule will be agreed. Examples of anticipated maintenance activities are set out at paragraph 4.2.2.f.ii of the Explanatory Memorandum to the Draft DCO [REP1-009].</p> <p>With regards to the suggestion that there is a potential for "much more significant environmental effects" compared to those assessed, Article 5 of the Draft DCO [REP1-007] provides the power to maintain the authorised development and it should be noted that sub-paragraph (3) of this article states that Article 5 "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.</p> <p>The Applicant has provided a full response in relation to the suggestion for a cap on annual panel replacement and the suggestion of a new Requirement in its responses to NKDC's LIR.</p>
Article interpretation: 'permissive paths' and Requirement 17	2	<p>Defined as 'new paths providing restricted public access within the Order limits along the routes shown on the framework landscape and ecological management plan'. This raises the following points:</p> <ol style="list-style-type: none"> 1. The definition as 'restricted' public access is considered opaque and inadequate. For instance, the path could comply with this by being open for only a few days a year 2. The definition should set out clearly what permissive access is proposed including duration of permitted access 	<p>Oral submissions regarding permissive paths were made by NKDC during ISH2 and the Applicant provided the below written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>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</p>

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3. Requirement 17 in Sch.2 of the draft DCO at present does not require the Undertaker to actually provide any permissive paths
4. When coupled with the powers in the DCO to close any or all public rights of way (PRoW), this means that in theory there could be much greater impact on PRoWs than has been assessed in the ES

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) [REP1-039]. 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 [REP1-039]. 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 [REP1-007] which requires that these must be provided and open to the public prior to the date of final commissioning 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, due to ongoing construction activities.

Article interpretation: definitions of 'commence' and 'permitted preliminary works'

2 It is noted that Requirement 11 in Sch.2 of the DCO adopts a different definition of 'commence' to that in Article 2, so as to avoid unassessed adverse effects on archaeological resources associated with preliminary works. It is noted that Advice Note 15 requires a reasoned justification in the Explanatory Memorandum, which the Council considers should be added to explain why this carve out has been made.
 However, the Council queries whether possible significant effects of other kinds may still occur as a result of preliminary works (e.g. noise, harm to protected species). The Council suggests that parts c), e), f) and h) are carved out of the definition of 'permitted preliminary works' in Article 2.

Oral submissions regarding "permitted preliminary works" were made by NKDC during ISH2 and the Applicant provided the below written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].

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 [REP1-007]. 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.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Article 6 and Sch3	legislation disapplied	The Council notes that Explanatory Memorandum (APP-019) only provides partial reasons for disapplication. More detailed explanation for each one is required.	In response to this submission, and ExQ1 DCO.1.01, the Applicant has added further detail to the explanations for disapplication of legislation in the Explanatory Memorandum to the Draft DCO [REP1-009] and an updated version has been submitted to the Examination at Deadline 2, alongside this document.
Articles 7, 9, 10	street works, permit scheme and altering layouts etc	<p>These are matters primarily for the ExA, National Highways and LCC as highway authority.</p> <p>However, the Council notes the power in Art.12 to close etc any street or PRoW anywhere just because it is connected (even tenuously) with the Authorised Development. This seems extremely broad and hard to justify, especially as the term 'temporarily' is not defined or limited even by necessity or reasonableness.</p>	<p>Oral submissions regarding these articles were made by NKDC during ISH2 and the Applicant provided a full written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>Noting that NKDC has specifically highlighted Article 12, this 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 [REP1-004].</p> <p>Without prejudice to the generality of this provision, Schedule 6 to the Draft DCO [REP1-007] 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.</p> <p>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.</p> <p>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.</p> <p>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.</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Article 13 stopping up Public Right of Ways		<p>The Council considers that the scope of this provision is extremely broad, giving power for any PRow inside the order limits to be permanently stopped up. Explanatory Memorandum (APP-019) 4.3.9 does not say why this is necessary or explain how the effects of possible complete loss of PRow has been assessed in the ES.</p>	<p>Oral submissions regarding Article 13 were made by NKDC during ISH2 and the Applicant provided the below written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>Article 13 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 [REP1-004]. 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 [REP1-007]. There are only three PRow which will be permanently diverted as a result of the Proposed Development.</p> <p>Where any PRow is permanently stopped up, a replacement route will be provided, as shown on the Streets, Rights of Way and Access (SRowA) Plans [REP1-004]. The Applicant has also prepared a Framework Public Rights of Way Management Plan (PRowWMP) [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 [REP1-007] provides that a detailed PRowWMP, which is substantially in accordance with the Framework PRowWMP [APP-195], must be produced.</p> <p>The diversions for the PRow which are to be permanently stopped up are provided by way of the SRowA Plans [REP1-004] and the Framework PRowWMP [APP-195] and are therefore secured under the Draft DCO [REP1-007] by the Requirements in Schedule 2, instead of by reference to details set out in a schedule of the DCO. This is necessary as detailed design of the Proposed Development has yet to be undertaken, and therefore, the routes of the permanent diversions are indicative only. Although the Applicant will endeavour to provide these permanent diversions in the locations shown on the SRowA Plans [REP1-004], potential constraints such as archaeology may require these to be revised. Until such time as detailed design is undertaken, the Applicant cannot commit to specific routes for these permanent diversions. As such, the replacement routes are secured by way of the Framework PRowWMP, so that the final details can be secured post-consent, with the approval of the Local Planning Authority, in line with the approach set out in the Framework document provided at Application.</p> <p>The Applicant submits that, through the SRowA Plans [REP1-004] and the Framework PRowWMP [APP-195], the permanent stopping up of public rights of way has been adequately addressed.</p>

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Article 15	traffic regulation measures	These are matters primarily for the ExA, National Highways and Lincolnshire County Council as Highway Authority. However, the Council and the ExA share a similar concern here about breadth of the power in relation to 'any road', and the and lack of justification provided.	<p>For clarity, the Applicant notes that NKDC is referring to the Traffic Regulation Measures article which is Article 16 of the Draft DCO [REP1-007].</p> <p>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 [REP1-007] 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.</p> <p>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.</p> <p>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.</p> <p>Whilst this provision may seem broad, it is common in orders 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 Planning Act 2008. 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 the Mallard Pass Solar Farm Order 2024.</p>
Article 17	discharge of water	A typographical error has been made in Article 17 (8): missing 'or' after granted consent and before given approval.	The Applicant confirms that the Draft DCO [REP1-007] has been amended, and an updated version will be submitted to the Examination at Deadline 2.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
	Article 29 temporary use of land for constructing	The right to remain in possession is limited in time to 1 year from the date of final commissioning of that part of the Authorised Development for which possession has been taken. However, the Council notes that there is no restriction on when possession can originally be taken e.g. possession could be taken for a part that is then not constructed for 10 years or does not produce electricity so has no date of final commissioning.	<p>Under Article 29 of the Draft DCO [REP1-007] the Applicant may only take temporary possession of land in connection with the construction of the authorised development. If the powers of temporary possession were to be exercised for any other reason, this would be a breach of the DCO.</p> <p>Furthermore, under Article 29(6) of the Draft DCO [REP1-007], compensation is payable to the owners and occupiers of land in respect of any loss or damage arising from the exercise of the powers of temporary possession. Therefore, the Applicant would have no reason to remain in temporary possession any longer than necessary, as they would be incurring an unnecessary liability.</p>
	Article 30 temporary use for maintaining	The Council has a similar query in relation to Article 30 – here the maintenance period is defined by ref to date of final commissioning. Query how it applies to parts that don't have such a date.	<p>As noted above, the Applicant has amended the definition of "date of final commissioning" within Article 2 of the Draft DCO [REP1-007] and this therefore resolves the Council's query in relation to Article 30.</p> <p><i>“date of final commissioning” means in respect of each part of the authorised development the date on which each part of the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;”</i></p> <p>An updated Draft DCO [REP1-007] will be submitted to the Examination at Deadline 2.</p>
	Article 35 consent to transfer benefit	Article 35 provides that the consent of the Secretary of State is not needed to transfer the benefit of the Order after the time limits for claims for compensation in relation to compulsory purchase have elapsed. The Council queries whether there would still be a need to be satisfied of a new Undertaker's credentials – not least in financial terms - after that point, given their responsibility for operation, decommissioning, and the exercise of very extensive statutory powers and privileges.	<p>Article 35 (Consent to transfer the benefit of the Order) of the Draft DCO [REP1-007] is a standard Article included in numerous DCOs to make provision for the transfer of any or all of the benefit of the provisions of the DCO. Under Article 35 paragraph (3), the consent of the Secretary of State is needed before the undertaker can transfer or lease the DCO except where:</p> <ol style="list-style-type: none"> a. the transferee is National Grid Electricity Transmission Plc; b. the transferee or lessee is the holder of an electricity generating licence under section 6 of the Electricity Act 1989; or c. the compensation provisions for the acquisition of rights or interests in land or for effects on land have been discharged or are no longer relevant. <p>The justification for these provisions is that in such cases, the transferee or lessee will either be of a similar regulatory standing to the undertaker so as to protect the provision for compensation for rights or interests in land that are compulsorily acquired pursuant to the Order, or there are no outstanding actual or potential compulsory purchase claims.</p>

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Article 40 trees subject to tree preservation orders

The Council considers that this Article, which provides a power to override post-DCO TPOs, is unjustified. Also, there is concern that the obligation to replace trees under s.206 of the Town and Country Planning Act 1990 has been removed. The Council may see the need, on their merits, to make trees within the Order Limits subject to TPOs over the 60 year proposed lifespan of the development. The Council considers that Local Planning Authority approval should be required, with right of appeal in event of disagreement, so that there is a clearer requirement for dialogue over the necessity for and nature of works to trees subject to future TPOs; together with provisions for LPA involvement in replacement planting where necessary.

This is required to ensure that the undertaker has commercial flexibility to transfer the benefit of the DCO to a third party, with the consent of the Secretary of State required, except for in the aforementioned specific circumstances.

Under Article 35(4), where the consent of the Secretary of State is not needed, as in the above noted circumstances, the undertaker must nevertheless notify the Secretary of State and the relevant planning authority in writing, with at least 14 days' notice required to be given to the Secretary of State. This is based on the notification procedure contained in Article 7 of the Wrexham Gas Fired Generating Station Order 2017 and similar provisions can be found in the Longfield Solar Farm Order 2023, the Cottam Solar Project Order 2024, the Gate Burton Energy Park Order 2024 and the Mallard Pass Solar Farm Order 2024.

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 s206 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.

Given Article 40(1) of the Draft DCO **[REP1-007]** 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, it may not be practicable to replace any trees which are removed. Trees subject to a TPO are only permitted to be removed where they pose a safety risk or may impede the implementation of the Proposed Development and therefore, in these circumstances, it may not be appropriate to provide a replacement tree.

The Council raised this concern both in its RR **[RR-210]** and during the course of Issue Specific Hearing 2, where it was requested that a provision for the Council's approval be incorporated into this article. In this regard, the Council should note that prior to any works being undertaken under Article

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			<p>40(1), the relevant planning authority, being the Council, must be consulted (Article 40(2)(c)).</p> <p>The Applicant has amended the wording of Article 40 to insert the relevant date at sub-paragraph (1). Therefore, Article 40(1) of the Draft DCO [REP1-007] is now as follows:</p> <p>“(1) The undertaker may fell or lop any tree within or overhanging land within the Order limits subject to a tree preservation order which was made after 30 June 2025 if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub--”</p> <p>An updated Draft DCO [REP1-007] reflecting this amendment has been submitted at Deadline 2.</p> <p>The Applicant has provided a full response to the Council's request regarding notice at 27.9 of the Applicant's Response to LIRs.</p>
<p>Article 46 approvals procedure (other than Requirements)</p>	<p>47 The Council considers that the period for approval should be 10 weeks, as it is for Requirements - not 8 weeks as specified in Article 46 as currently drafted. This change would ensure consistency of approach and avoidance of confusion in the future. No justification has been provided as to why this period needs to be 2 weeks shorter than for the Requirements.</p>		<p>This point was made in NKDC's LIR and the Applicant has provided a comprehensive response in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] which has been submitted alongside this document at Deadline 2.</p> <p>Under the Draft DCO [REP1-007], Article 46 provides procedures in relation to consents and approvals required pursuant to the DCO, other than the Requirements set out in Schedule 2 to the Draft DCO [REP1-007]. This provides that 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 in writing between the parties. The Applicant must, under sub-paragraph (5) of this article, provide a statement of the timeframe for consideration by the consenting authority which details the consequences of failure to meet that timeframe.</p> <p>It is acknowledged that there is automatic approval if there is non-determination within the set timeframe, however, extending this set timeframe beyond eight weeks 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 Proposed Development as a Nationally Significant Infrastructure Project which is meeting an identified, urgent national need for renewable energy.</p>
<p>Article guarantees</p>	<p>47 The Council queries why paragraph (2) of this Article does not apply to Articles 25 and 26 since compensation is payable under those provisions also.</p>		<p>Article 47(2) of the Draft DCO [REP1-007] does not need to specifically reference Article 25 as this article relates to the powers of acquisition under</p>

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		respect of payment of compensation	Article 19 and Article 22 which are included in the provisions of Article 47(2). With regard to Article 26, the Applicant has amended Article 47(2) to cross-refer to this article. This is reflected in the updated Draft DCO [REP1-007] to be submitted at this Deadline.
Sch1	Authorised development	There appears to be a typographical error in 'mounting structure', with the definition having a missing 'be' after 'tracking and'	The Applicant notes the comment from the Council and confirms that the wording is as intended.
Sch1	Authorised development	The description of Work 1 should be amended to include buried cables.	In response to this submission, and ExQ1 DCO.1.13, the Applicant has amended the description of the works accordingly and an updated version of the Draft DCO [REP1-007] has been submitted to the Examination at Deadline 2, alongside this document.
Sch1	Authorised development	The Council notes the 'catch-all' after Work 9 ('further associated development' connected with Work nos1 to 9), but queries whether item (j) temporary footpath diversions and closures is justified or necessary, given the other specific powers provided by the Order. Query then why yet another catch-all after that or why first cannot be dispensed with?	<p>The specific powers provided by the Order relate to the management of public rights of way (PRoW) whereas item (j) relates to "footpaths" and is therefore both justified and necessary. There are footpaths within the Order Limits which are not designated as PRoW and as such, the Applicant requires powers to implement temporary footpath diversions and closures, hence the inclusion of this under further associated development.</p> <p>The "catch-all" text following item (n) has been removed from the Draft DCO [REP1-007] as it duplicates the provision at the start of the list of associated development and an updated version will be submitted to the Examination at Deadline 2.</p>
Sch2	Requirement 1: 'date of final commissioning'	Please see comments above in relation to this definition in Article 2.	The Applicant has responded to these comments above as appropriate.
Sch2	Requirements: 'substantially in accordance'	The Council is content with this wording. It is approved in case law (see Swire) and there is the protection that LPA has to approve details anyway. Therefore, gives it desirable latitude to accept minor variations which may be better.	The Applicant notes this comment.
Sch2	Requirements: 17 permissive paths	The Council seeks an amended so that it is cited as a relevant consultee – though (as set out above), the main issue is that this Requirement contains no express commitment to provide any permissive paths. Separately, the Council has made submissions in its LIR and WR seeking the dedication of permissive paths as PRoW.	<p>The Applicant agrees to add North Kesteven District Council as a consultee for this Requirement.</p> <p>Sub-paragraph (1) of Requirement 17 of Schedule 2 has been amended as follows:</p> <p><i>"(1) Prior to the construction of a permissive path, the undertaker must submit details of that permissive path to the relevant planning authority for approval in consultation with North Kesteven District Council."</i></p> <p>An updated version of the Draft DCO [REP1-007] reflecting this amendment has been submitted to the Examination at Deadline 2.</p>
Sch2	Requirements: 18 PROWs	The Council seeks an amendment so that it is a consultee on these details.	The Applicant agrees to add North Kesteven District Council as a consultee for this Requirement.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Sch2 Requirements: 20 decommissioning – New Requirement sought	<p>Please see comments above in relation to Article 2 and the definition of the date of final commissioning.</p> <p>The Council seeks an additional Requirement that a financial security is provided and put in place by an appropriate date in order to avoid risk that future operator may seek to avoid their obligations and liabilities – for instance by transferring the benefit of the Order to another party prior to the triggering of decommissioning Requirements. That may lead to a situation where the DCO benefit then sits with another party against whom it is not possible in practice to take effective enforcement action to deliver decommissioning in the appropriate manner.</p> <p>In that respect, the Council sees that as the operation of the development proceeds, over time the future financial returns will diminish until a point is reached whereby those future returns are less than the anticipated costs of decommissioning.</p> <p>The Council considers that it is particularly important to guard against these risks in a situation such as this, where the future decommissioning date is over 60 years hence.</p> <p>The Council draws attention to DCO Requirement 5 for the Helios solar farm development, which reads:</p> <p><i>5(3) No later than year 15 of operation the undertaker must notify the local planning authority that the undertaker has put in place the requisite decommissioning security</i></p>	<p>Sub-paragraph (1) of Requirement 18 of Schedule 2 has been amended as follows:</p> <p><i>"(1) No part of the authorised development may commence until a public rights of way management plan for any sections of public rights of way shown to be temporarily closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority in consultation with North Kesteven District Council."</i></p> <p>An updated version of the Draft DCO [REP1-007] reflecting this amendment has been submitted to the Examination at Deadline 2.</p>	
Sch2 Requirements: - new Requirement sought	<p>See above re Art2 and def of 'maintain'</p>	<p>The Applicant has responded to these comments above as appropriate.</p>	
Sch2 Requirements: NEW CLAUSE RE NAVENBY	<p>As set out in the Council's Local Impact Report and Written Representation, the Council proposes a new Requirement that development must not commence unless and until the National Grid Navenby Substation (NGNS) has been granted planning permission.</p> <p>As the Applicant has acknowledged in discussion of alterations to the scheme, the case for the development on basis of the need for clean renewable energy cannot be supported without a sufficient grid connection, which in this case means the</p>	<p>NKDC raised this point in its LIR and the Applicant has provided a comprehensive explanation as to why the provision of such a Requirement is not justified in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] submitted alongside this document at Deadline 2.</p>	

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		<p>construction and bringing into operation of the NGNS. Without NGNS, it is clear the development would cause harm but not contribute towards meeting that need and would deliver no benefits.</p> <p>It is necessary therefore to ensure that development (including any harmful preliminary works) cannot be started and carried out unless and until planning permission has been granted at the very least.</p> <p>The Council notes that the ExA for the Springwell Solar Farm appeared to agree that a Requirement was needed that precluded development and any permitted preliminary works until planning permission for NGNS had been granted.</p> <p>The Council suggests that a similar Requirement is likewise necessary and appropriate here - and also suggest it should be worded so as to provide for the possibility of a legal challenge to that permission.</p>	
<p>Sch15 discharge of Requirements Paragraph Appeals</p>	<p>of - 4</p>	<p>The Council notes that, whilst timetabling is a matter for the Planning Inspectorate, the 10 working days in paragraph 4.(2)(d) appears quite short within which to provide the required written representations or further information. The Council notes that The Planning Inspectorate Nationally significant Infrastructure Projects – Advice Note Fifteen: drafting Development Consent Orders contains in section 7. Appendix 1, of which paragraph 4(2)(d) is worded as follows:</p> <p><i>the discharging authority and the requirement consultees must submit written representations to the appointed person in respect of the appeal within 20 business days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person</i></p> <p>It is also noted that the draft DCO does not include clear provisions and timings for counter-submissions. Paragraph 4(2)(e) of Appendix 1 of Advice Note 15) states that:</p> <p><i>(e) the appeal parties shall make any counter-submissions to the appointed person within 20 business days of receipt of written representations under paragraph (d).</i></p> <p>Paragraph 4(8) in Sch.15 of the draft DCO also appears to contain a typographical error: should be '<i>unless proceedings for judicial review are brought</i>' or similar.</p> <p>Paragraph (11) also appears to contain a typographical error: 'award costs' should be 'on the award of costs'</p> <p>The relevant PPG for Appeals is now 2024, not 2014.</p>	<p>Oral submissions regarding Schedule 15, particularly sub-paragraph 4, were made by NKDC during ISH2 and the Applicant provided the below written response to these submissions in the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 2 [REP1-044].</p> <p>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 [REP1-007]. 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.</p> <p>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.</p> <p>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-</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
			<p>submissions and therefore feels that this timescale is both fair and appropriate for the effective delivery of the Proposed Development.</p> <p>The Applicant confirms that the wording at paragraph 4(8) of Schedule 15 to the Draft DCO [REP1-007] has been amended. The Applicant notes the Council's comments regarding paragraph 4(11) of Schedule 15 to the Draft DCO [REP1-007] and confirms that the wording is as intended. The reference to the Planning Practice Guidance for Appeals has been amended. An updated version of the Draft DCO [REP1-007] will be submitted to the Examination at Deadline 2.</p>
Sch15 discharge of Requirements		The Council seeks revisions to the fee structures, and refers the ExA to its comments on fee structure in its LIR at paragraphs 27.13 and 27.14	<p>The Applicant acknowledges the Council's comments regarding fee structure, however, would note that a decision is yet to be made on the DCO Application for Springwell. Therefore, until such time as a decision is made, and development consent is granted, there is no precedent for the inclusion of the increased fee structure. Additionally, the Applicant notes that the fee structure in the Draft DCO [REP1-007] is consistent with made DCOs in the Lincolnshire County Council area including the Cottam Solar Project Order 2024, Heckington Fen Solar Park Order 2025 and the Tillbridge Solar Order 2025.</p> <p>The scale of the Proposed Development is also a relevant consideration, particularly comparative to other solar NSIPs in Lincolnshire, and as such, the Applicant considers the fees set out in Schedule 15 to the Draft DCO [REP1-007] to be appropriate and proportionate.</p>
S106 obligations		Related to the DCO, the Council refers the ExA to its comments in its Local Impact Report on Biodiversity Net Gain monitoring fees; and funding for the Skills and Education package – see LIR paragraphs 27.15 – 27.17.	The Applicant has provided a comprehensive response to this point in the Applicant's Response to Local Impact Reports [EN010154/EXAM/9.10] submitted alongside this document at Deadline 2.

2.3 National Highways

Table 2-3: Applicant's Response to National Highways Post Hearing Submissions [REP1-075]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Issue Specific Hearing 1 – Agenda Item 3.5			
	<p>The approach to the transport assessment and predicted traffic generation (construction and operational)</p>	<p>National Highways (NH) has reviewed Chapter 13, Traffic and Transport, of the Environmental Statement, reference APP-038. NH is satisfied with the overall approach taken and the conclusions reached in the transport assessment.</p> <p>NH agree with the predicted trip generation and distribution for both construction vehicles and staff, during the construction phase and once the development is operational. Given that the construction works are temporary, and that only minimal movements are expected during peak hours on the Strategic Road Network, we don't consider any further traffic assessments to be necessary. There is also no requirement for additional junction capacity assessments on the A46 trunk road.</p> <p>Finally, NH has agreed requested that we will be consulted and provide approval on the detailed Construction Traffic Management Plan, in line with Requirement 14 of Schedule 2 of the Development Consent Order.</p>	<p>The Applicant has agreed to include National Highways as a consultee for Requirement 14 (Construction traffic management plan) of Schedule 2 to the Draft DCO [REP1-007] as shown in the updated version submitted to the Examination at Deadline 1. As a result, NH will be a prescribed consultee in respect of the final CTMP, whereby the Applicant will continue to work collaboratively with NH through the development of the detailed CTMP.</p>
	<p>Construction impacts for the strategic and local road networks and public rights of way and proposed mitigation measures</p>	<p>NH has requested to be formally consulted on both the Construction Environmental Management Plan and the Operational Environmental Management Plan, under Requirements 12 and 13 of Schedule 2 of the draft Development Consent Order. This consultation is essential to ensure that any potential environmental impacts on the Strategic Road Network are properly mitigated during both the construction and operational phases of the development, particularly given that the A46 trunk road shares a boundary with the application site and utilised for construction routing.</p> <p>In NH's Relevant Representation (RR-201), we highlighted that the Framework Construction Traffic Management Plan CTMP (REP1-043) did not include any reference to proposed signage on the Strategic Road Network, nor to the routing of construction vehicles. NH would expect appropriate signage to be provided to guide construction traffic safely from the A46 trunk road onto the Local Road Network and towards the agreed construction access points. This is important to ensure the safe and efficient operation of the Strategic Road Network and to protect all road users, particularly by avoiding situations where HGVs may stop unexpectedly on the carriageway.</p> <p>These matters should be addressed within the detailed Construction Traffic Management Plan, on which NH seek to be consulted and approving body to under Schedule 2, Requirement 14.</p> <p>In addition, any temporary traffic management that remains in place for longer than six months, including associated signage, will require a Stage 1 Road Safety Audit and either a Walking Cycling and Hore rising Review assessment or a WCHAR Assessment Note in line with GG 119. This is set out in the protective provisions being discussed with the Applicant.</p>	<p>The Applicant has agreed to add National Highways as a consultee within the following Requirements of Schedule 2 to the Draft DCO [REP1-007]: Requirement 12 (construction environmental management plan), Requirement 13 (operational environmental management plan) and Requirement 14 (construction traffic management plan). An updated version of the Draft DCO [REP1-007] reflecting this was submitted to the Examination at Deadline 1. As a named consultee, National Highways will have an input into the final versions of these management plans.</p> <p>While signage is not explicitly mentioned in the Framework CTMP [REP1-043], signage will form a key part of the Temporary Traffic Management and will ensure that traffic utilises the designated routes. The Applicant will engage with NH (and LCC for local roads, as necessary) in developing the signage strategy as part of the detailed CTMP. This will include overall signage strategies for routes, including sign locations and sign face details for approval. For clarity, the Framework CTMP has been updated to include the text above and submitted alongside this document at Deadline 2. It should be noted that the above matter has been discussed with National Highways as part of the SoCG between the Applicant and National Highways, whereby National Highways confirmed on 19 January 2026 that they accepted the above and are content for the status of this item to be 'Agreed' within the SoCG. The Applicant will continue discussions to ensure the SoCG with National Highways is submitted at the midpoint of Examination in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 [PD-005].</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		<p>As set out in GG 142, it is the responsibility of the applicant's design organisation to determine whether a WCHAR assessment is required. Until the details of the proposed traffic management are confirmed, it is not possible to determine whether there would be any impacts on non-motorised users. Discussions on the requirement for WCHAR are still under discussion with the applicant.</p>	<p>Protective provisions have been substantially agreed with National Highways including provision for stage 1, 2 and 3 safety audits. No specified works – including temporary traffic management – may commence until stage 1 and 2 safety audits have been carried out and all recommendations raised by them or any exceptions are approved by National Highways. Detailed design of the specified works must include, where relevant, information demonstrating that the Applicant has undertaken a walking, cycling and horse riding assessment and review process in accordance with DMRB GG142.</p>
The cumulative effects	<p>The authorised development has the potential to impact NH's major capital project, the A46 Newark Bypass, which received Development Consent on 1 October 2025 from the Secretary of State for Transport.</p> <p>Given the scale and significance of this scheme, it is important that the authorised development does not undermine the substantial public investment already made by NH. To protect this investment, it is necessary for the Applicant to work collaboratively with NH during delivery of the authorised development. To achieve this NH seeks to be consulted and provide approval to Requirement 14 of the Construction Traffic Management Plan, set out in Schedule 2 of the draft DCO. This consultation will take place during the development of the detailed CTMP, to ensure effective coordination with the delivery of the A46 Newark Bypass scheme.</p>	<p>As noted in the Applicant's Response to Relevant Representations [REP1-047], ref. RR-201 section 19, the Applicant agrees to include National Highways as a consultee for Requirement 14 of Schedule 2 to the Draft DCO and has submitted an updated version of the Draft DCO [REP1-007] to the Examination reflecting this change at Deadline 1. The Applicant will work with NH (and LCC) with respect to the A46 Newark Bypass in the development of the detailed Construction Traffic Management Plan (CTMP) to coordinate the delivery of these projects.</p>	
Abnormal Loads	<p>NH has advised the Applicant to undertake any abnormal load feasibility study as early as possible. Early engagement will help identify potential constraints and avoid delays later in the projects construction programme. NH have also provided advice on how to obtain the necessary approvals and permits for abnormal load movements.</p> <p>The approvals process should begin around 8 to 10 weeks in advance of the planned movements. During this period, NH will re-check route suitability and, where appropriate, issue a permit for the movement of abnormal indivisible loads. The Applicant should also note that there is a continuing legal obligation to notify NH of the exact date and time of each movement at least five days in advance.</p>	<p>Abnormal loads are discussed in the Framework CTMP [REP1-043], whereby paragraph 5.7.3 notes that an in-depth assessment of the Abnormal Invisible Loads (AIL) routing will be carried out at a later stage, once the port of entry has been determined, to identify any additional potential constraints along the remainder of the route, once this is known. Paragraph 5.7.2 of the Framework CTMP [REP1-043] notes that the Applicant will consult the relevant highways authorities to ensure the correct permits are obtained, and the police also given advanced notification under the Road Vehicle Authorisation of Special Types Order 2003.</p> <p>The Applicant has agreed to include National Highways as a consultee for Requirement 14 of Schedule 2 to the Draft DCO [REP1-007] and submitted an updated version of the Draft DCO [REP1-007] to the Examination at Deadline 1 to reflect this. As a result, NH will be a prescribed consultee in respect of the final CTMP, whereby the Applicant will continue to work collaboratively with NH in order to obtain the necessary approvals/permits for access to the Order Limits by abnormal loads.</p>	
Issue Specific Hearing 2 – Agenda Item 3.1			
Draft DCO – NH Statutory Powers	<p>The DCO includes a number of provisions which authorise the interference with statutory powers belonging to NH and/or grant the Applicant powers over the SRN which would have significant safety implications if not properly and proportionately controlled through NH's protective provisions. NH must have control over the</p>	<p>The substantially agreed protective provisions make it clear that nothing in the Order affects or prejudices National Highways' statutory powers and duties. The safety of the SRN is controlled by National Highways through its approval of the stage 1, 2 and 3 road safety audit process and, in addition, the requirement for National Highways to issue both provisional and final</p>	

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		operations being carried out on its network. This is critical from a safety perspective and to maintain the integrity of the asset.	certificates in respect of any works on, in, under or over the SRN or land in which NH has an interest.
Draft Protective Provisions	DCO	– Discussions with the Applicant on the protective provisions are progressing well. We hope to reach agreement on an agreed form shortly and will update the ExA at the next deadline in writing.	The Applicant agrees with regards to the progression of the protective provisions and is grateful for the ongoing engagement from National Highways.
Draft DCO – Article 8		It was noted in NH Relevant Representation (RR-201) that the directional drilling under the A46 was not included within Schedule 4 of the draft DCO meaning the Applicant did not have powers under article 8 over the A46. We understand the Applicant is proposing to add some wording to the dDCO regarding the proposed crossing points beneath the A46, reference REP1-007. Subject to the inclusion of NH's protective provisions, NH supports this approach. NH continues to work with the Applicant on the detailed arrangements for the trenchless crossing locations. The protective provisions for National Highways will ensure that all necessary technical approvals and requirements are secured. We remain content to continue working collaboratively with the Applicant to progress these matters.	As noted in the Written Summaries of Oral Submissions [REP1-044] the following wording has been inserted at Schedule 4: <i>"those parts of the A46 that are within the limits of deviation of Work No. 6"</i> The Streets, Rights of Way and Access (SRoWA) Plans [REP1-004] have also been updated to reflect this insertion. These, along with the updated Draft DCO [REP1-007] were submitted at Deadline 1.
Requirements		NH stated in its relevant representation (RR-201) that we wished to be consulted on Requirements 4, 7, 8, 9, 10, 12, 13, 14 and 20 and provide approval to requirements 4 and 14. We understand the Applicant has agreed to include NH as a consultee for the Schedule 2 requirements relating to Requirement 12, the Construction Environmental Management Plan; Requirement 13, the Operational Environmental Management Plan; Requirement 14, the Construction Traffic Management Plan; and Requirement 20, decommissioning. NH maintain its position we seek approval of the CTMP under requirement 14. The applicant has proposed to include a new sub-paragraph within Requirement 4 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. National Highways agrees with this approach and will reflect this change in the next iteration of the draft Statement of Common Ground. Following further review, NH no longer wishes to be consulted on Requirement 7, Battery Safety Management. We will reflect this change in our next representation and the draft Statement of Common Ground.	As noted in the Written Summaries of Oral Submissions [REP1-044] the Draft DCO [REP1-007] 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 also inserted a new sub-paragraph at Requirement 4 of Schedule 2 as follows: <i>"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"</i> An updated Draft DCO [REP1-007] reflecting these amendments was submitted at Deadline 1.
Requirement 9 Fencing		– NH suggested at the ISH2 that we no longer seek consultation on Requirement 9 Fencing and other means of enclosure. However, we wish to update and correct that position. NH requires further information from the Applicant and clear proposals demonstrating adequate set-back distances from the edge of the carriageway to ensure compliance with policy (DfT Circular 01/2022, paragraph 57) before it can withdraw its concern in this regard and request to be consulted on this requirement. In general terms, structures should be located sufficiently far from the Strategic Road Network boundary so that they cannot topple onto the SRN or undermine its geotechnical integrity. In addition, sufficient space must be retained to allow NH to undertake all routine and emergency maintenance	The fencing in the vicinity of the A46, around the solar PV Array Areas, will be 'stock proof fence' (i.e., wooden posts and metal wire mesh), as set out in the Proposed Development Parameters [REP1-029] . If a distributed BESS system is progressed, the fencing will comprise a palisade style fence up to 2.5m above ground level, painted in a muted colour sympathetic to the surrounding environment, however (as defined by the Works Plans [AS-105] and Proposed Development Parameters [REP1-029] (Works Area 3)), any palisade fencing will be offset from the A46 (over 20m from the A46), and behind existing hedgerow which adjoins the A46, as shown in the Landscape Mitigation Plan within the Framework LEMP [REP1-039] .

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activities for the A46 trunk road. At present, no plans have been submitted that clearly show the distance from the SRN, including foundation design and parameters.

Furthermore, as noted in the Framework OEMP [REP1-033] (ref. WAT-O6), regular inspection and maintenance of fencing will be undertaken throughout the operational phase.

As such, any fencing will be suitably offset from the A46 to avoid any impacts upon the SRN and allow NH to undertake all routine and emergency maintenance activities for the A46 trunk road. It should also be noted that any proposed fencing would be located behind the existing hedgerows which adjoin the A46. For clarity on this point, measure TT-C1 of the Framework CEMP [REP1-031] was updated and submitted to the Examination at Deadline 1. Measure TT-C1 now includes: *“Where the DCO Site adjoins the A46, any proposed fencing will be located behind the existing hedgerows which adjoin the A46.”* The Framework CEMP [REP1-033] is to be developed into a detailed CEMP, substantially in accordance with the Framework Plan, secured under Requirement 12 of the Draft DCO [REP1-007].

Requirement 8

National Highways maintain its position on requirements 8 and 10. National Highways wishes to be consulted on requirement 8 Landscaping Ecology Maintenance Plan, the principal site including solar sites shares a direct boundary with the A46 trunk road. As indicated in Paragraph 7.1.7 of the Framework LEMP [AS-101], maintenance measures will be specified and implemented as part of the detailed LEMP, a post-construction monitoring programme (which will be formalised, agreed and included within the detailed LEMP). Additionally, as noted in Paragraph 7.1.11 of the Framework LEMP [AS-101] results from the post-construction monitoring will feed into the management plan and, if required, management may be amended accordingly based on this monitoring; for example, replacement planting and/or changes to planting species where planting has failed to establish. National Highways requires view 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.

With regards to glint and glare, as noted in the Applicant's Response to Relevant Representations [REP1-047], ref. RR-201 section 5, Road Receptors 13 – 16, located along the A46, were considered to have the potential to have High glint and glare impacts after the model run (Table 18 (page 103 to page 112) of Appendix 14-D: Glint and Glare Assessment Part 1 of the ES [REP1-027]). This model run assumes 100% sunlight and a bald-earth scenario (i.e. no vegetation or obstacles) so represents an absolute worst-case scenario, as per paragraph 4.42 page 29) of Appendix 14-D: Glint and Glare Assessment Part 1 of the ES [REP1-027].

Following the model run, a visibility assessment is conducted to determine the potential real-world impacts upon Road Receptors 13-16 (paragraph 6.195 (page 112) of Appendix 14-D: Glint and Glare Assessment Part 1 of the ES [REP1-027]) and Appendix Q (page 506) of Appendix 14-D: Glint and Glare Assessment Part 5 of the ES [AS-096]. Google Earth imagery was used in the visibility assessment to understand the existing conditions (e.g. the level of vegetation/obstacles) and determine the likely real-world impacts, which at the time of preparing the report were slightly outdated (imagery from November 2021). Nevertheless, with consideration of this 2021 imagery, impacts at Road Receptors 13-16 were found to be None after hedgerow infill/allowing to be grown out (see paragraph 7.1 (page 156) of Appendix 14-D: Glint and Glare Assessment Part 1 of the ES [REP1-027]), as set out in the Framework LEMP [REP1-039], e.g. ref. paragraphs 4.1.20 and 5.2.3.

Since then, the images have been updated with a timestamp of June 2025. In the updated Google Earth images, the density and height of the hedgerows either side of the A46, which will screen views of the Proposed

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Development where glint and glare is possible, have increased, whereby these images show that the hedgerows have grown significantly along the A46 since the visibility assessment was conducted. Therefore, mitigation in the form of hedgerow infill is no longer considered needed along this section of the A46 to screen the potential glare impacts. As noted above, impacts at Road Receptors 13-16 were found to be None after hedgerow infill/allowing to be grown out (paragraph 7.1 (page 156) of Appendix 14-D: Glint and Glare Assessment Part 1 of the ES [REP1-027]), and as such this conclusion remains valid, noting that the increase in hedgerow density has negated the need to infill/gap up the hedgerows along the A46 in order to establish this impact of None at Road Receptors 13-16.

Nevertheless, as outlined in the Framework LEMP [REP1-039] (ref. paragraph 5.3.14) and Framework CEMP [REP1-031] (ref. GG-C1), hedgerows will be maintained between 3- 4m (a height that is at least equal to the upper edge of the panels), which will ensure the A46 is appropriately screened from the areas where there's potential for glare impacts to occur. The Framework CEMP [REP1-031] and Framework LEMP [REP1-039] are to be developed into a detailed CEMP and LEMP, substantially in accordance with the Framework Plans, secured under Requirement 12 and 8 of the Draft DCO [REP1-007] respectively.

Regarding planting within the Order Limits, this would be the responsibility of the operator with regards to maintenance, and not National Highways. The National Highways comments provided as part of their Relevant Representation [RR-201] were noted regarding the management of trees in accordance with the Section 141 of the Highways Act 1980, the new standard LD117 Landscape Design, and the recommendation to avoid the planting of Black Poplar adjacent to the A46 – it should be noted that no tree planting is proposed in close vicinity of the A46 – refer to the Landscape Mitigation Plan, which forms Appendix A of the Framework LEMP [REP1-039]. However, with regards to these comments from National Highways, the Framework LEMP [REP1-039] was updated and submitted to the Examination at Deadline 1, to note the following:

- At paragraph 5.3.32: *Note, Black Poplar will not be planted adjacent to the A46.*
- At paragraph 5.3.34: *(e) any trees within the vicinity the A46 will be managed in accordance with the Section 141 of the Highways Act 1980 and the new standard LD117 Landscape Design (available at standardsforhighways.co.uk) as relevant*”.

Requirement 10 Finally, we wish to be consulted on Requirement 10 (surface water and foul water drainage). It is essential that National Highways protect the integrity of the Strategic Road Network drainage infrastructure, in line with DfT Circular 01/2022. At the moment, it isn't clear whether a connection or outfall is being proposed NH's

As noted in the Applicant's Response to Relevant Representations [EN010154/EXAM/9.3], ref. RR-201 section 3, Appendix 9-D: Framework Surface Water Drainage Strategy (SWDS) of the ES [REP1-025] sets out the approach to surface water management. Surface water runoff will be

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drainage network. If a connection is proposed, this would need to be considered by NH, and if agreed, a maintenance and management agreement may be required. Whilst NH consent for any connections to its drainage network will be sufficiently managed under the protective provisions in the current form agreed with the Applicant, there are Swales proposed within the solar sites adjacent to the SRN and National Highways do have concerns about the flood risk if not properly maintained which is a clear safety risk to the SRN. For this reason National Highways seek consultation on the surface water and foul water drainage plan to ensure the safety of the SRN is protected. If a connection is proposed, this would need to be considered by National Highways, and if agreed, a maintenance and management agreement may be required.

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 National Highway 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 Order Limits 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 **[REP1-025]** (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 **[REP1-007]**, with all proposed drainage features maintained according to standard practice.

As such, the Applicant does not consider there are any requirements for National Highways to be included as a consultee within Schedule 2, Requirement 10(1) (Surface and foul water drainage) of the Draft DCO **[REP1-007]**.

As noted below, the Applicant has prepared a Technical Note which includes commentary and drawings to explain that no surface water drainage will be discharged to National Highway infrastructure during the operation of the Proposed Development. The Applicant will share this Technical Note with National Highways. A Statement of Common Ground (SoCG) between the Applicant and National Highways is currently under preparation, which includes these points raised by National Highways, and will be submitted at the midpoint of Examination, in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 **[PD-005]**.

Appendix 9-D – NH has had difficulty reviewing Appendix 9-D, the Framework Surface Water Drainage Strategy within the Environmental Statement. While we have attempted to review it, we're currently unable to assess the drainage information in terms of its impact on the Strategic Road Network. The document is around 18 megabytes and is too large to navigate effectively, which makes it unsuitable for review in its current format. To support our assessment, we require focused information relating specifically to the areas adjacent to the A46. That should clearly show the local topography, the catchment area, existing drainage assets—particularly where there are interfaces between the highway and third-party ditches, as well as the proposed drainage infrastructure, flow directions, and outfall locations.

The Applicant has resolved the rendering issue that was affecting this document within the Examination Library and re-submitted the Framework SWDS **[REP1-025]** to the Examination at Deadline 1. Please note that the Framework SWDS was also sent separately to NH on 22 October 2025 (i.e. prior to Deadline 1) to enable this to be reviewed by NH.

The Applicant is currently preparing focused information to respond to NH's request and will share this with NH in due course. The SoCG between the Applicant and National Highways is currently under preparation, which includes these points raised by National Highways, and will be submitted at

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		Ideally, this information would be provided as a series of linked drawings along the A46 interface, in a manageable file size that allows us to easily open, view, and zoom into the details.	the midpoint of Examination, in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 [PD-005] .

2.4 Environment Agency

Table 2-4: Applicant's Response to Environment Agency Post Hearing Submissions – Issue Specific Hearing 2 [REP1-071]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Agenda Item 3.1			
	Discussion of the draft Development Consent Order (dDCO), involving the applicant and other interested parties (IPs)	The Environment Agency provided a brief comment that we were satisfied with progress being made on resolving the dDCO-related issues we raised in our RR [RR-089]. Of the five issues we raised only one remained where we had not had a response from the Applicant, which was regarding the disapplication of the Water Resources Act 1991 byelaws.	<p>Article 6(1)(d) of the Draft DCO [REP1-007] disapplies the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 to the Water Resources Act 1991. The provisions of Schedule 25 of the Water Resources Act 1991 give the appropriate agency the power to make numerous byelaws in relation to a number of different purposes, for example the efficient working of a drainage system, regulating the effects on the environment of a drainage system and the conservation of flora or fauna which are dependent on an aquatic environment etc.</p> <p>These byelaws can potentially be numerous and hard to identify as far as they relate to any development to be undertaken. As such, in order to ensure the efficient delivery of nationally significant infrastructure projects (NSIP), such as the Proposed Development, the Planning Act 2008 allows for such byelaws to be disapplied wholesale under a DCO given that the purposes to which these byelaws may relate are matters whose merits and acceptability can, and will, already have been sufficiently considered and resolved if the Draft DCO [REP1-007] is made.</p> <p>The Applicant therefore considers this disapplication both appropriate and necessary. The Applicant is of the view that if the Environment Agency considers that there are any byelaws the purposes of which are not already sufficiently considered and resolved as part of the assessment of the Proposed Development and the mitigation and management measures provided for, then they should identify those byelaws so that they can be considered by the Applicant, given that the Applicant's approach is consistent with that provided for under the Planning Act 2008 and adopted across numerous NSIP applications.</p>
	Battery storage (BESS) energy system safety management	<p>The Environment Agency commented in relation to those made by the Applicant on the penstock valves to ensure the capture of contaminated firewater. We highlighted that we had requested further details from the Applicant on this matter (which relates to our RR [RR-089] issue EA16).</p> <p>We are still in discussion with the following provision of additional detail in the draft SOCG. Some details are missing from that. We restated our position in ISH2 that the trigger for the penstock valve closing automatically needs to be confirmed, that we requested that there should be a manual closing option if required, and we request to see a maintenance plan for the penstock valve to ensure it can continue to be used at all times.</p>	Control of firewater runoff is set out within Appendix 9-D: Framework SWDS of the ES [REP1-025]. This states that swales will be lined with an impermeable membrane or similar to prevent any pollution associated with firewater runoff from entering the ground and contaminating groundwater. Automatic penstock control valves will also be used in the event of a fire to prevent any pollution associated with firewater runoff from entering the local watercourses without prior testing to ensure it is free from contaminants. A manual penstock override will be included within the design in the unlikely event of power or mechanical failure. The provision of a detailed SWDS which is to be substantially in accordance with the Framework SWDS [REP1-025], is secured under Requirement 10 of Schedule 2 to the Draft DCO [REP1-007]. The swales designed to intercept firewater runoff have

Para Theme
Ref.

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Regarding the testing, we commented that progress had been made with the Applicant. In the draft SOCG, we are aware that our recommendations on the testing and methodology are going to be added into the Framework Battery Safety Management Plan (BSMP) and we understand the revised version will be submitted into the examination at the next deadline (i.e. Deadline 1). As it stands, we haven't reviewed any updated Framework BSMP.

In response to the ExA's question about how the discussions are progressing and whether the Environment Agency consider an agreed position can be reached, we comment that regarding testing, we consider this can be resolved during the examination period. We mentioned that we have not had further discussion about the penstock. For other drainage aspects, such as the lining of the swales, we are largely satisfied with progress on that and note there is a related question [WE.1.03] in the ExA's first written questions.

We also commented on waste batteries in relation to how they are going to be swapped out and where they are going to be stored prior to removal to permitted sites for treatment and onward recycling. Our understanding is that the original proposal was for the batteries will be swapped out and removed from site on the day of the removal, but 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, and this area will be monitored for fire detection purposes, either by CCTV or some sort of automatic system. We then queried how far away the response team would be in the event of a waste battery fire.

We mentioned that the regulation of BESS sites is being considered, and whether the Applicant was considering any measures to future proof the site. We also mentioned Environment Agency fire prevention guidance, and a requirement for 4 metre gaps between containers and a four-hour water supply. The comment was made in the context of distributed BESS, but we were referring to waste batteries. We advised that we would follow up on this point with the Applicant and provide further clarification. Please refer to our comments in response to ISH2 action point 1 in 2.2 below.

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also been designed to cater for a rainfall storm event inclusive of firewater runoff, as set out in Section 4.11 and Table 13 of Appendix 9-D: Framework SWDS of the ES [REP1-025] to ensure the swales can conservatively accommodate additional surface water runoff as well as firewater runoff should a fire result in the closure of the penstock in combination with a rainfall event.

Regarding the penstock valve, the Framework Battery Safety Management Plan (BSMP) [REP1-041] has been updated and was submitted to the Examination at Deadline 1. The Framework BSMP [REP1-041] now includes the following text at paragraph 4.3.7: *"The BESS will integrate an external firefighting water capture drainage system. In the event of a fire, and prior to applying the fire water, the outfalls from the BESS areas will be closed via automatic penstock valves or similar systems, isolating the BESS areas drainage from the wider environment."* Paragraph 4.5.5 also now reads: *"In the event of a fire, and prior to applying the fire water, the outfalls from the BESS areas will be closed via automatic penstock valves or similar systems, isolating the BESS areas drainage from the wider environment."*

Regarding the maintenance/testing of the penstock valves, the Framework BSMP [REP1-041] has also been updated in relation to this (as submitted to the Examination at Deadline 1) and now includes the following text at paragraph 3.2.12: *"Furthermore, penstocks will be inspected and operated as per proprietary manufacturer requirements and specifications; either at least once every 6 months or as per the specification, whichever is the shorter time period prescribed, to ensure they are not seized and are clear of debris and obstructions to free flow."*

With regards to waste batteries, the intention is still for these to be removed from the site straight away, however the Applicant acknowledges that should this not be possible for any reason, suitable protection measures should be secured within the Framework BSMP. As such, the Framework BSMP [REP1-041] has been updated (as submitted to the Examination at Deadline 1) whereby paragraph 3.2.16 now includes the following wording: *"If removal of waste batteries straight away is not possible, waste and/or damaged batteries will be stored in a bunded area with fire detection prior to removal. Full details of the proposed arrangement will be provided in the detailed Battery Safety Management Plan"*.

With regards to the query as to how far away the response team would be in the event of a waste battery fire, as noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant explained that the reference to a "response team" was in relation 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.

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Ref.

Comments from Post Hearing Submission

Applicant's Response to Post Hearing Submission

With regards to future-proofing the site, the Framework BSMP **[REP1-041]** recognises the evolving nature of standards and guidance relating to BESS design (ref. paragraph 1.2.8) and confirms that the BESS will be designed in accordance with the UK and internationally recognised good practice guidance available at the time.

Regarding the suggested 4m gaps between containers, the Framework BSMP **[REP1-041]** (ref. paragraph 2.3.7) notes that the BESS layout conforms to NFCC revised guidance and exceeds NFPA 855 (2023) standard, whereby spacing will be a minimum 3m and the current illustrative design allows for a separation distance of 6m spacing on distributed BESS and 3m spacing on the centralised BESS. It should be noted that the BESS layout has been developed in consultation with the LFRS and has taken account of guidance from the NFCC. Communication with the LFRS will continue through the detailed design and construction stages.

With regards to water supply, the Framework BSMP **[REP1-041]** outlines the water supply strategy for firefighting (ref. Section 4.3). The Solar Station Compounds will be designed to integrate pressure fed (pump driven) fire hydrants and/or static water tanks (tanks can be integrated above or below ground) for firefighting, depending on available water supply. Water provision will be designated for the cooling of adjacent BESS or BESS equipment. Water tanks will be located at least 10m from the nearest BESS enclosure. Water access points, whether hydrants or tank connections, would be located in consultation with LFRS to provide redundancy and safe operating distances for firefighters with 30 – 50m, which is considered an optimal safe distance. Tanks and water outlets would be clearly labelled with appropriate signage and marked on site plans. Additionally, to avoid any mechanical damage, outlets and hard suction points would be safeguarded with bollards. The firefighting water requirement will be fully assessed at the detailed design stage based upon BESS fire and explosion test data by an independent Fire Protection Engineer and water storage volumes will be agreed with LFRS during detailed design. Each indicative BESS area design will contain a minimum of two firefighting water storage units of no less than 230,000 litres in capacity, capable of delivering 1,900 litres per minute for 2 hours (in line with NFCC guidance). Water storage will either be in sectional steel panel tanks, or cylindrical steel tanks, above or below ground.

The provision of a detailed BSMP, which is to be substantially in accordance with the Framework BSMP **[REP1-041]**, is secured under Requirement 7 of Schedule 2 to the Draft DCO **[REP1-007]**. It should be noted that the Environment Agency is a named consultee under sub-paragraph (4) of this Requirement, and as such, will have the opportunity to review the detailed BSMP prior to any approval.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
	<p>Response to action point 1 from ISH2 (Action point 1 – Environment Agency: Submit a note of the standards/policies relating to regulated waste facilities that the agency considers should be applied to the proposed development.</p>	<p>We wish to clarify the comments we made in ISH2 in relation to agenda item 3.2 concerning the BESS. While we recognise that potential permitting requirements cannot be imposed preemptively, and that planning decisions cannot assume the BESS will be regulated, the developer would be advised to follow the latest guidance to avoid potential issues in the future. Regarding the distances between BESS units, we would defer to the National Fire Chiefs Council (NFCC) guidance and Lincolnshire Fire and Rescue Service (LFRS). In relation to waste battery storage, while we recognise that a separate waste permit would not be required, as this is waste stored at the site of production, requirements for temporary storage where waste is produced applies (NWFD 2 exemption): Temporary storage where waste is produced (NWFD 2 exemption) - GOV.UK</p> <p>In line with '11.1 Separation distances' in Fire prevention plans: environmental permits - GOV.UK guidance, we request 6 metre separation between other development, to minimise the spread of fire within the site and to neighbouring sites, and that the battery storage area is on an impermeable lining and how the batteries are stored should have measures in place to prevent contaminated run-off water/fire water impacting surface and ground waters, which could otherwise have Water Framework Directive (WFD) implications (for example, covered storage or bunded storage). This should also be included in the fire safety protocols for the site, including a fire watch.</p> <p>Our comment made during ISH2 in relation to the BESS safety management referring to 4 metre separation was in error and should have been 6 metres, as mentioned above. Regarding the four-hour water supply comment, this was in reference to the guidance stating that fire suppression systems must enable a fire to be extinguished within four hours.</p>	<p>The Applicant is committed to continuing to work constructively with both Lincolnshire County Council and Lincolnshire Fire Service to progress the detailed design of the BESS element of the Proposed Development post-consent. The Applicant has committed to following the prevailing guidance for the design and implementation of the BESS at the time of the detailed design and will provide an updated design and a detailed BSMP for approval by the Local Planning Authority in consultation with Lincolnshire Fire and Rescue and the Environment Agency as secured under Requirement 7 of Schedule 2 to the Draft DCO [REP1-007]. This will include measures for temporary waste storage and safe separation distances that reflect the prevailing guidance at the time of construction.</p>
<p>Comments additional submissions</p>	<p>on 9.1 Statement of Common Ground Position Statement [AS-124]</p> <p>We wish to comment that this document did not necessarily align with our position on the resolution of the issues we raised in our RR [RR-089] at the time. Due to time constraints, the Applicant did not consult us on this document before submission to the ExA. However, since the submission of that document, the Applicant has engaged with us further on resolving our RR issues, mainly through the first draft SOCG. Furthermore, our latest position is reflected in our update as provided in Appendix 1 of this letter. Overall, we are satisfied that most of the issues are progressing well toward a timely resolution.</p>	<p>The Applicant is aware that the Statement of Common Ground Position Statement [AS-124] was provided to the Examining Authority without input from the relevant parties. This point was acknowledged in paragraph 3.1.1 of the Statement of Common Ground Position Statement [AS-124] which states <i>“The Applicant issued all SoCGs on 22 December 2025 to the parties for their initial review ahead of the Preliminary Meeting, to be held on 6 January 2026. Given the parties have not confirmed their position, for the purposes of the Position Statement, the Applicant has relied upon their positions stated in the PMIE [APP-193] and the Relevant Representations, in addition to further engagement undertaken”</i>.</p>	

2.5 British Pipeline Agency as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (BPA/Prax)

Table 2-5: Applicant's Response to BPA/ Prax Post Hearing Submissions – Compulsory Acquisition Hearing 1 [REP1-085]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Agenda Item 3.1			
1.1, 1.2	Overview concerns	of Fieldfisher summarised the concerns held by Prax relating to the Project as including (i) the balance of public interest against private loss in respect of the Project, (ii) whether risks or impediments have been managed the Applicant, (iii) whether account has been taken of the physical and legal matters regarding the Application, (iv) whether adequate consultation has been carried out in respect of the interests in the relevant land, noting that the Applicants should seek to acquire land by negotiation. Prax's position remains as described in RR-038.	As noted in the Written Summaries of Oral Submissions [REP1-044 and REP1-045], any required mitigation and any response to damage that could be experienced will be addressed in the protective provisions that the Applicant is planning to include in the Order for the benefit of BPA/Prax. This will address the two points made in relation to s127(6) of the PA 2008, meaning that BPA/Prax's interests will be adequately protected under the two tests in s127 of the PA 2008, even though they do not apply to BPA/Prax in this instance.
1.3	Health and Safety	Prax continue to have no objection to the Project in principle but do have significant concerns in relation to health and safety which are not currently being addressed. Prax would therefore need to see an assessment of the potential risks of the Project to its pipeline as well as the impacts on Prax's ability to repair, access and maintain its pipeline.	The Applicant made submissions at CAH1 and in its Written Summaries of Oral Submission [REP1-045] that it was in the process of undertaking the necessary risk assessment. The result of this assessment concluded that there is no corrosion risk to the pipeline but there may be a negligible health and safety risks to workers on the pipeline. It is envisaged however that these risks can be mitigated by the workers wearing appropriate personal protective equipment and following industry-standard health and safety guidelines. This was shared with BPA/Prax on 29 January 2026 and the Applicant is awaiting a response from BPA/Prax in relation to these results.
1.4, 1.5, 1.6	Mitigation Measures / Land Rights / Statutory operation rights	Prax require certainty that mitigation measures and the necessary land rights needed in order to protect the pipeline can be provided within the Order limits and similarly require protective provisions to be provided which include indemnities and making good obligations in respect of any damage to the Pipeline. Section 127(5) of the Planning Act 2008 ("PA") states that in the case of statutory operators, the Secretary of State should be satisfied that the necessary rights can be acquired without any serious detriment to the carrying on of the undertaking and that any consequential detriment to the carrying on of the undertaking can be made good by the undertaker by the use of other land belonging to or available for the acquisition by the undertaker. Whilst Prax is not a statutory undertaker (and therefore does not have any automatic land rights), it is the owner of nationally significant high pressure fuel infrastructure and the risks associated with its infrastructure should be treated equivalently (see paragraph 4 below in respect of the importance of the pipeline). Prax has its own regulatory requirements in respect of the pipeline and require 24/7 access to the pipeline in order to remain compliant.	As noted in the Written Summaries of Oral Submissions [REP1-044 and REP1-045], the Applicant has consistently made clear to BPA/Prax that bespoke protective provisions would be provided, even though they are not a statutory undertaker and do not benefit from the protection afforded by s127 of the PA 2008. The negotiation of such protective provisions was overtaken by the carrying out of the risk assessment requested by BPA/Prax but now that the results of such assessment have been received and shared with BPA/Prax on 29 January 2026, the Applicant hopes that discussions can progress at pace. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.
1.7	Risks to the pipeline	As set out in RR-038, there are significant risks to the pipeline, the public and the environment inherent to crossing metal fuel pipelines with high voltage cables due to the potential for uncontrolled and accelerated corrosion of those pipelines due to alternating current ("AC") interference.	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
1.8	Risk assessment	BPA (as agents for Prax) have been requesting specific risk assessments of the proposed crossing of the Prax pipeline since April 2025 and have chased on a number of occasions. On 24 October 2025, AECOM, as agents for the Applicant, advised that a risk assessment would be carried out "post-consent". Given the current stage of the Examination, Prax remain concerned that the results will not be available in sufficient time and will not be adequate to provide an appropriate mitigation plan.	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.
1.9, 1.10, 1.11, 1.12	AC interference	<p>As set out in RR-038, there are significant risks to the public, the pipeline, and the environment as a result of the potential for uncontrolled corrosion of the pipeline due to AC interference. The documents enclosed with PDA-004 (being the guidance of the United Kingdom Onshore Pipeline Association ("UKOPA")) set out:</p> <ol style="list-style-type: none"> The relationship between AC interference and corrosion rates; The fact that AC interference can cause corrosion and affect pipeline integrity; The need for mitigation where AC corrosion risks exist; and The importance of long term continued monitoring of AC corrosion risks. <p>Any damage to the Prax pipeline would also constitute an offence under Article 15 of the Pipeline Safety Regulations 1996.</p> <p>Prax and the Applicant have had one all-parties meeting on 26 November 2025 where Prax stressed the critical nature of the safety issues and the ongoing concerns it has in respect of the Project. At this meeting, the Applicant agreed to prioritise a risk assessment in order to ascertain the issues. To date this has not been provided, meaning Prax is unable to assess whether sufficient mitigation can be provided and whether such mitigation can be delivered within the current draft Order limits.</p> <p>Prax therefore submit that the Applicant cannot demonstrate that it has assessed the risks and impediments and the Order cannot provide the necessary powers or land rights to cross the pipeline and provide the necessary mitigation.</p>	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.
1.13	Errors in the Book of Reference and Statement of Reasons	In respect of the procedural errors encountered by Prax in relation to the Application, in relation to APP-020 and APP-022, there are several plots in which Prax have an interest (and are land critical in respect of access to the Prax pipeline) but which are not included. It is understood that the Applicant intends to address this by Deadline 1. A copy of the relevant Prax plots (as submitted to the Applicant's solicitors on 5 November 2025) is at Schedule 1 to this submission, as revised in an email to the Applicant's solicitors on 7 January 2026.	As noted in the Written Summaries of Oral Submissions [REP1-044], on 7 January 2026, the Applicant had received further details of land within the Order Limits where BPA/Prax believe they have an interest, which were not initially referred to in the Book of Reference. This information has been considered, and the changes are reflected in an updated version of the Book of Reference [AS-115] to be submitted at Deadline 2 to ensure that BPA/Prax's interests are adequately captured.
1.14	Assessment	The "Fina Line" of which the Prax pipeline forms a part, is mentioned at paragraph 14 of APP-039 and in APP-189 where it is stated by the Applicant that consultation and a desk based study would be carried out prior to construction of the Project. Whilst it is appreciated that mitigation could be provided prior to the construction of the Project, this misunderstands the issue of corrosion on a high-pressure pipeline. If mitigation works are required and those mitigation works needed are outside the Order land and/or cannot be delivered safely then there is the risk of	As noted in the Written Summaries of Oral Submissions [REP1-045], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
		material harm and damage which has not been assessed in the Environmental Statement.	
1.15, 1.16	Engagement	<p>We refer to the NSIP Advice on Preparing Applications which highlights that all parties ought to have made reasonable effort to engage early and reach resolution and that issues should be widely understood by all at the earliest point to minimise risk during examination.</p> <p>Whilst noting that one of the Prax entities is in liquidation so was delayed in engaging with the Applicant, Prax remain of the view that there has not been reasonable engagement by the Applicant and that the issues affecting Prax as a result of the Project cannot be fully known whilst a risk assessment is awaited. Insufficient activity has been taking place to resolve the issues raised by Prax and to ensure that there are effective protective provisions agreed with the Applicant.</p>	<p>As noted in the Written Summaries of Oral Submissions [REP1-045], engagement between the Applicant and BPA/Prax commenced as early as October 2023, when the Applicant team had a meeting with BPA/Prax to provide the background on the Proposed Development, and initiate engagement. Additionally, a meeting was held in April 2025, during which further details of the proposed Cable Corridor were shared, so that BPA/Prax could highlight any concerns they might have regarding interaction with the pipeline. This was then followed up in June 2025 when shapefiles were provided to BPA/Prax showing the locations and design of the Proposed Development, particularly in relation to the proposed crossing of the pipeline so that BPA/Prax could consider the potential interactions. That is the engagement which has taken place in relation to the design information.</p> <p>In relation to the protective provisions, contact was made with BPA/Prax's lawyers in June 2025 to launch discussions, as the Applicant was fully aware that the generic protective provisions would not be sufficient to cover their interests. The Applicant has consistently made clear to BPA/Prax that bespoke protective provisions would be provided, even though they are not a statutory undertaker and do not benefit from the protection afforded by s127 of the PA 2008.</p> <p>It was explained that those negotiations in relation to protective provisions were not able to commence in June 2025 due to a lack of instruction of the part of BPA/Prax's solicitors. Negotiation on the protective provisions has stalled slightly, as it has been overtaken by the points made in relation to the potential risk to the pipeline. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.</p>
1.17	Protective Provisions	<p>Generic protective provisions relating to statutory undertakers have been provided by the Applicant but are inadequate and inappropriate for a private entity such as Prax. Such provisions do not address the safety concerns of a private operator. There is a crucial need to safeguard Prax's pipeline and its associated land rights given the reasons of national energy security.</p>	<p>As noted in the Written Summaries of Oral Submissions [REP1-045], in relation to the protective provisions, contact was made with BPA/Prax's lawyers in June 2025 to launch discussions, as the Applicant was fully aware that the generic protective provisions would not be sufficient to cover their interests. The Applicant has always stated to BPA/Prax that bespoke protective provisions would be provided, even though they are not a statutory undertaker and do not benefit from the protection afforded by s127 of the PA 2008.</p> <p>It was explained that those negotiations in relation to protective provisions were not able to commence in June 2025 due to a lack of instruction of the part of BPA/Prax's solicitors. Negotiation on the protective provisions has stalled slightly, as it has been overtaken by the points made in relation to</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
			the potential risk to the pipeline. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.
1.18	Mitigation Strategy	Prax has not seen any information or been provided with any comfort from the Applicant that the design of the Project could be such as to include a sufficient mitigation strategy. Prax's position is therefore reserved on that front. Prax require sufficient certainty that construction and energisation of the Project will not take place until there is sufficient mitigation in place in order to ensure the safety of the Pipeline.	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.
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1.20, 1.21, 1.22	Land Rights	<p>Prax are of the view that it is disproportionate for the Applicant to seek to unilaterally acquire and extinguish land rights respect of all the Prax pipeline land. Prax have been provided with no evidence to suggest that the Applicant has considered other reasonable alternatives to compulsorily acquiring such rights.</p> <p>There is no compelling case for the sterilisation of Prax's land rights and no sufficient or legitimate reason to justify the compulsory acquisition of the pipeline land. Alternatives (which remain) available have not been explored by the Applicant despite the risk of private loss which would be suffered by Prax if its pipeline land is to be acquired.</p> <p>Instead, the Pipeline land (and by extension Prax's ability to deal with its infrastructure) should be excluded from the ambit of the draft Order with rights being shared where necessary.</p>	<p>With regards to the compulsory acquisition powers being sought by the Applicant, the Statement of Reasons [REP1-013] sets out, in detail, the compelling case in the public interest for the grant of such powers.</p> <p>Under s122 of the Planning Act 2008, compulsory acquisition powers may only be granted if the Secretary of State is satisfied that the land is required for the Proposed Development, or is required to facilitate that development, or is incidental to that development, and if there is a compelling case in the public interest for inclusion of the powers. The Proposed Development meets these conditions, as detailed further in the Statement of Reasons [REP1-013].</p> <p>The scope of the powers of compulsory acquisition proposed goes no further than necessary, with all land included within the Order Limits required to achieve the identified purpose of delivering the Proposed Development. The Applicant has taken steps to ensure that the interference with the rights of those with an interest in the affected land is no more than is necessary to deliver the Proposed Development and associated benefits. The Applicant has also considered all reasonable alternatives to the Proposed Development.</p> <p>The Applicant acknowledges that the use of compulsory acquisition powers would result in a private loss by those persons whose land or interests in land are compulsorily acquired, such as BPA/Prax. However, there is a compelling case in the public interest for the power to extinguish, suspend or interfere with private rights to the extent necessary to deliver the Proposed Development. As noted, the extent of the Order Limits is no more than is reasonably necessary for the construction, operation and maintenance of the Proposed Development and therefore any interference with private rights is proportionate and necessary. Compensation is payable to anyone whose rights are extinguished, suspended or interfered with.</p> <p>All apparatus owners that are known to have equipment on, in or over the Order Limits (including BPA/Prax) are included in the Book of Reference</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
			<p>[AS-115]. Section 138 of the PA 2008 applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus' on, under or over the land. The Draft DCO [REP1-007] includes provision to authorise the extinguishment of a relevant right, or the removal of relevant apparatus, in connection with the delivery of the Proposed Development. The exercise of such powers will be carried out in accordance with the protective provisions contained in Schedule 14 to the Draft DCO [REP1-007]. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.</p> <p>The protective provisions which the Applicant is seeking to negotiate with BPA/Prax will set out constraints on the exercise of the powers in the Order, with a view to safeguarding BPA/Prax's interests, whilst enabling the Proposed Development to proceed. The Applicant therefore considers that the test set out in section 138 of the PA 2008 is satisfied.</p>

Agenda Item 3.4

1.23		As submitted, draft protective provisions have been provided which remain inadequate to private entities such as Prax. Similarly, there is no side agreement yet in place between Prax and the Applicant.	As noted in the Written Summaries of Oral Submissions [REP1-044] , the Applicant is ready and willing to engage on the protective provisions. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.
1.24, 1.25, 1.26		<p>Fieldfisher were provided with a draft statement of common ground ("SoCG") on 22 December 2025 despite the Inspectorate's direction that the parties engage urgently in that regard.</p> <p>Given that an adequate risk analysis in order to determine whether Prax's pipeline can be safely crossed by the Project using those rights within the current draft Order limits is currently awaited, any SOCG will necessarily be subject to significant caveats.</p> <p>Fieldfisher note the Examining Authority's requirement to see any issues which cannot be agreed between Prax and the Applicant by the mid-point of the Examination in order to include such issues in written questions or any subsequent hearing following the Examination's mid-point.</p>	<p>As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2. The Applicant therefore considers that agreement can be reached and reflected in the SoCG.</p> <p>As noted in BPA/Prax's submissions a draft SoCG was shared with BPA/Prax on 22 December 2025, in advance of the commencement of the examination. The Applicant is awaiting comments from BPA/Prax on the SoCG, despite the ExA's request that the parties engage urgently in this regard</p>

The Strategic Importance of Prax's Pipeline

2.1, 2.2		<p>At CAH1, the Examining Authority requested a summary of the strategic importance of Prax's pipeline.</p> <p>We therefore confirm that the Prax Fina line high pressure Lindsey Oil Refinery to Buncefield fuel pipeline is one of the pipelines used to supply London Heathrow and London Gatwick Airport with jet fuel and as such a key part of Nationally Significant Infrastructure and National fuel security.</p>	The Applicant notes this comment.
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2.6 British Pipeline Agency as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited (BPA/Prax)

Table 2-6: Applicant's Response to BPA/ Prax Post Hearing Submissions – Issue Specific Hearing 2 [REP1-086]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Agenda Item 3.1			
1.2, 1.3, 1.4	Impact to Pipeline	<p>As submitted by Fieldfisher on behalf of Prax at CAH1, there is potential for the Project to cause damage to Prax's pipeline (being an offence under the Pipeline Safety Regulations 1996) and to cause harm to land, persons, and the environment if adequate mitigation is not put in place and retained, repaired, and replaced for the life of the pipeline. This may, necessarily, require short term and long term installation, retention, repair and maintenance rights for the benefit of the owner of the pipeline.</p> <p>The Health and Safety Executive is looking at the issue of AC interference across the pipeline industry at present.</p> <p>Currently, no site-specific risk assessment has been taken to establish the claim by the Applicant that no mitigation will be required over the lifetime of the pipeline. Paragraph 6.7 of the UKOPA guidance submitted by Prax with PDA-004 includes the factors which are required to be included in any risk assessment in respect of AC interference with the pipeline. Any delay in this risk assessment being provided will prevent Prax and the Applicant agreeing the necessary mitigation required.</p>	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant has carried out the required risk assessment and the result of this was shared with BPA/Prax on 29 January 2026.
2, 2.2	Mitigation works	<p>If mitigation works are required in order to ensure the safety and integrity of the Pipeline, the following issues in respect of the draft Order arise:</p> <ol style="list-style-type: none"> The Order may not be sufficient to deliver the necessary mitigation over third party land, noting that Prax will require both short term installation and long-term monitoring rights with attendant land rights to benefit the pipeline owner. The draft Order would need to include: appropriate provisions to share the benefit of the Order with the pipeline owner, itemised provisions of what the pipeline protection works are, provisions to disapply legislation (including for example, disapplication of the Town and Country Planning Act to ensure that the pipeline protection works are not to be construed as development). <p>In the current draft Order, there are no specific references to pipeline protection works in respect of works 5A, 8A and 8B which are relevant to the Prax plots listed APP-020 and APP-022 save for the overarching provisions relating to "<i>associated development</i>". It is submitted that the current provisions may cover de minimis works but are unlikely to sufficiently include significant mitigation works, which may be required in order to protect the pipeline.</p>	As noted in the Written Summaries of Oral Submissions [REP1-044], the Applicant is ready and willing to engage on the protective provisions. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.
2.3	Long term rights	In relation to long term rights, such as the installation of monitoring equipment in accordance with the UKOPA guidance provided with PDA-004, the current draft Order does not include provision for permanent rights to be acquired by the Applicant, and thereafter shared with Prax.	In the plots where BPA/Prax has an interest, the Applicant is seeking the permanent acquisition of new rights, being both cable rights and access rights. The bespoke protective provisions which the Applicant will be sharing with BPA/Prax provide that, where the Applicant acquires any rights in land in which apparatus is located, the right of BPA/Prax to maintain and access such apparatus must not be extinguished, until alternative apparatus has been constructed and is in operation, and access to it has been provided to

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
			the reasonable satisfaction of BPA/Prax, which would include its successors in title. As noted within the Book of Reference [AS-115] , BPA/Prax has rights for the purposes of access and maintenance to the pipeline. With regards to long term rights for the installation of monitoring equipment, the Applicant is reviewing the extent of BPA/Prax's current rights. The Applicant will liaise directly with BPA/Prax in relation to this alongside the negotiation of bespoke protective provisions.
2.4	Protective Provisions	If the Examining Authority is minded to submit the Project for approval, we would urge that this is only done if satisfactory protective provisions are provided and that these issues (and those addressed at CAH1) have been adequately addressed and the cable is not energised until the necessary mitigation is in place.	As noted in the Written Summaries of Oral Submissions [REP1-044] , the Applicant is ready and willing to engage on the protective provisions. Draft protective provisions will be shared with BPA/Prax as soon as possible after Deadline 2.
4.1, 4.2, 4.3, 4.4	DCO Drafting – Norwich to Tilbury Principles	<p>At ISH2, the Examining Authority requested that Fieldfisher, on behalf of BPA and Prax, provide the Applicant and the Examining Authority with a proposal of what further drafting might be required to be inserted into the draft Order in order to provide Prax with further comfort in response to the issues raised at ISH2 and in RR-038 and RR-039. This was in response to Fieldfisher referring to wording that was to be included pursuant to another Development Consent Order promoted by NGET.</p> <p>Fieldfisher confirmed they would need to check to what extent this wording was still confidential.</p> <p>Fieldfisher can confirm that the relevant Development Consent Order is the Norwich to Tilbury DCO (EN020027) Norwich to Tilbury - Project information. That DCO includes wording to benefit United Kingdom Oil Pipelines Limited as pipeline owner in relation to the installation and retention of significant mitigation works. The draft DCO for project EN020027 is included with the project library at reference APP-056.</p> <p>Fieldfisher are of the opinion that the principles set out in the Norwich to Tilbury DCO (EN020027) could be applied in this case to cover mitigation works on the assumptions that:</p> <ol style="list-style-type: none"> 1. At minimum the broad scope and extent of the mitigation works required is ascertained and certain enough in sufficient time so as to be included within the Order drafting; and 2. Any relevant mitigation work can be undertaken within the Order limits; and 3. The rights (temporary and permanent) to be acquired by the Applicant can be shared with Prax and its agents and are sufficient to install retain repair and replace any such mitigation works as are required to keep the Prax Pipeline safe' and 4. All rights and benefits granted to Prax pursuant to the Order need also to be able to benefit its successors in title agents and assigns and (if different) any owners of the Prax Pipeline as it looks likely these assets may be shortly sold. 	<p>Taking BPA/Prax's points in turn:</p> <p>The Applicant provided the results of the risk assessment to BPA/Prax on 29 January 2026 and is awaiting a response. Taking each point in turn:</p> <ol style="list-style-type: none"> 1. The results of the AC interference modelling assessment conclude that no mitigation is required beyond ensuring that any workers on the pipeline are adequately equipped with personal protective equipment (PPE), which the applicant would expect to be utilised under relevant health and safety regulations. Therefore, the Applicant's position is that the suggested DCO drafting covering the scope of mitigation works are not necessary. 2. Accordingly, the Applicant is of the view that there is sufficient land within the Order Limits to provide any mitigation. 3. On the basis of the results of the AC interference modelling assessment no mitigation is required and accordingly the rights proposed to deal with any such mitigation works are not necessary. 4. As noted above, the bespoke protective provisions drafted by the Applicant provide the necessary land rights to BPA/Prax, including provision for these to benefit successors in title. Draft protective provisions will be shared with BPA/Prax as soon as possible following Deadline 2.

2.7 David Crampton

Table 2-7: Applicant's Response to David Crampton [REP1-098]

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
Comments on Written Questions			
GC.1.15	Funding for Decommissioning costs	<p><i>EN-3 3.10.57 Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed</i></p> <p>It is our understand that the applicant is not intending to remove all the assets from the site at the end of the period that the applicant is applying for this proposed solar development</p> <p>Any assets the applicant proposes to leave in or on the ground: -</p> <ul style="list-style-type: none"> • Are not temporary and must be considered as a "permanent consent" • The applicant needs to investigate the environmental impact from the degradation of assets left in the ground and the effects this may have on the soil and its future use for agriculture as well as ground water drinking supplies <p>We have noted from other applications that the ExA has considered funding for decommissioning could be generated by the value of the assets removed during decommissioning. We suggest that this approach cannot be relied upon and it is pure speculation to suggest what value these assets will have in 60 years. It is our opinion that funds must be secured from the generated income of the scheme, deposited in a suitable escrow or similar account from day one for decommissioning of components at end of the project life.</p>	<p>It should be noted that the application for the Proposed Development will be determined in accordance with the November 2023 NPSs which were designated in January 2024. In this version of NPS EN-3, the wording referred to is paragraph 2.10.66.</p> <p>The Applicant is applying for a 60-year operational period for the Proposed Development. This is secured under Requirement 20 of Schedule 2 to the Draft DCO [REP1-007] which provides that decommissioning works must commence no later than 60 years following the date of final commissioning. A Framework Decommissioning Environmental Management Plan (DEMP) [REP1-035] has been provided, and the provision of a detailed DEMP is secured via Requirement 20 of Schedule 2 to the Draft DCO [REP1-007]. At the end of the operational lifetime of the Proposed Development, it will be decommissioned in line with the controls which will be set out in the detailed DEMP. Under Requirement 20 of Schedule 2 to the Draft DCO [REP1-007], the DEMP (as approved by NKDC as the relevant planning authority in consultation with LCC, National Highways and the Environment Agency) must be implemented in relation to the works required to decommission the Proposed Development. This includes provisions for the land to be reinstated to its original condition before being returned to the landowners who would choose how the land is to be used and managed. As noted, this is secured by a DCO Requirement, and it should be noted 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.</p> <p>The Applicant is proposing to remove all infrastructure/assets from the Site, although does allow for the flexibility for buried cabling to remain in situ, should this be agreed with the council in the Decommissioning Environmental Management Plan which is required by Requirement 20 in the Draft DCO [REP1-007] and will need to be substantially in accordance with the Framework DEMP [REP1-035]. This is because some councils prefer cabling beneath watercourses (and other sensitive habitats) to be left in situ rather than removed, to minimise disturbance. This would be determined in consultation with the Council at least 12 months prior to decommissioning.</p> <p>Furthermore, there is no requirement for funding for decommissioning (including for the restoration of land) to be secured under the Planning Act 2008 and nor is the Applicant aware of any guidance requiring this in the</p>

Para Ref.	Theme	Comments from Post Hearing Submission	Applicant's Response to Post Hearing Submission
GC.1.16 & 17 Applicant management	Waste	<p>It is our understanding that there are no facilities in the UK that can recycle solar panels from industrial sized solar schemes, confirmed by the Springwell applicant. This statement may also apply to batteries. It is our understanding that the approach contravenes the UK Governments strategy towards a Circular Economy and Sustainable Manufacturing. Our research identifies that at the end of life, which is suggested as 30 years or sooner if damage occur, that the panels have no future use and need to be recycled or taken to landfill. As no suitable recycling facilities exist it is reasonable to conclude that landfill is the only option available to the applicant. This then raises a further question about the environmental effects of chemicals and other pollutants leaching from the panels, and particularly PFAS (forever chemicals) as the waste assets degrade.</p> <p>The UK Government and the DWI (Drinking Water Inspectorate) recognise the concern in this area of pollutants.</p>	<p>National Policy Statements (NPS) or otherwise. Given the aforementioned provisions for controls for decommissioning of the Proposed Development, the Applicant considers that any further requirement would be a duplication of existing controls and could potentially create confusion. The Applicant considers the legally binding obligation to carry out decommissioning works, including the funding of the same, to be sufficient commitment.</p> <p>As outlined in Chapter 14 Other Environmental Topics of the ES [APP-039] Section 14.5 Materials and Waste, paragraph 14.5.88: <i>"The UK company SolRecycle reports a recovery rate of 95% for solar PV Panels"</i>. As outlined in paragraph 14.5.91: <i>"It is assumed that specialist regional or national facilities would be in place at the time of component replacement and decommissioning, and these would be developed in response to demand generated by the UK-wide solar PV panel industry and waste components would be reused, recycled, or recovered and not disposed of to landfill."</i></p> <p>At present, solar PV panel waste generation is low, meaning currently there is a limited demand for facilities that recycle this infrastructure and there is therefore limited available capacity. It is a new, emerging market but the Applicant is aware of 5 UK facilities that currently recycle solar panels. These facilities report 95-99% recovery rates following recent investment, which is an improvement on what the market has achieved in recent years. For example, Solar Recycling Solutions (SRS) states on its website that its London based recycling plant currently achieves a 99% material recovery rate. It is expected that the facilities which reuse, recycle, or recover end-of-life solar PV panels will continue to expand (and new companies emerge) as the quantities of this waste stream increase.</p> <p>The landfill tax strongly incentivises reuse, recycling and recovery, but critically the Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 (as amended) and the Waste Batteries and Accumulators Regulations 2009 place obligations on those who place solar PV panels and batteries on the market to finance the costs of collection, treatment, recovery and environmentally sound disposal, whilst also requiring a minimum 90% recovery rate. As noted above, it is expected that the current market will expand to allow this recovery rate to improve.</p> <p>As detailed in the Framework CEMP [REP1-031] paragraph 2.8.1-4: <i>"The Principal Contractor will separate the main waste streams on-site, prior to transport to an approved, licensed third party waste management facility for recovery, recycling or disposal. A Site Waste Management Plan (SWMP) will be prepared by the Principal Contractor, which will provide a waste estimate and specify key responsibilities, reporting and auditing requirements and waste recovery targets. The SWMP will be finalised with specific measures to be implemented prior to the start of construction. All</i></p>

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waste to be removed from the DCO Site will be undertaken by fully licensed waste carriers and taken to licensed waste facilities and managed in line with the requirements of the Waste (England and Wales) Regulations (2011) and the Hazardous Waste (England and Wales) Regulations (2005). The Proposed Development will apply the waste hierarchy, in priority order; prevention, preparation for reuse, recycled, other recovery and disposal.” The provision of a detailed CEMP, which is to be substantially in accordance with the Framework CEMP [REP1-031] is secured by Requirement 12 of Schedule 2 to the Draft DCO [REP1-007].

Regarding the reference in the comment made to PFAS in panels, it is confirmed that any PV cells to be used by the Proposed Development will be PFAS-free. To ensure this measure is secured, the Proposed Development Parameters [REP1-029] were updated and submitted to the Examination at Deadline 1 at Works No.1 (design) to note: “*The solar PV cells will be PFAS (per-and poly fluoroalkyl substances) free*”. Requirement 6(2) in the Draft DCO [REP1-007] requires the design of the Proposed Development to be in accordance with the design commitments and the proposed development parameters.

CC.1.01 Applicant Assessment of greenhouse gas (GHG) emissions offset (carbon savings) compared with other forms of electricity generation

We understand this question refers to decarbonisation of electricity in the UK. It's our opinion that the way carbon savings for power is counted is outdated and does not reflect the true carbon cost of energy produced from solar generation. We appear not to count the carbon costs of taking the materials from the earth, processing these, manufacturing the components, packaging and transporting the products, placing them in the UK and final decommissioning the site and returning from the whole life of the products used in solar farms would show a very different picture.

The emissions of the products, packaging, and transporting have all been assessed in the chapter as presented in tables 6-3, 6-8, 6-10, 6-12 of Chapter 6: Climate Change [REP1-017]. Agricultural emissions have not been considered as set out in paragraphs 6.4.36 and 6.4.38 of Chapter 6: Climate Change [REP1-017]. The assessment is in line with best practice methodology and requirements and methodologies used for assessment and planning of solar farms in the UK.

Comments on Issue Specific Hearing 1

Calculations

Can I suggest to the Inspector that it would be useful to see the following calculations

- The total amount of solar generation currently approved or in the planning process
- The total amount of solar generation that is in the pipeline, either listed on the NESO register, application for a grid connection, known about from other sources etc
- The amount of solar generation required to fulfil the needs identified by the UK Government

The **Statement of Need [APP-184]** explains at Paragraph 4.4.3 that “CP2030 sets a capacity range for solar of 45-47 GW by 2030, and 45-69 GW by 2035. In the five years to 2030, the installation of new solar totalling more than double the existing solar capacity will be required to meet UK policy ambitions.” The Clean Power 2030 Action Plan clarifies that the government retains optionality in its proposals to ensure that they are responsive to successes or otherwise of its plans in due course, in order to safeguard its aim of delivering a clean power system (Clean Power 2030 Action Plan, p31). Further the plan recognises the need to “maintain a robust pipeline beyond 2030” of projects which are able to connect to the grid.

The Applicant provides further information in the following response on why planning pipelines are not an appropriate metric to measure progress against legally binding decarbonisation targets, although the Applicant

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recognises that a strong pipeline is required across many technologies to achieve a Clean Power system.

NESO's Connections Reform results confirm that projects in the pipeline have been prioritised to the level established by the Clean Power capacity ranges. Not all schemes in NESO's prioritisation have been consented (including the Proposed Development) and others have not yet formerly entered the planning process. Paragraph 5.4.7 of the Statement of Need [APP-184] explains that NESO's Future Energy Scenarios net zero pathways identify 28-40 GW of installed capacity in 2030, 50-85 GW in 2040, and 72-108 GW in 2050 (FES(2024), Table ES.14). While the CCC's proposals for the Government's Seventh Carbon Budget require 37.8 GW of solar to be operational by 2035, 82.1 GW to be operational by 2040, and 106.4 GW to be operational by 2050 (Climate Change Committee (2025). The Seventh Carbon Budget, Figure 5.1).

Together, these points imply that:

- a. NESO's prioritisation is not guaranteed to deliver, and
- b. Delivering the Government's capacity ranges for 2030 and 2035 does not deliver sufficient solar generation capacity to meet future anticipated needs on the way to net Zero.

These points support the Government's need for a robust pipeline of schemes, as previously stated.

Response to Applicants overview to agenda item 3.1

- The applicant talked about need to increase the number of installed solar schemes, we made the point that this is not the correct metric. The appropriate measured is the number of schemes approved and/or in the pipeline including solar on roofs, which according to NESO is not currently in their pipeline figures, compared to the UK requirement for renewable schemes
- The applicant stated that this scheme would lead to cheaper electricity prices, we pointed out that this is a misleading statement not supported by facts, in the later part of 2025 it was announced that energy bills will increase by over by £100+ because of infrastructure upgrades, after the predicted future saving this will still result in a net increase of energy bill
- The applicant argued the need for home grown energy, world conflict cited as one reason, this argument equally applies to food security. We are not against solar located in the right place, it should not be located on productive agricultural land
- The applicant argued the need for sustainability, we agree with this statement, this same argument applies to the need for sustainable home grown food, and it is our opinion that solar needs to be located away from productive farmland in compliance with EN-3 clause 3.10.14

Para 1: The **Statement of Need [APP-184]** explains at Paragraph 4.1.3 that it is a Government objective "*to ensure our supply of energy always remains secure, reliable, affordable, and consistent with meeting our target to cut GHG emissions to net zero by 2050*" and that "*Meeting these objectives necessitates a significant amount of new energy infrastructure, both large nationally significant developments and small-scale developments determined at a local level*" (emphasis added by Applicant). Schemes in pipelines do not deliver security, reliability, affordability or decarbonisation until they are delivered, and Paragraph 4.2.16 of the **Statement of Need** reports the CCC's assessment that the "*rate of deployment of solar installations is currently judged not to be on track.*"

In February 2023, NESO also shared their analysis that "*only 30-40% of projects in the [connections] queue make it to fruition.*" (<https://www.neso.energy/news/eso-leads-way-major-initiative-accelerate-connections-electricity-transmission-grid>) supporting the Applicant's view that it is operational schemes, not pipeline schemes, which is the correct metric to review, because pipeline schemes are not guaranteed to deliver. It is not the Government's intention that project approvals should be limited (NPS EN-1(2025), Para 3.2.6) and the Government is "*expecting an*

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- The applicant made comment about Government policy, this is not something we planned to do, as we didn't believe this hearing would debate Government policy. In response to the applicants statement that this scheme complies with Government policy, we would point out that there are Government policies that the applicant doesn't comply with, Circular Economy and Sustainable Manufacturing being one, there are others.
- As a wider point the term "net zero" is a misleading phrase resulting from the outdated way carbon outputs are measured, we understand that taking materials from the earth, processing, manufacturing and transport all from abroad is not counted in the UK figures. I suggest the UK needs a much more holistic and transparent approach to measuring the UKs carbon footprint. The applicant made comment about "cumulative warming". Without a more holistic approach it is reasonable to conclude that measuring the UK carbon footprint, without considering the output from products imported into the UK, solar, battery, food etc the UK is not having the positive reduction on the worlds carbon footprint the applicant or Government would have us believe
- The applicant stated there is no obvious reason why the Navenby substation would not proceed. We believe this is a presumption that the applicant has or at least should not have control over • The applicant stated that the solar scheme is at Gate 2 and the battery facility is at Gate 1. This statement is not supported by the NESO TEC register. It is also difficult to understand how the scheme could be at Gate 2 when there is no grid connection available.
- Applicant stated that solar panels are 24% efficient. This figure requires clarification, our research suggests that solar panels typically convert 18% to 22% of sunlight into electricity, while top-tier monocrystalline panels can exceed 24%. Our research also suggests that solar panel performance degrades over time and that 65 to 75% of the solar panel performance is between the months of April and September, this means that 25 to 35% of the performance of the panels is at the time of year when we need the most electricity.
- LCC stated that the applicant does not believe construction or decommissioning will not have an adverse upon archaeological in the ground? LCC did not agree with this statement

Applicant's Response to Post Hearing Submission

increase in planning applications with the Clean Power 2030 target" (CP2030, p55).

Further, the Government confirmed in its 2025 consultation response to Planning for New Energy Infrastructure (the new NPSs) (<https://assets.publishing.service.gov.uk/media/69121170bda892e068aa6454/nps-revisions-2025-consultation-government-response.pdf>) that *"Clean Power 2030 is a milestone that reflects the scale of ambition required to meet our Net Zero 2050 target; it is not a fixed ceiling on technology deployment or project approvals"*.

Para 2: As the Government's Carbon Budget and Growth Delivery Plan (<https://www.gov.uk/government/publications/carbon-budget-and-growth-delivery-plan>) explains: *"Around 30% of inflation in 2022 ... came from energy bills rising ... The main driver of high energy bills remains international gas prices ... reducing our exposure to volatile international gas prices is the only way to reliably bring down bills and protect the UK from global energy shocks."* The Applicant reiterates its previous statements that: NPS EN-1(2023) Paras 3.3.20-3.3.24 explain that a secure, reliable, affordable, net zero consistent [energy] system in 2050 is likely to be composed predominantly of wind and solar," and NPS EN-3(2023) explains at Paragraph 2.10.9 that *"The Government has committed to sustained growth in solar capacity ... solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector."*

Para 3: The Applicant acknowledges that this response recognises the argument for home grown energy, and is bringing forward this Proposed Development to address many challenges including those of energy security.

Para 4: The **Statement of Need [APP-184]** explains that the proposed location is highly suitable for the siting of this project. A Site Selection Report has been prepared for the DCO Application as Appendix A to the Planning Statement **[AS-098]**. In particular, Para 4.1.17 explains that it is the Government's policy that the key factors which are likely to influence the selection of a suitable site for a utility-scale solar PV installation are: irradiance, topography and grid connectivity (NPS EN-3).

Para 5: At Issue Specific Hearing 1, the Applicant was required by the Examining Authority to provide a summary of the case concerning the consideration of alternatives to the Proposed Development, including how the approach taken aligns with the Environmental Impact Assessment Regulations and the provisions of NPS EN-1 and NPS EN-3 (as set out in the Agenda for Issues Specific Hearing 1 **[EV2-001]**). Accordingly, the

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Applicant provided an overview, including the relevant references to government policy.

It should be noted that in accordance with s104 of the Planning Act 2008, in deciding the application the Secretary of State must have regard to any national policy statement which has effect in relation to the development, in addition to further matters including any local impact report any prescribed matters and any other matters which the Secretary of State thinks are both important and relevant to the decision. Given the energy National Policy Statements, (NPS EN-1, NPS EN-3 and NPS EN-5) have effect and must be taken into account in decision making, the Applicant, through the DCO Application, is seeking to demonstrate compliance with the policies they contain. Furthermore, the Applicant has taken account of the National Planning Policy Framework, the Central Lincolnshire Local Plan and the relevant neighbourhood plans. Appendix B National Policy Accordance Tables and Appendix C Local Policy Accordance Tables of the Planning Statement **[AS-098]** appraise the Proposed Development against the relevant policies contained in these documents.

Para 6: The Applicant's Climate Change Chapter **[REP1-017]** sets out the climate change benefits associated with delivering the Proposed Development.

Para 7: The Applicant is preparing a document which sets out its position and view on the New National Grid Substation planning proposals at Navenby and will submit this document to the Examination at a subsequent deadline. In relation to Gate 2, refer to the Solar Technology Technical Guide **[EN010154/EXAM/9.12]** which is submitted at Deadline 2.

Para 8: The Applicant will set out its analysis of solar panel efficiency as part of the ExA's request for a Solar Technology Technical Guide **[EN010154/EXAM/9.12]** to be submitted at Deadline 2.

Para 9: Chapter 7 Cultural Heritage of the ES **[APP-032]** discusses potential development impacts on archaeology including during construction and decommissioning phases. Firstly, it should be noted that physical impacts from construction upon archaeological remains would not be reversed (i.e. construction groundworks for the BESS would result in truncation of archaeological remains – with appropriate prior mitigation and recording – and as such maintenance or removal of such infrastructure would not affect any archaeology as it would have already been recorded and removed). However, this Chapter also highlights a degree of uncertainty regarding potential harm upon the archaeological remains during the decommissioning phase largely due to unknown techniques/methodology

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for such works which would be used decades from now. As such, the ES Chapter (paragraph 7.7.49) highlights that an appropriate methodology, as presented in the Framework Decommissioning Environmental Management Plan (DEMP) [REP1-035], will be updated as required. As such, if the updated/detailed DEMP at the time of the decommissioning works indicates that any potential work could affect archaeology, appropriate mitigation measures can be agreed with the relevant LPA at the time in order to ensure that the effects remain as established in the Cultural Heritage Chapter. It should be noted that the Framework DEMP [REP1-035] has been updated, to be submitted to the Examination at the next available deadline, to include the following wording at HE.1.01: *"The decommissioning phase is not expected to result in any impact beyond the already-disturbed footprint of the Proposed Development. Therefore, it is not anticipated that decommissioning activities will have a direct physical impact upon buried archaeological remains. However, if such impacts are identified when methods for the removal of all infrastructure are confirmed, appropriate measures will be agreed within detailed DEMP. If deemed necessary, an Archaeological Clerk of Works and Archaeological Management Plan can be agreed."*

Response to Applicants overview to agenda item 3.2

- The applicant quoted clauses from planning documents including EN-1 and EN-3 as well as case law. It our contention that the applicant was selective in the clauses they quote. There are clauses in planning documentation that do not support the case made by the applicant, an example 3.10.14 in EN-3 that imposes requirements on the applicant. It is our conclusion that the applicant has been extremely selective in their justification of the site and has not considered all the relevant clauses in planning documentation
- Applicant advised that National Grid suggested the location for the Fosse Solar scheme. This appears not to be supported by the facts.
- Applicant advised they selected the site the site based on the location of the proposed generator station at Navenby. The timings suggest this statement is not accurate.
- The applicant advised that they have explained how they have applied planning regulations and the law, their assertion is selective and does not cover all the relevant requirements. The applicant noted we, (we assume this in reference to opposition to the proposal) had not proposed any alternative sites. This is not our role, please refer to clause 3.10.9 to 3.10.39 of EN-3
- The ExA asked LCC and NKDC what brownfield land existed in NKDC and LCC. We don't believe this is this relevant, this is an NSIP, and as such the applicant should consider all locations on a national basis, it should also be noted that brownfield sites are more likely to be found near urban areas.

Para 1 - The Applicant's response to Agenda Item 3.2 was framed to respond to the ExA's Agenda for Issue Specific Hearing 1 [EV2-001] where the Applicant was requested to provide a summary of the case concerning the consideration of alternatives to the Proposed Development, including how the approach taken aligns with the Environmental Impact Assessment Regulations and the provisions of NPS EN-1 and NPS EN-3. A written summary of the response is set out in Written Summaries of Oral Submissions Issue Specific Hearing 1 [REP1-046]. There is no reference to 3.10.14 in NPS EN-3 (November 2023), however the Applicant assumes that reference is being made to paragraph 3.10.14 in the March 2023 version of NPS EN-3 which states that *"While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land (avoiding the use of "Best and Most Versatile" agricultural land where possible)"*. (This is paragraph 2.10.29 in NPS EN-3 (November 2023)). These points are addressed in the Site Selection Report at Appendix A of the Planning Statement [AS-098] (paragraphs 4.3.3 to 4.3.7 for points relating to previously developed land, and paragraphs 3.3.2 to 3.3.4 for points relating to best and most versatile agricultural land).

Para 2 - The Applicant did not state that National Grid suggested the location for the Proposed Development. As set out in paragraph 2.3.1 of the Site Selection Report at Appendix A of the Planning Statement [AS-098],

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following land being secured at Morton Manor and Housham Grange by the Applicant, the Applicant applied for a line in and line out connection into the nearby 400kV Overhead Line close to Whisby Hall. However, National Grid informed the Applicant that the point of connection was not available and instead offered a point of connection at the proposed National Grid substation near Navenby which is detailed in the Grid Connection Statement [APP-200].

Para 3 - As set out at point (2), the Applicant secured a point of connection at the proposed National Grid substation at Navenby. As stated in Written Summaries of Oral Submissions Issue Specific Hearing 1 [REP1-046], the site selection process seeks to verify the location of the Proposed Development by considering whether the site is the most suitable taking into account operational requirements, national and local planning policy and environmental constraints.

Para 4 - There is no reference to paragraphs 3.10.9 to 3.10.39 in NPS EN-3 (November 2023), however the Applicant assumes that reference is being made to these paragraphs in the March 2023 version of NPS EN-3. The relevant paragraphs in NPS EN-3 (November 2023) are 2.10.18 to 2.10.48. These paragraphs are considered in paragraph 2.1.3 (bullet point e) in the Site Selection Report at Appendix A of the Planning Statement [AS-098]. In relation to alternatives, it is recognised in paragraph 4.3.29 of NPS EN-1 that third parties can put forward alternatives where it states *"It is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made to the Secretary of State (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Therefore, where an alternative is first put forward by a third party after an application has been made, the Secretary of State may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the Secretary of State should not necessarily expect the applicant to have assessed it."* Third parties provided alternatives to the Proposed Development, and these are considered in Section 4.9 of Chapter 4 Alternatives and Design Evolution of the ES [APP-029].

Para 5 - The Applicant considered brownfield sites within the area of search as set out in paragraphs 4.3.3 to 4.3.7 of the Site Selection Report at Appendix A of the Planning Statement [AS-098]. Considering brownfield sites at a national level is unreasonable given the secured point of connection at the proposed National Grid substation at Navenby. The Applicant considers that 15km from the point of connection is a maximum distance for a viable project of this scale. This took into account the cost of the infrastructure and construction and the preference to limit the extent of

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Effects for agriculture and land use

- The applicant discussed the scheme as a percentage of the East Midland agricultural land, in early responses they were asking what brownfield site were available in NKDC. This suggests the applicant is choosing statistics to suit any point they are making. We suggest consistent measure should be applied for clarity.
- The scheme does not completely remove the use of BMV land
- The applicant stated that all assets above ground would be removed. The applicant then clarified that assets in the ground below a level of 900mm would not be removed. We raised the following points
 - EN-3 clause 3.10.56 and 3.10.59 talks about assets to be removed at the end of scheme life and that the scheme is considered as temporary, if anything is left in the ground we question if this scheme should be considered as temporary.
 - We question if any studies had been carried out to understand the pollution that may arise from the long term degradation of underground cables. Concerns may be PFAS (forever chemicals)
- The applicant stated the landowner had advised there would be no loss of agriculture employment because of this scheme. We pointed out that there would be a loss of employed from companies that provided support and services to agriculture, this needs to be considered and reported upon as well as loss of income and jobs in tourism.
- The applicant referred to 2024 DEFRA food security report and that the food supply in the UK is broadly stable. We pointed out to the ExA that that DEFRA do state that 60% of UK food is grown in the UK, in other reports DEFRA have stated that this figure reduces to 50% by the time it reaches our plate. We also pointed out that DEFRA recognise the potential risk to UK food supplies from climate change, world conflict, both have created supply issues in recent years.
- The applicant advised that if the circumstances required the land to be returned to agriculture this could achieve relatively easily and that may mean missing one growing season, but they would achieve the next growing season. This suggests that that we may have food and no power, and supports our opinion that solar panels need to be located on non-agricultural land from day 1

environmental impacts and disruption which increase as the length of the cable corridor increases.

The cumulative effects have been assessed against the datasets available to the Applicant, which is the Defra Agricultural Facts: East Midlands region, which provides data for the region and county. The Applicant is happy to recalculate for the district if NKDC would like to provide the official area of farmland and BMV land within the district. It is not expected to change the conclusions of the ES.

It is noted the Proposed Development does not completely avoid BMV. The Applicant has had to balance other environmental constraints and the objective of maximising the renewable energy generation from the grid connection offer.

The note on leaving assets in the ground is noted. To clarify, it is expected that the mounting structures (piles) for solar panels would be pulled from the ground and removed in their entirety. Where concrete is used, such as for pads or slab foundations for the Onsite Substation and BESS infrastructure, if pads are small (e.g., inverter/BESS skids), they are usually broken up and removed entirely; recycling the concrete is straightforward and typically required to restore farmland. Large substation or transformer slabs may follow a "cut-down" approach similar to what is done when wind turbines are decommissioned, grinding or saw-cutting to 0.5–1 m below ground level. This does not constitute a permanent development; given the application allows the flexibility for this, the remnant becomes part of the land and is not treated as an ongoing development. It is also not considered 'waste' if the remnants are intact and not broken up. This approach aligns with current good industry standard practice.

The Applicant will approach decommissioning in line with the regulation and guidance at that point in time, and therefore the ES refers to the possibility of cabling either being removed or being abandoned in situ. The current practice – driven partly by the resale value of materials for recycling – is to remove buried cabling, and therefore this is the current expectation. Typically cabling would be left in situ beneath watercourses unless it can be easily pulled back through without disturbing the water/river bed. Where it is left in situ the plastics degrade slowly over time (in the same way as drainage pipes for example) and the metallic elements corrode. Fluids are normally drained prior to abandonment. The volume of plastics and metals is relatively small and not expected to pose a risk to users of the land (with farming activity occurring above this depth).

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The Applicant acknowledges the point by NKDC that there may be indirect job losses. There would also be indirect job generation, such as through the maintenance and repair workers, landscaping workers, teams monitoring the performance of the solar and BESS and detecting faults. This is expected to counterbalance effects associated with agriculture. It is also worth noting that about 50% of the land within the Principal Site is currently used for the cultivation of non-(human) food crops. Of this, the majority (approximately 81%) is grown for use as fuels for carbon-intensive energy sources, rather than for direct human or animal consumption (i.e. about 40% of the Principal Site. With c 40% of the Principal Site not used for any form of food production currently, and theoretically - best case - 48% of the Principal Site being available for arable production during operation, there is the potential for the Principal Site to produce more human food during operation than it does now – albeit this depends on landowner/farmer decisions, and therefore contribute more to local indirect jobs in agriculture than currently.

It is noted Defra identifies a risk from climate change to food security. The Proposed Development is part of the overall strategy to minimise climate change, through substitution and avoidance of fossil fuel combustion.

With regards to the final point, the Applicant supports solar panel installation on non-agricultural land, but the Statement of Need **[APP-184]** is clear that both ground based and roof mounted solar is required to meet the Government Clean Energy targets.

Effects of traffic and transport

The applicant discussed a traffic plan. We noted that in our opinion enforcement of traffic management plans is extremely difficult without some very draconian consequences, which are not proposed by the applicant. The applicant responded by saying that noncompliance with the traffic management plan is a criminal offence. This needs clarity, is the applicant suggesting that an individual using a traffic route on a public road, that is outside of the traffic management plan, will face criminal prosecution.

The Framework CTMP **[REP1-043]** sets out (ref. paragraph 7.3.5) that a Delivery Management System (DMS) will be implemented to control bookings of HGV deliveries from the start of the construction period. This will be used to regulate the arrival times of HGVs via timed delivery slots, as well as to monitor compliance of HGV routing which will be communicated to all suppliers. Furthermore, paragraph 7.3.6 sets out that a Traffic Management and Monitoring System (TMMS) will be developed to provide details of the technologies and other means employed to monitor HGV movements to/ from the DCO Site, e.g. Global Positioning System (GPS) and Automatic Number Plate Recognition (ANPR). This will enable the Applicant to monitor compliance with the HGV routes discussed in the Framework CTMP **[REP1-043]** and set out on Figure 13-4: Heavy Goods Vehicle Routing of the ES **[AS-072]**.

With regards to non-compliance with the CTMP, at Issue Specific Hearing 1 (ISH1), an Interested Party asked how the CTMP would be enforced, stating that in their experience on construction sites, traffic plans are rarely followed. In response to this, as noted in the Applicant's Written Summaries of Oral Submissions for ISH1 **[REP1-046]**, the Applicant explained that there will be

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provision of a CTMP, substantially in accordance with the Framework CTMP [REP1-043], secured via Requirement 14 of the Draft DCO [REP1-007]. Under this same Requirement, the CTMP must be implemented as approved. Therefore, the Applicant has committed to the delivery and implementation of a CTMP by way of DCO Requirement. The breach of any terms of or 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. This therefore ensures that the provisions of the CTMP, including the measures for monitoring and compliance with the same, are adhered to.

3. Abbreviations

Table 3-1 Abbreviations

Abbreviation	Definition
AA	Appropriate Assessment
AIA	Arboricultural Impact Assessment
AIL	Abnormal Indivisible Loads
AGLV	Area of Outstanding Natural Beauty and Areas of Great Landscape Value
ALC	Agricultural Land Classification
BMV	Best and Most Versatile Land
BNG	Biodiversity Net Gain
BPM	Best Practicable Means
CEMP	Construction Environmental Management Plan
CCTV	Closed Circuit Television
CTMP	Construction Traffic Management Plan
DAS	Design and Access Statement
DBA	Desk Based Assessment
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
EMF	Electro Magnetic Fields
ESSCP	Employment, Skills and Supply Chain Plan
FRA	Flood Risk Assessment
GW	Gigawatt
ha	Hectares
HA	Host Authority
HDD	Horizontal Directional Drilling
HGV	Heavy Goods Vehicle
HRA	Habitats Regulations Assessment
IDB	Independent Drainage Board
IPs	Interested Parties
LCC	Lincolnshire County Council
LEMP	Landscape and Ecological Management Plan
LHA	Local Highway Authority
LIR	Local Impact Report

Abbreviation	Definition
LOAEL	Lowest Observed Adverse Effect Level
LVIA	Landscape and Visual Impact Assessment
LPA	Local Planning Authority
LWS	Local Wildlife Site
MSA	Minerals Safeguarding Areas
MW	Megawatt
NGET	National Grid Electricity Transmission plc
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
ODPS	Outline Design Principles Statement
OEMP	Operational Environmental Management Plan
PA 2008	Planning Act 2008
PEI	Preliminary Environmental Information
PINS	Planning Inspectorate
PROW	Public Right of Way
PV	Photovoltaic
RAG	Red/Amber/Green
RR	Relevant Representation
SAC	Special Area of Conservation
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State
SRN	Strategic Road Network
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
TCPA 1990	Town and Country Planning Act 1990