Fosse Green Energy

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EN010154

9.8 Applicant's Response to the Examining Authority's First Written Questions

Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

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Planning Act 2008

The Infrastructure Planning

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2010

Fosse Green Energy

Development Consent Order 202[ ]

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1. Introduction

1.1 Purpose of this document

1.1.1 The purpose of this report is to provide Fosse Green Energy's ('the Applicant') response to the Examining Authority's (ExA) First Written Questions **[PD-011]**, issued on 14 January 2026. This report responds to each of the questions posed to the Applicant, and where the Applicant considered it could provide assistance to the ExA, it has also responded to some questions addressed to other parties.

1.2 Structure of this Document

1.2.1 This report provides a response from the Applicant to the matters raised in the Examining Authority's First Written Questions **[PD-011]** and is structured as follows:

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1.2.2 For ease of reference, a table of acronyms used in this document is provided in **Table 1-1.**

Table 1-1: Abbreviations

Abbreviation	Definition
AC	Alternating Current
ACM	Asbestos Containing Material
AIL	Abnormal Indivisible Load
ALC	Agricultural Land Classification
AWS	Anglian Water Services
BESS	Battery Energy Storage System
BMV	Best and Most Versatile Land
BNG	Biodiversity Net Gain
BPA	British Pipeline Agency Limited
BS	British Standard
BSI	British Standards Institution
BSMP	Battery Safety Management Plan
CCTV	Closed Circuit Television
CEMP	Construction Environmental Management Plan
CNP	Critical National Priority
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DECC	Department of Energy and Climate Change's
DEFRA	Department of Environment, Food and Rural Affairs
DEMP	Decommissioning Environmental Management Plan
DMP	Dust Management Plan
DMRB	Design Manual for Roads and Bridges
DRA	Dust Risk Assessment
EA	Environment Agency
EcOW	Ecological Clerk of Works
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields

Abbreviation	Definition
EPD	Environmental Product Declaration
ERP	Emergency Response Plan
ES	Environmental Statement
ESSCP	Employment, Skills and Supply Chain Plan
ExA	Examining Authority
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
GPG	Good Practice Guidance
GVA	Gross Value Added
GWh	Gigawatt hours
Ha	Hectares
HCA	Homes and Communities Agency
HDD	Horizontal Directional Drilling
HER	Historic Environmental Record
HPA	Health Protection Agency
HV	High Voltage
IAQM	Institute of Air Quality Management
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IEC	International Electrotechnical Commission
INNS	Invasive Non Native Species
IP	Interested Party
IRENA	International Renewable Energy Agency
JNCC	Joint Nature Conservation Committee
kV	Kilovolt
LCC	Lincolnshire County Council
LCoW	Landscape Clerk of Works
LEMP	Landscape and Ecological Management Plan
LFRS	Lincolnshire Fire and Rescue Service
LGV	Local Good Vehicle
LIQ	Land Interest Questionnaire
LNR	Local Nature Reserve
LPA	Local Planning Authority
LSFT	Large Scale Fire Testing

Abbreviation	Definition
LWS	Local Wildlife Site
LWT	Lincolnshire Wildlife Trust
LVIA	Landscape and Visual Impact Assessment
MAFF	Ministry of Agriculture, Food and Fisheries
MSA	Mineral Safeguarding Area
MW	Megawatt
MWh	Megawatt Hours
NCA	National Character Area
NE	Natural England
NERC	Natural Environment and Rural Communities
NFCC	National Fire Chiefs Council
NGED	National Grid Energy Distribution
NGET	National Grid Energy Transmission
NH	National Highways
NHLE	National Heritage List for England
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Project
OEMP	Operational Environmental Management Plan
PEA	Preliminary Ecological Appraisal
PEI Report	Preliminary Environmental Information Report
PFAS	per-and poly fluoroalkyl substances
PINS	Planning Inspectorate
PRoW	Public Right of Way
PRoWMP	Public Right of Way Management Plan
PV	Photovoltaic
RAF	Royal Air Force
SAC	Special Area of Conservation
SMP	Soil Management Plan

Abbreviation	Definition
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPZ	Source Protection Zone
SRN	Strategic Road Network
SSEP	Strategic Spatial Energy Plan
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage Systems
SWDS	Surface Water Drainage Strategy
SWMP	Site Waste Management Plan
TA	Transport Assessment
tCO2e	Tonnes CO2 Equivalent
TEC	Transmission Entry Capacity
TCPA	Town and Country Planning Act
TPO	Tree Preservation Order
TTM	Temporary Traffic Management
UKHSA	UK Health Security Agency
WCA	Wildlife and Countryside Act
WCHAR	Walking, Cycling and Horse Riding Assessment
WEEE	Waste Electrical and Electronic Equipment
WFD	Water Framework Directive
WHO	World Health Organisation
WMP	Water Management Plan
WSI	Written Scheme of Investigation
WRAP	Waste and Resources Action Programme
WRMP	Water Resources Management Plan
ZoI	Zone of Influence
ZTV	Zone of Theoretical Influence

2. Applicant's Responses to the Examining Authority's First Written Questions

2.1 General and Cross-topic questions

Table 2-1: Applicant's Responses to the Examining Authority's General and Cross-topic questions

Question Number	Question to:	Question	Applicant Response
General and Cross-topic questions (GC)			
GC.1.01	Applicant	Although the applicant explained what notifications it had received from NESO during ISH1, in response to one of the ExA's questions, it would nevertheless assist the ExA and potentially other interested parties, if the applicant would provide an explanation of what the timescales for the offers confirmed under Gates 1 and 2 might mean for the delivery for the proposed development. The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of Issue Specific Hearing 1 (ISH1).	The Applicant has confirmed within the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 1 **[REP1-046]** that the solar component of the Proposed Development has secured a Gate 2 Phase 2 prioritisation (i.e. between 2031 and 2035 inclusive) and that the BESS component of the Proposed Development has secured a Gate 1 prioritisation, which means its connection date has not yet been confirmed and is currently indicative. The Applicant awaits confirmation from NESO of its confirmed connection date for the solar (expected to be issued no later than the end of Q3 2026), and NESO's indicative connection date for the BESS (expected to be issued later in 2026). The Applicant does not consider that there is any reasonable basis to revise the timescales for the delivery of the Proposed Development from those currently stated. If a Gate 2 connection agreement is not received for the BESS, the Applicant has confirmed at GC.1.08(d) that solar development is commercially rational on a standalone basis. Further, the Applicant's Statement of Need **[APP-184]** confirms that standalone solar is also beneficial to the government's aims, and is technically achievable. Thus, the Applicant contends that the Proposed Development is entirely justified even if a BESS does not come forward.
GC.1.02	Applicant	**Conversion of generated direct current (DC) electricity to exportable (AC) electricity** Provide a worked calculation or calculations, using any non-technical language as necessary, demonstrating the losses of electrical power involved in converting DC electricity generated by the proposed solar panel arrays to AC electricity capable of being exported to the national transmission system (NTS). The calculation(s) should demonstrate any power losses at each of the following stages: a) converting generated electricity from DC to AC via inverters;	Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline, for further information on the items raised in this question, including background regarding how losses have been accommodated for with regards to design of the Proposed Development. Worked, detailed calculations can be provided to the ExA in writing if requested, though to summarise in non-technical language (as noted in this question), the electrical losses between the solar arrays and the point of connection, typically, are as follows:

<table>
<tr><th>Question Number</th><th>Question to:</th><th>Question</th><th>Applicant Response</th></tr>
<tr><td></td><td></td><td>b) stepping up the voltage of the generated electricity to a level cable of being exported to the NTS; and
c) charging and discharging the proposed battery energy storage system (BESS).

The ExA considers the applicant's response to this question should be included in the Technical Guide to be submitted as an action arising out of the holding of ISH1.</td><td>a) DC to AC losses in inverters are very low, typically inverters are around 98% efficient when running at rated power and slightly lower when running below rated power (under low irradiance conditions) this is one of the reasons to oversize the PV arrays (Overplant) as it allows the inverters to be used at their most efficient more frequently.
b) Typically transformers have less than a 2% loss within them and the cables can be sized to keep losses low ~1%. However, this is typically mitigated by accounting for the losses within the design of the system. For example, if the loss factor between the inverters and the point of connection is calculated to be 5% (1% cable loss and 2% at the 2 voltage steps (inverter to 33kV cables and the 33kV to 400kV transformers)) then the number of inverters can be sized to account for this while remaining compliant with a grid connection agreement export limit.
c) The round trip efficiency of a typical BESS system is currently around 85%.</td></tr>
<tr><td>GC.1.03</td><td>Applicant</td><td>Generating output for the proposed development and relationship with the secured grid connection limit
Provide the predicted electricity generating output, expressed in megawatt hours (MWh) for the proposed development for every hour in a typical calendar year (365 days/8,760 hours duration). In answering this question the applicant should also provide for a calendar year predictions for:
a) the total number of hours in a year when the proposed development would be expected to generate electricity in excess of the secured grid limit of 240 megawatts (MW) (paragraph 2.1.2 in the Grid Connection Statement [APP-200]); and
b) the total number of hours in a year when the proposed development would be expected to generate electricity at levels below the secured grid connection limit, for each of the following percentage bands: 0 to 9; 10 to 19; 20 to 29; 30 to 39; 40 to 49; 50 to 59; 60 to 69; 70 to 79; 80 to 89; and 90 to 99%.

The ExA considers the applicant's reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1 or an annex to that document.</td><td>Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline. A summary is provided below.

The Proposed Development would be required to restrict output to a maximum of 240MW at the grid connection point and as such there will be no hours in a year where this is exceeded. This is done by utilising a failsafe export restriction system which reduces the output of the Proposed Development to under 240MW if generation exceeds this level at any time.

From the modelling of the Proposed Development, the clipped energy in Year 1 – e.g. the yield lost due to overplanting, is identified as around 1.6%. This level would drop for subsequent years due to the gradual degradation of panel output. This is explained in more detail in the Technical Guide.

Below is a table of output hours for the range shown, A more detailed explanation of this can be found in the Technical Guide.

<table>
<tr><th>Low of band</th><th>High of band</th><th>Number of hours</th></tr>
<tr><td>0</td><td>0</td><td>4642</td></tr>
<tr><td>0.01%</td><td>10.00%</td><td>1011</td></tr>
<tr><td>10.01%</td><td>20.00%</td><td>663</td></tr>
<tr><td>20.01%</td><td>30.00%</td><td>441</td></tr>
<tr><td>30.01%</td><td>40.00%</td><td>421</td></tr>
<tr><td>40.01%</td><td>50.00%</td><td>298</td></tr>
<tr><td>50.01%</td><td>60.00%</td><td>284</td></tr>
<tr><td>60.01%</td><td>70.00%</td><td>225</td></tr>
<tr><td>70.01%</td><td>80.00%</td><td>170</td></tr>
</table>
</td></tr>
</table>

Question Number	Question to:	Question	Applicant Response
			<table><tr><td>80.01%</td><td>90.00%</td><td>145</td></tr><tr><td>90.01%</td><td>100.00%</td><td>460</td></tr></table>
GC.1.04	Applicant	**Justification for the proposed solar array overplanting ratio of 1.6** In paragraph 7.5.2 of the Statement of Need **[APP-184]** it is stated that an overplanting ratio of 1.6 has been applied to the design for the proposed solar array areas, resulting in a maximum installed capacity of 385MW DC (for the fixed south facing solar panel option). Provide the justification for needing to apply an overplanting planting ratio of 1.6 to the scaling for the proposed solar arrays, given a grid connection offer of 240MW has been secured (paragraph 2.1.2 in **[APP-200]**). The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1 or an annex to that document.	Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline. In summary, adopting an overplanting ratio of 1.6 results in an overplanting ratio of approximately 1.02 at year 30 when accounting for module degradation and Nominal Operating Cell Temperature (NOCT) conditions. This would allow the Proposed Development to generate at full capacity during the design life of the modules. Adopting a lower initial overplanting ratio would mean that the Proposed Development would not generate at full capacity during the design life of the modules and would therefore make a lower contribution of electricity to the grid. As noted above, the clipped energy in Year 1 would be 1.6%. This would drop as panel degradation increases for the approximate 30 year panel lifespan. Please note, the 385MW DC noted in this question is now 381MW following the Change Request **[AS-103]**.
GC.1.05	Applicant	**Comparison between the proposed development and other utility scale solar farms** For each solar farm that is the subject of a made DCO or is currently at the application stage (accepted and is in pre-examination, in examination, in reporting or being determined) identify: a) The gross land area b) The net area for the solar arrays c) The overplanting ratio d) The net area identified for biodiversity net gain (BNG) provision e) The confirmed/anticipated generating capacity in MW for the solar arrays f) The confirmed/anticipated generating output in MWh or the secured transmission system or district network connection limit if the anticipated generating output has not been publicly stated g) Whether a BESS has been consented/proposed and the capacity of any consented BESS.	Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline. It has not been possible to obtain all of the information requested by the ExA in respect of all of the DCO submissions. The Applicant has provided all information that it has been able to obtain.

Question Number	Question to:	Question	Applicant Response
GC.1.06	Applicant	**Solar panel performance degradation** In paragraph 6.4.67 of Chapter 6 (Climate Change) of the Environmental Statement (ES) **[APP-031]** an explanation for the expected degradation rate for the solar panels (modules) to be installed as part of the proposed development is given, namely 2% for year one of the proposed development and then 0.45% for each year between year 2 and year 30. It being envisaged that the originally installed modules would be replaced from year 31 onwards. a) For a solar module with a generating capacity of 670 watts (the illustrative design referred to in paragraph 3.3.6 of Chapter 3 of the ES **[APP-028]**) provide a worked calculation for the performance degradation for the solar module for each year of its anticipated 30 year life, assuming 2% degradation in year one and 0.45% degradation in each of the subsequent years through to year 30. b) Explain what accounts for a 2% reduction in panel performance in year one relative to a 0.45% reduction in performance in subsequent years. Clarify whether with the assumed panel replacement from year 31 onwards it would be correct to apply a performance degradation factor of 0.45% for year 31 and all subsequent years or whether a higher factor should be applied to year 31 and then 0.45% in all subsequent years. The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1.	Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline. Part a) of this question is responded to in the Technical Guide. In respect of Part b) of this question, the 2% degradation in Year 1 is the result of Light Induced Degradation (LID). This is a common degradation faced by solar modules when they are first exposed to light. After this initial LID, the module degrades much more slowly at 0.45%/year. LID is the initial damage that occurs within the crystal lattice of the solar cell as it is first exposed to light, after Year 1 the degradation totals 2% - Part LID and part normal degradation. In subsequent years, the LID reduces and just the residual degradation of ~0.45% remains. These values are the ones warrantied by the module suppliers. Typically the industry sees the LID in Year 1 and slightly less degradation for ~10years and slightly higher over the next 15-20 years with the overall warrantied output being correct after ~30 years (previously this was typically 20 or 25 years periods but as solar has improved and more data has been available to manufacturers of real world performance the warrantied periods are extending and warrantied degradation levels year to year has reduced). Assuming panel replacement in Year 31, there would be an initial 2% LID for the first year with 0.45% thereafter. This would match the Year 1-30 degradation chart provided in the Technical Guide. Again, this could improve with newer technology after another 30 years of solar module development and continued improvements in construction, maintenance and monitoring of modules.
GC.1.07	Applicant	**Justification for the scale of the proposed BESS** The grid connection offer for the proposed development would allow for the export or import of up to 240MW. Paragraph 3.3.33 of Chapter 3 of the ES **[APP-028]** states that the proposed BESS would have a capacity of up to 480 MWh. Explain the justification for the proposed BESS having a capacity that would be twice the grid connection limit that has been secured. In answering this this question, the applicant should: a) Identify typically how long it would take to fully charge and fully discharge the proposed BESS b) Comment on whether the generating station (solar arrays) element of the proposed development would or would not be financially viable without a BESS. c) If the answer to part b) of this question is no, identify the minimum capacity for a BESS that would be needed to render the generating station element of the proposed development viable.	The Applicant considers that this question may reflect a mis-understanding. The 480MWh value refers to the storage capacity and not he power output capability of the BESS. The BESS proposed for the Proposed Development is capable of exporting power up to the grid connection agreement of 240MW and if it was a full discharge cycle at the rated power then the energy delivered to the grid would be 480MWh. This is what is known as a 2 hour BESS. If it was discharging at half power then the discharging could last for 4 hours (480MWh/120MW). A) The BESS could be charged or discharged in 2 hours if running at maximum power. B) There are DCO scale solar farms proposed and consented without BESS but the functionality and efficiency of the infrastructure is improved by the use of a BESS. C) N/A D) The following addresses each point of para 5 of the *Guidance on associated development applications for major infrastructure projects'* (Department for Communities and Local Government, April 2013):

Question Number	Question to:	Question	Applicant Response
		d) Comment on whether the BESS of the scale proposed within the submitted application would or would not accord with the principles for associated development set out in paragraph 5 of the *'Guidance on associated development applications for major infrastructure projects'* (Department for Communities and Local Government, April 2013). e) In terms of the operational revenue expected to be earned by the proposed development identify the proportion (percentage) arising from: the generation of electricity on-site, inclusive of any of that electricity that would be stored in the BESS prior to it being exported to the national transmission system; and the importation and exportation of electricity generated by a generating station other than that forming part of the proposed development. The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1.	1) Direct relationship: The BESS will store energy generated at the Proposed Development if it is not needed at the time of its generation and will export it when it is needed. This supports the operation of the Proposed Development by increasing its effectiveness (timing its generation to when there is demand); reducing the potential for electricity generated to be wasted (i.e. the energy is stored and used later instead). This assists in maximising the level of carbon free MWh sent to the grid and enhances the significant benefits that the Proposed Development will already deliver. The BESS will also be capable of delivering system services which are procured by the National Energy System Operator (NESO) to ensure that supply and demand on the grid are kept in balance and which are increasingly needed to support the stability and operability of the GB energy system. These services also support the operation of the Proposed Development by increasing the security reliability and flexibility of the system to which it connects. 2) Subordinacy: It is the generation of renewable energy which is fundamental to achieving Net Zero, and the Proposed Development aims to meet the need for new generation on the grid by developing the principal, solar generation, component of the Proposed Development. A standalone BESS development would not on its own generate low-carbon electricity. Therefore, the associated development is subordinate to the principal development within the context of Proposed Development's stated benefits. Further, generation from the solar panels would be prioritised for dispatch to the grid ahead of energy stored in the BESS and the BESS is therefore also subordinate in an operational sense. 3) Cross subsidisation: Investing in unsubsidised solar is economically rational on a stand-alone basis and requires no cross-subsidisation financially to justify the cost of the principal development. For example, EN-3 Para 2.10.13: "Solar farms are one of the most established renewable electricity technologies in the UK and the cheapest form of electricity generation". However, the provision of a BESS enhances the benefits that the principal development brings forward and is not only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. 4) Proportionality: The power capacity of the associated development matches the grid export capacity available to it. The power generated by the main solar development over the course of a day can regularly exceed the energy storage capacity of the associated development. This can occur at all times of the year, however is more likely to happen in months with higher solar irradiation (especially March to October). The associated development may therefore regularly be fully utilised by the main solar development and is therefore not disproportionate to it. 5) Operational revenue is the output of operational actions and market prices. Market price fluctuates with supply and demand. It is therefore

Question Number	Question to:	Question	Applicant Response
			not possible to assess in any meaningful way, what actions will be carried out 'on average' by the BESS (i.e. storing generation from the solar panels, or storing generation from the grid) or indeed what revenue would be secured from carrying out each of those different actions. When, how often and at what times different actions would occur will depend on many factors including national demand, the weather and the composition of the future GB generation fleet. However, the provision of a BESS enhances the benefits that the principal development brings forward. For further details and explanation on these matters, including item (e) of this question, please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline
GC.1.08	Applicant	**Generating output for the proposed BESS relative to the proposed solar arrays** In paragraph 6.4.76 of Chapter 6 of the ES (Climate Change) **[APP-031]** it is stated *"Should the BESS be charged from the Proposed Development, and discharged back into the grid once each day, at a typical round-trip efficiency of 85% and an overall lifetime degradation rate of 80% (accounting for replacements), it will be able to supply 7,985 GWh to the electricity grid over its 60-year operational lifetime. As the lifetime generation figure of the BESS is significantly less than that of the Proposed Development, it is reasonable to assume that the battery will only store and discharge energy generated by the Proposed Development."* In paragraph 6.4.67 of **[APP-031]** it is stated that the proposed solar arrays would have *"…a total energy generation figure of 19,438,499 MWh over the assessed 60-year Proposed Development lifetime"*. The ExA notes that the generation output figures for the solar arrays and the BESS have been quoted using different units, respectively megawatt hours (MWh) and gigawatt hours (GWh). If the anticipated generating output for the BESS is converted to MWh (7,985,000 MWh), and 7,985,000 MWh would be around 41% of the anticipated generating output for the proposed solar arrays, is it correct to say that the generation output for the BESS would be significantly less than the projected output for the proposed solar arrays. Would the capacity of the proposed BESS, as proposed associated development, "… be proportionate to the nature and scale of the principal development" (paragraph 5(iv) in Guidance on associated development applications for major infrastructure projects April 2013)? In responding to this question the applicant should also ensure that if any amendments to the text within **[APP-031]** are necessary an amended version of that application document is submitted.	Paragraphs 6.4.74 to 6.4.78 of Chapter 6: Climate Change of the ES **[REP1-017]** set out the potential carbon savings derived from a hypothetical scenario of one charging cycle per day. However, Paragraph 6.4.78 highlights that this illustrates a conservative scenario. Further the BESS decarbonisation benefits are not considered in the overall quantitative carbon assessment. As detailed in response to GC.1.07(e) above, it is not possible to meaningfully predict a lifetime energy storage operational scenario in a meaningful way, therefore an illustrative example has been presented only to demonstrate the scale of potential savings. However, in general, the BESS will support the operation of the co-located solar array by storing generation when it is not needed and exporting it to the grid when it is needed, and by providing a grid balancing function using electricity from the Proposed Development or from the wider grid if that grid balancing function could not be achieved when required using only electricity from the Proposed Development. It is not correct that the generation output of the BESS would be *significantly* less than the projected output for the proposed solar arrays; the analysis in Chapter 6: Climate Change of the ES **[REP1-017]** is only an illustrative example of the potential scale of carbon benefits from the BESS in the scenario described. Both foreseen uses of the BESS will provide a low-carbon alternative to existing marginal, short term forms of current energy generation in the UK which predominantly come from fossil fuels, as is stated in Chapter 6: Climate Change of the ES **[REP1-017]**. BESS store electricity when it is in abundant supply and is therefore at a lower price due to economic principles of supply and demand. BESS discharge electricity when it is needed. The need for electricity drives prices higher due to the same economic principles. When electricity is in abundant supply and prices are low, carbon-intensive generation switches off so as not to incur a loss. Renewable generation may

Question Number	Question to:	Question	Applicant Response
			continue to generate without loss because the variable (i.e. per MWh) component of a renewable generator's cost is very low while a carbon intensive generator must purchase fuel for each MWh it generates. Therefore, when electricity is in abundant supply, the carbon content of the electricity system is low. Conversely, when electricity is in high demand, fossil fuel generators will turn on to meet that demand and the carbon content of the electricity system will rise. By dispatching low-carbon electricity stored in a BESS into periods of higher demand, the BESS displaces higher-carbon electricity from the grid. Therefore, BESS will not tend to store electricity which has a high carbon content such as that generated by GB's carbon-emitting thermal power stations, and this analysis illustrates that BESS will store electrical energy when supplies are abundant and have a low-carbon content. That electricity will then be exported back to the grid when it is needed. The stored energy may have been generated from a co-located renewable scheme or imported from the grid. Regardless of the location and source of this energy, the Proposed Development will still have a beneficial impact in line with UK's Net Zero goals. Based on this, it is the Applicant's position that there is no need to amend the text within Chapter 6: Climate Change of the ES **[REP1-017]** as the conclusion and scale of benefits set out in paragraphs 6.4.74 to 6.4.78 would not be affected by the BESS having a higher generation output or mix of energy sources between the grid and the Proposed Development. The Applicant has provided its analysis of the BESS against the tests for associated development in relation to paragraph 5(i)-(iv) in Guidance on associated development applications for major infrastructure projects April 2013 in answer to GC.1.07(d) above.
GC.1.09	Applicant	**Operational safety of BESS** Multiple interested parties have raised concerns about the operational safety of the proposed BESS, particularly with regard to the potential for thermal runaway to cause fires. Worldwide, identify instances of BESS having caught fire, advising on where those incidents have occurred and giving the reason(s) for those incidents. The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1.	The Applicant has undertaken a variety of assessments to address any potential areas of risk from the BESS – for example, Appendix 14-G: Unplanned Emissions Assessment of the ES **[APP-176]** provides an assessment of the potential consequences of unplanned emissions to air from the Proposed Development BESS, and Chapter 9: Water Environment of the ES **[REP1-021]** includes an assessment of the potential for impact on groundwater or surface water from firewater runoff in the event of a BESS fire. The Proposed Development includes embedded design mitigation and protection measures to reduce fire/explosion risk, during the operation of the BESS, as detailed in the Framework BSMP **[REP1-041]**. These measures include, for example, an automatic cooling system which will be integrated into the BESS to stop or reduce the risk of a cell from overheating and failing and triggering a chain reaction in neighbouring cells (thermal runaway).

Question Number	Question to:	Question	Applicant Response
			Under Requirement 7 of the Draft DCO **[REP1-007]** a detailed BSMP must be submitted to LCC for approval which must prescribe measures to facilitate safety during construction, operation and decommissioning of the BESS. This detailed BSMP must be substantially in accordance with the Framework BSMP and LCC must consult with Lincolnshire Fire and Rescue Service (LFRS) and the Environment Agency before approving the BSMP. Please refer to Appendix B: Worldwide BESS Fire and Failure Incidents, which is to be submitted to the Examination at the next available examination deadline.
GC.1.10	Applicant	**Minimum distance between proposed BESS and structures** North Kesteven District Council (NKDC) in its RR **[RR-210]** has questioned whether the minimum separation distances for a centralised BESS (790 metres) and a distributed BESS (200 metres) stated in paragraph 2.3.5 of **[APP-198]** have been applied. a) With respect to the proposed centralised BESS, submit a plan showing the full extent of the BESS compound relative to nearby structures and annotate around the entirety of the BESS compound the minimum separation distance: 1) recommended by the National Fire Chiefs Council (NFCC) in its extant and/or emerging BESS planning guidance for fire and rescue services or any other relevant extant or emerging regulations or guidance; and 2) the 790 metre minimum separation distance referred to paragraph 2.3.5 of **[APP-198]**. b) Agreed at Issue Specific Hearing 2 (ISH2) that the Lincolnshire Fire Rescue Service, via Lincolnshire County Council, will submit copies of the extant and current draft NFCC guidance. c) With respect to the proposed distributed BESS clarify whether in all circumstances the minimum separation distance of 200 metres between elements of the BESS and off site structures stated in paragraph 2.3.5 of **[APP-198]** would be possible. In the event the applicant identifies any instances where that separation distance could not to be achieved the structures in question should be listed (giving its address) and the distance between the distributed BESS and the structures in question should be quoted.	a. Please see Figure WQ1-2: Centralised BESS Separation Distances in **Appendix A**. This figure shows the centralised BESS compound as per Work No. 2 of the Works Plans **[AS-105]** with separation distance offsets at 25m (in line with NFCC guidance), 200m (in line with the minimum distance commitment set out in paragraph 2.3.5 of the Framework BSMP **[REP1-041]** and Design Commitment BA1 of Appendix A: Design Commitments of the Design Approach Document **[APP-186]**) and 275m (the distance between the indicative centralised BESS and the nearest offsite structure). Please note, the reference to a 790m separation distance stated in this comment was corrected in the Framework BSMP **[REP1-041]** submitted to the Examination at Deadline 1 (ref. paragraph 2.3.5) to note "*The closest structure offsite is approximately 280m from the BESS enclosures in the centralised BESS*". b. The Applicant notes that LFRS will submit copies of the extant and current draft NFCC guidance. c. With regards to the distributed BESS, please note that the Framework BSMP **[REP1-041]** submitted to the Examination at Deadline 1 commits to a minimum separation distance of 150m between the distributed BESS and offsite residential structures (ref. paragraph 2.3.5). The Framework BSMP **[REP1-041]** is to be developed into a detailed BSMP, substantially in accordance with the Framework Plan, secured under Requirement 7 (Battery safety management) of the Draft DCO **[REP1-007]**. This Requirement of the DCO will ensure that this minimum separation distance is secured. It is noted that the LFRS are a named consultee on this Requirement, and as such the LFRS will have the opportunity to review the detailed BSMP prior to any approval. The 200m refers to a commitment for the centralised BESS, which would need to be around this distance from the nearest residential receptors to avoid significant operational noise effects and hence has a greater minimum offset distance from residential receptors than the distributed BESS, whereby the distributed BESS offset is driven by the findings of the Unplanned Emissions Assessment, as noted at paragraph 4.5.6 of the Framework BSMP **[REP1-041]**. Irrespective, the centralised BESS is fixed in location (restricted by the Works Plans **[AS-105]**) and further than 200m from the nearest receptor (approximately 275m from the façade of Grange Cottage).

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GC.1.11	Applicant	**Relationship between Battery Energy Storage System (BESS) and the Framework Construction Environmental Management Plan** In paragraph 1.4.2g of the Framework Battery Management Safety Plan **[APP-198]** it is stated that the battery management plan would form part of the Emergency Response Plan included in the Construction Environmental Management Plan (CEMP) **[APP-189]**. However, the CEMP, including its Emergency Response Plan, would be a control document applicable only to the construction phase for the proposed development. BESS safety would primarily relate to the proposed development's operational phase. Accordingly, should BESS safety form any part of the CEMP or be treated as a standalone matter subject to the Battery Safety Management Plan secured under requirement 7 of the draft development consent order (dDCO) **[APP-016]**?	It should be noted that the provision of an Emergency Response Plan (ERP) during the operation of the Proposed Development is also secured under the Framework OEMP **[REP1-033]**, whereby paragraph 2.8.1 states: "*An Emergency Response Plan (ERP) will be developed in consultation with the relevant local authority emergency planning officer, emergency services including the local fire service, as well as the Environment Agency in relation to responding to flood warnings and events.*" As such, an ERP is a control document also applicable to the operational phase. The provision of a detailed OEMP, which is to be substantially in accordance with the framework, is secured via Requirement 13 of the Draft DCO **[REP1-007]**. For clarity on this matter, the Framework BSMP **[REP1-041]** was updated and submitted to the Examination at Deadline 1 to include the following text at paragraph 1.4.2g: "*Final BESS design and site layout should minimise the requirement for direct LFR intervention in a thermal runaway incident i.e. direct hose streams or spray directly on BESS battery systems. LFR intervention in worst case scenarios would ideally be limited to boundary cooling of adjacent BESS and energy storage system (ESS) units to prevent the fire from spreading. This strategy will be derived from rigorous risk analysis studies and consequence modelling detailed in Section 5.1 in this FBSMP and will be agreed with LFR and be clearly communicated in the Emergency Response Plan (ERP), which is committed to within the Framework Construction Environmental Management Plan, Framework Operational Environmental Management Plan and Framework Decommissioning Environmental Management Plan, which ~~is~~ are submitted with the DCO application **[EN010154/APP/7.7]**, **[EN010154/APP/7.8]**, and **[EN010154/APP/7.9]** respectively. The ERP requires the detailed design post-consent to be fixed before it is developed because it is heavily predicated upon the selected BESS design and final BESS site layout*". The provision of a detailed BSMP, which is to be substantially in accordance with the framework plan, is secured via Requirement 7 of the Draft DCO **[REP1-007]**.
GC.1.12	Applicant	**Related Applications and Consents** With respect to other consents potentially required to implement the proposed development, within paragraph 10.1.1 of the Statement of Reasons (SoR) **[APP-020]** reference is made to obtaining a *"Section 171 Licence"*. Explain what a Section 171 licence is?	This refers to a temporary excavation licence under section 171 of the Highways Act 1980 which is granted by the highways authority to provide consent for the making of a temporary excavation of a street that is a highway maintainable at the public expense. Under section 51 of the New Roads and Street Works Act 1991, it is an offence to excavate in the highways without obtaining such a licence.
GC.1.13	Applicant and National Grid Electricity Transmission Plc (NGET)	**Grid Connection** Section 3.7 of ES Chapter 3: The Proposed Development **[APP-028]** identifies that the proposed development would connect to the national electricity transmission network at National Grid's proposed substation near Navenby, which is subject to a separate planning application. Provide an update on the anticipated date for submitting a planning application for the proposed Navenby substation and how that compares with	Paragraph 3.4.2 of the **Grid Connection Statement [APP-200]** states *"The Proposed Development will be connected to the proposed National Grid substation near Navenby. This substation will be the basis of a planning application by NGET under the Town and Country Planning Act 1990. At the time of writing of this report the application for the rights to construction and operate the proposed Navenby Substation is expected to be submitted in late 2025. It is currently expected that the application will be determined in Spring 2026. Subject to approval, NGET has informed the Applicant that construction work is expected to begin mid/late 2026 with a currently anticipated completion date in late 2029".*

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		the timings described in paragraph 3.4.2 of the Grid Connection Statement **[APP-200]**.	At the time of writing this response, information publicly provided on the National Grid website for the proposed substation near Navenby aligns with this timeline. The National Grid website notes the planning application submission as early 2026 and states that the application will be determined in Spring 2026. Subject to approval, the National Grid website states that the substation construction starts in mid-late 2026, construction of four new pylons in Spring/Summer 2028, with the substation construction complete in late 2029. As stated in paragraph 3.4.2 of the **Grid Connection Statement [APP-200]**, this is 3.5 years ahead of the connection date for the Proposed Development. Section 3.4 of **Chapter 3: The Proposed Development** of the **ES [REP1-015]** sets out the anticipated timelines for construction. It states the construction phase is anticipated to take 24 months if multiple construction teams are mobilised simultaneously, or up to 30 months if it is built out sequentially. Subject to being granted development consent, construction is anticipated to start in 2031 to enable completion for the agreed connection date of 2033.
GC.1.14	Applicant and NGET	**Implication for the proposed development were the proposed Navenby substation not to be consented and/or constructed** If the proposed development was to be consented but the proposed Navenby substation did not receive permission and/or the approved substation was not built, what implications would the unavailability of a new substation at Navenby have for the delivery of the proposed solar farm?	As set out previously, given the generally 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 known to the Applicant why consent for the proposed Navenby substation would be withheld. Under NGET's Transmission Owner's Licence: Standard Licence Condition D4A: Obligations in Relation to Planning, NGET is required to undertake all reasonable steps to obtain the required consents. Furthermore, the Applicant understands from National Grid that should planning permission not be granted, the fall back is to appeal any such refusal to the Secretary of State (SoS) by way of the Planning Inspectorate and await determination. Therefore, there is nothing to create any doubt surrounding the deliverability of the proposed National Grid substation near Navenby. Under the commercial agreement between the Applicant and NGET, should no new substation at Navenby be available, it would fall to NGET to find an alternative point of connection for the Proposed Development. This connection point would then be pursued by the Applicant subject to a separate consent, as is not uncommon in the offshore wind context and is as expressly recognised in NPS EN-1 paragraph 4.11.8 which sets out that *"on some occasions it may not be possible to coordinate applications. For example, different elements of a project may have different lead-in times and be undertaken by different legal entities subject to different commercial*

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			and regulatory frameworks (for example grid companies operate within OFGEM controls) making it inefficient from a delivery perspective to submit one application. Applicants may therefore decide to submit separate applications for each element. Where this is the case, the applicant should include information on the other elements and explain the reasons for the separate application confirming that there are no obvious reasons for why other elements are likely to be refused".
GC.1.15	Applicant	**Funding for decommissioning** The Funding Statement **[AS-014]** identifies costs and funding associated with construction and maintenance, for example, paragraphs 1.3.1, 1.4.2, 1.4.3, and 1.4.5. Explain: a) How decommissioning activities have been factored into the costs estimate and funding availability and commitments? b) How funding for undertaking decommissioning works, potentially sixty years after the proposed development became operational, would be secured?	A) The Applicant submitted a Funding Statement **[AS-014]** with the application which sets out the financial position of the Applicant, and the proposed funding structure for the Proposed Development. In response to this question, the Applicant has updated the Funding Statement at Deadline 2. These updates provide the clarity sought that the cost estimate for the Proposed Development includes decommissioning costs. It should be noted that the Applicant considers that this is not strictly required because under Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations), the Funding Statement **[AS-014]** is only intended to demonstrate how an order which contains the authorisation of compulsory acquisition (as the Draft DCO **[REP1-007]** does) is to be funded. B) The Applicant is applying for a 60-year operational period for the Proposed Development which is secured under Requirement 20 of Schedule 2 to the Draft DCO **[REP1-007]**. This Requirement provides that decommissioning works must commence no later than 60 years following the date of final commissioning. The Applicant has provided a Framework Decommissioning Environmental Management Plan (DEMP) **[REP1-035]** and as also secured under Requirement 20 of Schedule 2 to the Draft DCO **[REP1-007]**, this will be developed into a detailed DEMP which will be substantially in accordance with the framework. When the operational lifetime of the Proposed Development comes to an end, it will be decommissioned in line with the controls which will be set out in the detailed DEMP. As part of decommissioning, the land is to be reinstated to its original quality, or better, before being returned to the landowners who would choose how the land is to be used and managed (as is the case currently). The decommissioning of the Proposed Development, including funding of the same is therefore, as noted, secured by a DCO Requirement. 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 (LPA). In addition to the points set out above, there is no requirement under the Planning Act 2008 for funding for decommissioning to be secured and nor is the Applicant aware of any guidance requiring this in the National Policy Statements (NPSs) or otherwise. There are sufficient provisions for decommissioning controls as detailed above, and the Applicant considers that any further requirement would be a duplication of such existing controls and would be a

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			potential cause of confusion. The Applicant considers the legally binding obligation to carry out decommissioning works, including the funding of the same, to be sufficient and does not consider there to be justification for the provision of a bond or any other form of financial security.
GC.1.16	Applicant Lincolnshire County Council (LCC) Environment Agency	**Waste Management** Section 5.15 of NPS EN-1 (2023) addresses resource and waste management including identifying requirements for the applicant assessment. That includes, at paragraph 5.15.9, that applicants should include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. Views are sought on whether this has been adequately addressed in the ES, for example, in Appendix 14E: Materials and Waste Impact Assessment Methodology and Baseline **[APP-174]**.	The methodology set out in Appendix 14E Materials and Waste Impact Assessment Methodology and Baseline of the ES **[APP-174]** and assessment outlined in Chapter 14: Other Environmental Topics of the ES **[APP-039]** is in accordance with the IEMA (now the Institute of Sustainability and Environmental Professionals (ISEP)) (2020)Guide to: Materials and Waste in Environmental Impact Assessment, Guidance for a Proportionate Approach. Available at: https://www.iema.net/media/0t5fwyhj/iema-materials-and-waste-in-eiamarch-2020.pdf (IEMA Guidance). As outlined in 14.5.28 of Chapter 14: Other Environmental Topics of the ES **[APP-039]** the sensitive receptor for waste is landfill capacity and the study areas are the East Midlands (non-hazardous and inert waste) and England (hazardous waste). As outlined in the IEMA Guidance *"this guidance does not consider waste processing and recovery facilities as sensitive receptors, rather: they are part of a system that has the potential to reduce the magnitude of adverse impacts associated with waste generation and disposal. Waste processing and recovery facilities are, hence, different to landfills, in that the latter are finite resources".* Appendix 14-E Materials and Waste Impact Assessment Methodology and Baseline of the ES **[APP-174]** (paragraphs 14.5.80-14.5.94) includes an assessment of operation effects which includes the whole operational period (including the first five years) of the Proposed Development. As outlined in paragraph 14.5.80, operational waste arisings from day-to-day operation (which will be occurring in the first five years) are expected to be negligible. Component replacement is not anticipated in the first five years. As outlined in paragraph 14.5.93, waste receptor sensitivity is determined as 'very high'. With the embedded mitigation measures in place e.g. applying the waste hierarchy, the overall quantities of operational waste to be disposed of to landfill are anticipated to be below 1% of regional inert and non-hazardous landfill capacity, and less than 0.1% of national hazardous landfill capacity. Therefore, the magnitude of impact is negligible, and the effect is slight, which is considered to be not significant. The Applicant therefore considers the approach taken is in line with best practice and adequately addresses the NPS EN-1 requirement to assess the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation.
GC.1.17	Applicant	**Waste management**	a) The Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 and the Waste Batteries and Accumulators (Amendment) Regulations 2009

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		The Framework Operational Environmental Management Plan (FOEMP) **[APP-190]** states that it is not proposed to store waste batteries on site, with it being stated any such batteries would be removed from the containers and taken away straight away. Explain how waste battery removal would be ensured, given the lack of nearby battery storage or treatment facilities, as identified by the Environment Agency in its RR **[RR-089]**. Comment on the need to include protection measures for battery storage in the FOEMP, should it not be possible to remove waste batteries straight away.	place obligations on those who place 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 in the Framework BSMP **[REP1-041]** (ref. paragraph 3.2.18(b)): *"The supplying manufacturer will have obligations under the Waste Batteries and Accumulators Regulations 2009 (as amended) (or such equivalent regulations in force at the time of decommissioning) and will be contractually obliged to offer a recycling service."* The provision of a detailed BSMP, which is to be substantially in accordance with the framework plan, is secured via Requirement 7 of the Draft DCO **[REP1-007]**. b) The appropriate bunding and further design of the temporary storage area for batteries will be developed at the detailed design stage to ensure that stored waste batteries do not pose a contamination risk to the environment. In response to the Environment Agency Relevant Representation **[RR-089]** paragraph 3.2.16 of the Framework BSMP **[REP1-041]** was updated and submitted to the Examination at Deadline 1 to include 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*". The provision of a detailed BSMP, which is to be substantially in accordance with the framework plan, is secured via Requirement 7 of the Draft DCO **[REP1-007]**. Measure MW-O1 of the Framework OEMP **[REP1-033]** has also been updated and was submitted to the Examination at Deadline 1 to clarify this. Measure MW-O1 now reads: "*It is not proposed to store waste batteries on site. They will be removed from the containers and taken away straight away, following waste duty of care. 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."* The provision of a detailed OEMP, which is to be substantially in accordance with the framework, is secured via Requirement 13 of the Draft DCO **[REP1-033]**.
GC.1.18	LCC	**Minerals safeguarding** The Minerals Safeguarding Assessment **[APP-162]** considers that minerals resources would not be sterilised because the proposed development would be temporary in nature and the land would be restored to a condition that would not inhibit mineral extraction and the Lincolnshire Local Aggregates Assessment demonstrates that there should be sufficient sand and gravel and limestone resources to last beyond the Lincolnshire Minerals and Waste Local Plan period.	It is noted that this question is directed to LCC, but the Applicant is happy to provide some further context to the issue. The Proposed Development is non-permanent and reversible, with a 60 year consent. Section 3.5 of the Minerals Safeguarding Assessment **[APP-162]** discusses Mineral Safeguarding Areas. The majority of the Proposed Development is not located in Mineral Safeguarding Areas, however, parts are in Mineral Safeguarding Areas for sand and gravel and limestone, as follows: a. Sections of the southwestern, northern and central parts of the Principal Site are located within the Sand and Gravel Mineral Safeguarding Area. The area of the Principal Site within the Mineral Safeguarding Area is approximately 230ha, and

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		However, as the proposed development's operational period could potentially be 60 years that would extend beyond the period covered by the extant Minerals and Waste Local Plan. Advise on: a) the current landbank for sand and gravel and limestone; b) the effects of the proposed development on minerals supply in the area; and c) any mitigation required to safeguard mineral resources.	the area of the cable within the Mineral Safeguarding Area is approximately 1.84ha; and b. The eastern section of the Cable Corridor, where the Proposed Development connects to the proposed National Grid substation near Navenby, is located in a Limestone Mineral Safeguarding Area. There are three existing mineral sites which are outside but close to the Proposed Development, as shown on Figure 1 Existing Minerals Sites and Site Allocations in Annex A of this report. These will not be affected. Paragraph 5.4.3 of the Mineral Safeguarding Assessment states: "This is further supported by the Lincolnshire LAA **[Local Aggregate Assessment]** which demonstrates that with a combination of current and allocated sites and planning applications to be determined, there should be sufficient sand and gravel and limestone resources to last beyond the Lincolnshire Minerals and Waste Local Plan period. The latest survey data shows that the permitted reserves of sand and gravel in Lincolnshire at the end of 2023 totalled 20.57 million tonnes (mt) with an additional 6.28mt pending determination, and 14.04mt of permitted reserves for limestone for aggregate purposes. The LAA also states that "the majority of sand and gravel sites in the county have no planning restrictions on production levels. Consequently, should any site close, there are other sites that can step up production to compensate". Given the large landbank of sand and gravel and limestone in Lincolnshire, the Proposed Development will not inhibit extraction within the timescale that the mineral is likely to be needed and will ultimately have a negligible impact on sterilising the mineral resource, such that no mitigation measures are required. Boreholes within the Oder limits show a negligible/limited thickness of the mineral in some locations (e.g., 0.45m thickness at boreholes in the Cable Corridor and c2.5m thickness in the north west of the Site), meaning extraction in these parts of the Site would likely not be economical, meaning the Proposed Development cannot affect minerals resources in these areas. The land take for the Cable Corridor is small (expected to be a few metres wide), and thus the area of potential sterilisation associated with the export cable circuit will be negligible. Paragraph 2.1.5 of the Minerals Safeguarding Assessment explains the indicative trench dimensions are 0.8-1.2m depth and 1.2m - 5m wide (depending on the number of cable circuits within the trench). The proposed cabling corridor route within the Limestone Mineral Safeguarding Area also generally follows the route of existing above ground electric power cables, thus are within areas that are already sterilised by existing infrastructure.

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			Given the reversible nature of the Proposed Development, there will be no permanent sterilisation of the mineral resource, and the ability of future generations to extract the resource over the long term will not be compromised.
GC.1.19	Applicant	**Planning obligations** Advise on whether there have been any discussions regarding a potential section 106 agreement to cover matters such as the skills and education package and monitoring fees, as identified by NKDC in its RR **[RR-210]**.	The Applicant has engaged with both North Kesteven District Council and Lincolnshire County Council in the development of the Framework Employment, Skills and Supply Chain Plan (ESSCP) **[APP-197]** and will continue this engagement. A detailed Employment, Skills and Supply Chain Plan, which is to be substantially in accordance with the Framework ESSCP, is secured through Requirement 19 of Schedule 2 to the Draft DCO **[REP1-007]** and will be subject to approval by NKDC in consultation with LCC. The Applicant has engaged with both North Kesteven District Council and Lincolnshire County Council in the development of the Framework ESSCP **[APP-197]** and will continue this engagement. A detailed Employment, Skills and Supply Chain Plan, which is to be substantially in accordance with the Framework ESSCP, is secured through Requirement 19 of Schedule 2 to the Draft DCO **[REP1-007]** and will be subject to approval by NKDC in consultation with LCC. As concluded in Chapter 12: Socio-economics and Land Use of the ES **[AS-016]**, there are no adverse socio-economic effects as a result of the Proposed Development that require mitigation to be provided. This includes employment, skills and the supply chain. Therefore, this is considered an enhancement measure. This is recognised by the Council itself at LIR Ref 23.12 above where it states: "*Despite the lack of significant economic effects, the application includes a Framework Employment, Skills and Supply Chain Plan (fESSCP) (APP-197) has been submitted*." In order for a planning obligation to constitute a reason for the granting of consent, it must meet the conditions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations 2010) in that it is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development. These conditions are duplicated in Government's Guidance on 'Use of planning obligations and process for changing obligations' (the Guidance). The Applicant has not been provided with evidence demonstrating that the proposed contribution is necessary to make the Proposed Development acceptable in planning terms. As mentioned above, Chapter 12 of the ES concludes that there are no adverse socio-economic effects that require mitigation to be provided. Similarly no policy requirement has been identified that would necessitate the contribution in order for development consent to be granted.

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			In the absence of a clear and evidenced impact attributable to the Proposed Development, the Applicant does not consider the scale of the requested figure to be proportionate. No methodology or calculation has been provided to demonstrate that the amount sought fairly reflects the extent of the impact arising from the Proposed Development, which the Applicant has demonstrated have not arisen. Therefore, the Applicant's view is that the request for a planning obligation does not meet the tests of Regulation 122 of the CIL Regulations 2010. On this basis, and as the delivery and implementation of the detailed ESSCP is secured via Requirement 19 of Schedule 2 to the Draft DCO **[REP1-007]**, the Applicant does not consider that the s106 contribution sought is justified. Whilst the Applicant notes that the Council has agreed contributions on other schemes, when it comes to determining whether a contribution is required, and lawful in accordance with the conditions of Regulation 122 of the CIL Regulations 2010 and the Guidance, each scheme must be considered on its own merits and specifically any adverse impacts identified which would make a contribution "necessary to make the development acceptable in planning terms" (condition (a) under Regulation 122 of the CIR 2010 and para. 002 of the Guidance). The Applicant is therefore not proposing a contribution towards training as part of the DCO Application and nor is it required to do so. It is proposing a comprehensive ESSCP to maximise the beneficial effects reported in the assessment which will arise from employment generation (including supply chain opportunities, and skills development), and Gross Value Added (GVA) generation during the construction and decommissioning phases of the Proposed Development. The Applicant has engaged with both NKDC and LCC in the development of the Framework ESSCP and will continue this engagement.
GC.1.20	Applicant	**Glint and glare** Where screening is relied upon to mitigate the effects of glint and glare for receptors, such as those points along the A46, as noted by National Highways in its RR **[RR-201]**: a) Explain what measures would be adopted to ensure that appropriate screening would be in place to mitigate the effects of glint and glare in the short term until any necessary new or additional planting had become established to the required height and density. b) How would such mitigation be managed in the long term, given that paragraph 5.3.22 of the Framework Landscape Environmental Management Plan (FLEMP) **[AS-101]** identifies that on-going management measures would cover a period of five years post-construction?	a) With regards to potential glint and glare impacts to road receptors on the A46 (as noted in the Applicant's Response to Relevant Representations **[REP1-047]**, ref. RR-201 section 5), Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]** presents (i) the theoretical worst-case results based on bare earth (without existing vegetation) and (ii) the impacts taking into account the exiting vegetation. Road Receptors 13–16 located along the A46 were considered to have the potential to have High glint and glare impacts in the 'base earth' model run (Table 18 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). This model run assumes 100% sunlight and no vegetation or obstacles, and therefore represents an absolute (and unrealistic) worst-case scenario, as per paragraph 4.42 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**.

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			A visibility assessment was then conducted to determine the real-world impacts upon Road Receptors 13-16 (paragraph 6.195 and Appendix Q of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). 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. At the time of preparing the report this imagery was slightly outdated (from November 2021). Nevertheless, with consideration of this 2021 imagery, impacts at Road Receptors 13-16 were found to be None after some proposed minimal hedgerow infilling and by allowing the hedges to grow out (see paragraph 7.1 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). This was then secured in the Framework LEMP **[REP1-039]**, e.g. ref. paragraphs 4.1.20, 5.2.3 and 5.2.10, with regards to the gapping up of existing hedgerows and allowing hedges to grow to the appropriate minimum height. Since the report, 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 have increased. These images show that the hedgerows have grown significantly along the A46 since 2021. Therefore, mitigation in the form of hedgerow infilling and growth is no longer needed along this section of the A46 to screen potential glint and glare impacts. The conclusion above remains valid, but without the need for hedgerow infilling or growth. 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 is 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. It should be noted that the above matter regarding glint and glare and the A46 has been discussed with National Highways as part of the Statement of Common Ground (SoCG) between the Applicant and National Highways, whereby National Highways confirmed on 19 January 2026 that it 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 that the final and signed SoCG with National Highways is available to 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]**. At other locations, where landscape screening is required to mitigate potential glint and glare impacts, the Applicant will liaise with landowners to allow existing hedges to grow (starting after any consent). New vegetation proposed in the

Question Number	Question to:	Question	Applicant Response
			Framework LEMP **[REP1-039]** will be planted as soon as practical, but it is not considered that this needs to be ahead of construction and may become an obstacle to some construction works if it is planted too early. At detailed design stage the glint and glare model will be re-run with the specific model type (Fixed South Facing or Single Access Tracker), and with an up-to-date panel model considering any advances in technology at the time, to best represent reflectivity so that the required mitigation can be reviewed and implemented as relevant. The mitigation measures presented as required in the Glint and Glare Assessment of the ES **[REP1-027]** are a combination of both layouts, and therefore the impacts will inevitably reduce in extent once the preferred layout is identified at detailed design. In addition, the modelling was based on blue coloured, polycrystalline panels, which major manufacturers stopped producing 2 or 3 years ago, and therefore has likely overestimated the impact from glint and glare (by about x2). It is expected that the overall impacts will therefore decrease at detailed design stage due to having more defined parameters in the model. Combined with a likely 3 or 4 years of growing seasons between any future consent and the start of construction in 2031, it is the Applicant's expectation that by working with landowners to allow hedges to grow-out during this period, there will not be a need for any mitigation planting for glint and glare and therefore no need for any temporary measures. b) Paragraph 5.3.22 of the Framework LEMP **[REP1-039]** relates to the plan for the establishment and maintenance of new hedgerows and trees, which will be submitted as part of the detailed LEMP. The reference to 'five years', in Paragraph 5.3.21, refers to the time period that the plan for this establishment and maintenance of vegetation planting covers. The maintenance (and any new planting) plan for the remainder of operation would be provided following periodic monitoring of the vegetation (as part of the monitoring report). As secured by the Framework LEMP **[REP1-039]**, a post-construction monitoring programme (which will be formalised, agreed and included within the detailed LEMP) comprising walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. As noted in the Framework LEMP **[REP1-039]** (ref. paragraph 7.1.11) 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. The Framework LEMP **[REP1-039]** is be developed into a detailed LEMP, substantially in accordance with the Framework Plan, secured under Requirement 8 of the Draft DCO **[REP1-007]**.

Question Number	Question to:	Question	Applicant Response
GC.1.21	Applicant and all other interested parties and affected persons	Revised Energy National Policy Statements (NPS) On 6 January 2026 revised versions of the following NPS published in December 2025 took effect: • Overarching National Policy Statement for Energy (EN-1) • National Policy Statement for Renewable Energy Infrastructure (EN-3) • National Policy Statement for Electricity Networks Infrastructure (EN-5) Under the transitional provisions included in section 1.6 of the revised version of NPS EN-1, for the purposes of the determination of the application for the proposed development, the versions of NPS EN-1, EN-3 and EN-5 that were published in November 2023 and which took effect in January 2024 continue to be in effect under s104(2)(a) of PA2008, with the newly revised versions of those NPS being cable of being considered as important and relevant matters under s104(2)(d). If you consider the revisions made to the national policy included in the 2025 versions of the NPSs listed above have any implications for the case you have made, written submissions should be made explaining how you consider your case has been affected by the revised policy.	The Applicant is aware of the revised Energy NPSs that came into effect on 6 January 2026 and that for the Proposed Development, the versions published in November 2023, that were designated in January 2024 continue to have effect for the purposes of decision making in relation to the Proposed Development. However, the transitional arrangements for the revised NPSs explain that they "*are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant SoS to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application*" (revised NPS EN-1, para 1.6.3). The revised Energy NPSs provide significant support for the Proposed Development. The policy narrative included in Overarching National Policy Statement for Energy (EN-1) (revised NPS EN-1) has been updated to reflect the government's Clean Power 2030 mission, including textual amendments to Critical National Priority policy to reflect the Clean Power 2030 Action Plan (December 2024). Paragraph 2.3.1 of the revised NPS EN-1 now states that "*Making Britain a Clean Energy Superpower is one of the five missions set out by the UK government. The Clean Power 2030 Action Plan sets out the government's first major steps towards delivering our Clean Power 2030 Mission in partnership with the Scottish and Welsh governments, industry and the public" and paragraph 2.3.6 explains that "Securing affordable, homegrown and abundant renewable resources means we will be able to run our power system for increasing periods on clean, low carbon generation, with renewables providing the vast majority of generation, and nuclear continuing to deliver a backbone of vital low carbon power. A clean power system will enable further electrification of demand sectors and therefore increased emissions reduction." Paragraph 4.1.5 of the revised NPS EN-1 explains that when weighing adverse impacts against benefits, the Secretary of State should take into account, "its potential benefits including its contribution to meeting the need for the Clean Power 2030 Mission and net zero…".* Planning for New Energy Infrastructure (the Government's consultation response relating to the new NPSs, available at https://assets.publishing.service.gov.uk/media/69121170bda892e068aa6454/nps-revisions-2025-consultation-government-response.pdf) states 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*" and that the ambitious deployment of clean energy technologies should not be inadvertently constrained (p8). Related to this is the government's decision to retain optionality within the setting of its capacity ranges which guide the prioritisation of new low-carbon schemes. NPS EN-1 states that the capacity ranges "*reflects that there is no singular path to achieving clean power, but instead, that there are a range of scenarios that could*

Question Number	Question to:	Question	Applicant Response
			get us there **[i.e to a clean power system]**." (revised NPS EN-1, Para. 3.3.22). Progress (or otherwise) in delivering projects across all technologies will help to refine future capacity needs. However, *"a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar*" (Ref 1, Para 3.3.23). Further, a rapid increase in low-carbon generation, flexibility infrastructure and electricity transmission infrastructure must be delivered through the 2020s and 2030s to achieve and maintain the Clean Power target (revised NPS EN-1, Para 2.3.5), to meet demand for electricity which "*could more than double by 2050*" to reach net zero (revised NPS EN-1, Para 3.3.3). With regard to solar specifically, the National Policy Statement for Renewable Energy Infrastructure (EN-3) (revised NPS EN-3) now states at paragraph 2.10.1 "*The UK has huge potential for solar power: it is a cost-effective, versatile, and effective technology*" and in paragraph 2.10.2 that "*Solar energy is at the heart of our Clean Power 2030 Mission. The government is committed to working with industry to radically increase our existing solar capacity by 2030 to boost growth across the country, create thousands of high-skill, future-proofed jobs and tackle the climate crisis."* It should be noted that, based on the indicative layouts provided by the Applicant (Figure 3-2A Indicative Fixed South Facing Layout **[AS-022]** and Figure 3-2B Indicative Single Axis Tracker Layout **[AS-023]**) the Proposed Development is within the range of land area currently required for each MW of output included in both NPS EN-3 and the revised NPS EN-3. The revised NPS EN-3 increases the range from the January 2024 NPSs and states that "*Along with associated infrastructure, a solar farm currently requires between 1.6 and 2.25 hectares (4 - 5.6 acres) for each MW of output"*. In terms of whether there are any implications for the case, aside from greater policy support for the Proposed Development, there are no substantial changes to the planning policy tests that apply in revised NPS EN-1 or revised NPS EN-3. Policy support for the Proposed Development is already given substantial positive weight in the planning balance as set out in paragraph 7.3.5 of the Planning Statement **[AS-098]**. Given the above, the planning appraisal set out in Chapter 6 of the Planning Statement **[AS-098]** and the planning balance as presented in Chapter 7 of the Planning Statement **[AS-098]** therefore remain relevant and valid for the Proposed Development.
GC.1.22	Applicant	**Comparison between the generating outputs between the proposed development and the United Kingdom**	Please refer to Section 9 of the Technical Guide, which is to be submitted to the Examination at the next available examination deadline.

Question Number	Question to:	Question	Applicant Response
		What contribution would the proposed development make to the predicted demand for electricity in the United Kingdom firstly at the point it would become fully operational (assuming full build out to accommodate the secured grid connection limit of 240MW) and secondly in 2050? In answering this questions any quoting of generating outputs should ensure that the same unit is used (MWh, GWh or Terawatt hours) for both the proposed development and the United Kingdom. The reply to this question should be included in the Technical Guide to be submitted as an action arising from the holding of ISH1.	

2.2 Climate Change questions

Table 0-1: Applicant's Responses to the Examining Authority's Climate Change questions

Climate Change (CC)			
CC.1.01	Applicant	**Assessment of greenhouse gas (GHG) emissions offset (carbon savings) compared with other forms of electricity generation** In paragraph 6.4.33 of Chapter 6 of the ES (Climate Change) **[APP-031]** it is stated that *"…On this basis, the production of electricity from the Proposed Development and associated carbon savings is compared against the future baseline of the production of electricity at the average grid intensity without decarbonisation. …"*. Given the move towards the decarbonisation of electricity generation in the United Kingdom, does it remain reasonable to make comparisons between the proposed development's carbon savings and a future baseline based on an average grid intensity without decarbonisation, given the government's expectation that there will be a transition to renewable generation sources bringing to an end the recent historic dominance of the generation of electricity by generating stations emitting GHGs? Have the carbon savings identified for the proposed development been over estimated given the likelihood there will be decarbonisation which will reduce the average grid intensity?	**Chapter 6: Climate Change [REP1-017]**, paragraph 6.4.71 states that *"Over the last decade, there has been significant decarbonisation of the grid. This trend is set to continue into the future, but only if projects such as the Proposed Development are brought forward. Therefore, comparing a low-carbon electricity project such as the Proposed Development against projections of future grid carbon intensity with decarbonisation fails to recognise that the grid can only decarbonise if additional renewable generation projects are consented."* **Chapter 6: Climate Change [REP1-017]**, paragraph 6.4.73 states that *"The carbon payback period for construction emissions is approximately 4 years of generation"*. This is comparing the operational intensity of the Proposed Development to the 2025 grid average intensity. As noted in Paragraph 6.4.71, the average grid intensity will only decarbonise if renewable energy generation types are consented and energised. As this grid intensity is unlikely to decrease without projects like the Proposed Development, it is considered reasonable to compare the carbon intensity of the Proposed Development against the counterfactual scenario of no decarbonisation to the national grid, particularly for the short-term period identified in Paragraph 6.4.73 of only 4 years. The approach taken in the Environmental Statement for the Proposed Development has been developed in accordance with the approach carried out by several consented solar NSIPs such as Longfield Solar, Gate Burton Energy Park, and East Yorkshire Solar Farm, which the ExA and SoS found to be acceptable. This was specifically noted in paragraph 4.53 of the Gate Burton Decision Letter (EN010131-001744-Gate_Burton_Final_Decision_Letter.pdf). The Applicant notes that in the planning decision letter on Morecambe Offshore Windfarm Generation Assets, the Planning Inspectorate accepted the approach of comparing renewable electricity against fossil fuel generation. Fossil fuel generation has a higher average carbon intensity factor than the average grid intensity without decarbonisation, so using the grid as a baseline is a more conservative approach than that which was used and accepted by the Planning Inspectorate for Morecombe Windfarm, paragraphs 4.10 and 4.11 (EN010121-000383-Decision_letter_Morecambe_OWF_GA_for_Signature_011225_redacted.pdf).
CC.1.02	Applicant	**Assessment methodology** Clarify whether the levels of *"likelihood of climate impact occurring"* and levels of *"consequence of a climate impact"* in Table 6-17 of ES Chapter 6: Climate Change **[APP-031]** are correct, given the respective descriptions in Tables 6-15 and 6-16 of ES Chapter 6: Climate Change **[APP-031]**.	It is noted that the headings in Table 6-17 of **Chapter 6: Climate Change [REP1-017]** have been inputted incorrectly. The *Likelihood of climate impact occurring* heading should be on the left axis of Table 6-17, with the *Consequence of a climate impact* heading moved to the top axis. Table 6-17 has been updated accordingly and was submitted into the Examination at Deadline 1.

2.3 Draft Development Consent Order questions

Table 0-2: Applicant's Responses to the Examining Authority's Draft Development Consent Order questions

Note All references to the numbering of Articles and Schedules (including Requirements) refer to those used in the version of the Draft DCO submitted with the application for the proposed development [REP1-007]			
Draft Development Consent Order (Draft DCO)			
DCO.1.01	Applicant	**Article 6 and Schedule 3 – Legislation to be disapplied** Article 6 and Schedule 3 of the dDCO **[APP-016]** refer to acts and byelaws that have been identified for proposed disapplication. However, the Explanatory Memorandum (EM) **[APP-019]** only provides a partial explanation of the reasoning for why the proposed disapplication of legislation identified in the dDCO would be necessary to facilitate the construction and/or operation of the proposed development. For example, it is unclear what turnpikes might be affected by the proposed development. The need for the proposed disapplication of the legislative sought should be reviewed and the EM should be revised to provide a full explanation for why each legislative disapplication sought would be necessary to facilitate the construction, operation or decommissioning of the proposed development.	Article 6 of and Schedule 3 to the Draft DCO **[REP1-007]** seek to disapply a number of statutory provisions as provided for under section 120 of the Planning Act 2008 (PA 2008) which makes a comprehensive and wide-ranging provision as to what may be included in a DCO. Specifically, section 120(5) of the PA 2008 provides that, subject to specified limitations and requirements, a DCO may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the DCO. It also provides that, subject also to specified limitations and requirements, a DCO may make amendments, repeals or revocations of statutory provisions of local application. Generally, the disapplication of this legislation is justified on the basis that they address matters whose merits and acceptability can, and will, already have been sufficiently considered and resolved if the Draft DCO **[REP1-007]** is made. These matters therefore should not be subject to further regulatory consideration or control, as this would cause unnecessary uncertainty and duplication, and may unjustifiably delay the implementation of the Proposed Development. Article 6(1)(a) to 6(1)(c) disapply specific provisions of the Land Drainage Act 1991 which would otherwise be incompatible with the implementation of the Proposed Development. With regards to Article 6(1)(a), section 23 of the Land Drainage Act 1991 prohibits the placing of obstructions in watercourse without the written consent of the relevant internal drainage board. With regards to Article 6(1)(b), section 32 of the Land Drainage Act 1991 relates to the variation of awards and would inappropriately allow the provisions of the Order relating to drainage to be revisited. Article 6(1)(c) disapplies the provisions of any byelaws made by drainage undertakers under section 66 of the Land Drainage Act 1991. The disapplication of these provisions of the Land Drainage Act 1991 is required as cabling associated with the Proposed Development will need to cross beneath waterways and the Applicant requires certainty that the Proposed Development can be delivered. S150 of the PA 2008 allows requirements for prescribed consents to be disapplied if the relevant body has consented to this. In parallel to negotiating appropriate protective provisions, the Applicant is seeking the relevant consents to ensure that these disapplications will not prejudice the statutory objectives and responsibilities of the relevant regulators. Details of the Applicant's approach to obtaining the relevant consents is set out in the Consents and Agreements Position Statement **[REP1-011]**. Article 6(1)(d) 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, the conservation of flora or fauna which are dependent on an aquatic environment etc. 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, such as the Proposed Development, the Planning Act 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. With respect to Article 6(1)(e) of the Draft DCO **[REP1-007]** as submitted at the application stage, the Examining Authority should note that the Draft DCO has been amended, as the Applicant has agreed with the Environment Agency that it will not be seeking to disapply Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 insofar as a flood risk activity permit is required. Therefore, the Applicant will not seek to justify the disapplication of this legislation. This is reflected in the updated Draft DCO **[REP1-007]** submitted by the Applicant at Deadline 1. Under Article 6(1)(f) (as per the originally submitted dDCO – Article 6(1)(e) as per the dDCO submitted at Deadline 1), the Applicant is seeking to disapply the legislation listed in Schedule 3 (legislation to be disapplied) to the Draft DCO **[REP1-007]** so far as the provisions still in force are incompatible with the powers contained within the Order. A precautionary approach has been taken where it is difficult to conclusively determine whether the provisions are relevant to the DCO due to the lack of available plans clarifying the precise geographical scope as much of the legislation referred to is historic (although still on the statute books) and dates back to the 19th Century. The disapplication is sought on the basis that a clear alternative regime has been provided within the DCO, which is intended to provide a single unified consent for the Proposed Development. Due to the importance of Nationally Significant Infrastructure Projects, the Applicant considers that it is expedient to disapply these provisions to ensure the Proposed Development can be implemented as intended in the DCO. This is a standard approach across projects of this type such as the Mallard Pass Solar Farm Order 2024, the Tillbridge Solar Order 2025 and the Draft DCO for Springwell Solar Farm (due to be decided in April 2026). The Applicant is seeking under Article 6(1)(g) (as per the originally submitted dDCO – Article 6(1)(f) as per the dDCO submitted at Deadline 1), of the Draft DCO **[REP1-007]** to disapply the provisions of the Neighbourhood Planning Act 2017 in so far as they relate to temporary possession of land under Article 29 (temporary use of land for constructing the authorised development) and Article 30 (temporary use of land for maintaining the authorised development) of the

			Draft DCO **[REP1-007]**. At present, the reforms to the temporary possession regime in the Neighbourhood Planning Act 2017 have not commenced, and there is no certainty as to when they will commence. The provisions in the Neighbourhood Planning Act 2017 seek to tighten the temporary possession powers. The granularity and procedural complexity of these provisions is not appropriate for a DCO, and temporary possession powers are adequately provided for under the Planning Act 2008 regime. Due to the need for the DCO to achieve certainty, it is appropriate and necessary to disapply the reforms whilst taking account of their principles in the relevant Articles of the DCO. This approach has precedent in the Drax Power (Generating Stations) Order 2019, the Millbrook Gas Fired Generating Station Order 2019, the Cleve Hill Solar Park Order 2020, the Longfield Farm Solar Order 2023, the Gate Burton Energy Park Order 2024 and the Mallard Pass Solar Farm Order 2024. Paragraphs (2), (3) and (4) of Article 6 provide for amendments to be made to the regimes relating to trees and hedgerows under the Forestry Act 1967, the Hedgerow Regulations 1997 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012. This seeks to deal with the lacunae in these statutes where works can be undertaken to trees and hedgerows pursuant to a planning permission or a 'deemed' planning permission (such as under the Transport and Works Act 1992). Due to the operation of section 33 of the Planning Act 2008 providing that planning permission is not required, as opposed to not 'deeming' planning permission, DCO development does not benefit from these provisions. Therefore, NSIP development is left in a worse position than 'normal' planning development, which is considered inappropriate. Due to the controls set out in the Requirements in Schedule 2 to the DCO, the local planning authorities will still be able to consider the impacts of such works, the provisions of Article 6 simply mean that separate consents are not required to be obtained. This approach, in respect of the Forestry Act 1967, has precedent in the Great Yarmouth Third River Crossing Development Order 2020 and the Hedgerow and Tree Preservation provisions have precedent in The Mallard Pass Solar Farm Order 2024. Article 6(5) effectively disapplies the Community Infrastructure Levy Regulations 2010, by making clear that any building comprised in the Proposed Development is to be deemed of a type that does not trigger liability for payment of the Community Infrastructure Levy. With regards to the legislation set out in Schedule 3 (Legislation to be disapplied) to the Draft DCO **[REP1-007]**, the Applicant has reviewed any local legislation which might conflict with the powers and rights sought in the Draft DCO **[REP1-007]**. As noted above, it is difficult to conclusively determine whether the provisions are relevant to the DCO due to the lack of available plans clarifying the precise geographical scope as much of the legislation referred to is historic (although still on the statute books) and dates back to the 19th Century. Notwithstanding this, the disapplication is sought on the basis that a clear alternative regime has been

			provided within the Draft DCO **[REP1-007]** and in consideration of the fact that the DCO is intended to provide a single unified consent for the Proposed Development.
DCO.1.02	Applicant	**Article 2 – interpretation** This article defines *"working day"*. However, there are several references throughout the dDCO to just *"day"*. For consistency, the same terminology should be used throughout the dDCO. The wording of the dDCO should be reviewed and a consistent approach should be taken to use of working day or day.	The Applicant considers the use of the terms "working day" and "day" sufficiently clear by reference to their definitions in Article 2(1) and 2(9). The term "working day" is employed where periods relate to statutory or control functions, including notices, submissions, approvals, and enforcement, to reflect operational and administrative practice when public authorities and undertakers conduct business. By contrast, "day" is used for calendar-based periods where no interaction with statutory processes is required, or where fixed calendar counting is appropriate for clarity and certainty. Article 2(9) of the Draft DCO **[REP1-007]** clarifies that references to "days" are to be construed as calendar days unless otherwise specified. For completeness, the Applicant has carried out a review of the use of "days" in the Draft DCO **[REP1-007]** and confirms that each use is to be construed as drafted.
DCO.1.03	Applicant NKDC LCC Environment Agency Natural England Historic England	**Article 2 - interpretation** Article 2 of the dDCO **[APP-016]** includes provisions for *"permitted preliminary works"*. Section 5.7.21 of Advice Note 15 "Drafting Development Consent Orders" advises that such provisions have been removed by the Secretary of State (SoS) in some decisions, particularly where such advance works were themselves likely to have significant environmental effects, for example, in terms archaeological remains. a) **For the applicant** - comment on the nature and scope of the identified permitted preliminary works in the context of section 5.7.21 of Advice Note 15. b) Given that the permitted preliminary works could take place with just the framework plans in place, views are sought on whether the level of detail in these documents would secure adequate control and manage the likely effects arising from the preliminary works?	The definition of "commence" in Article 2 to the Draft DCO **[REP1-007]** has been drafted to exclude "permitted preliminary works" to enable the undertaker to carry out certain preparatory works. The "permitted preliminary works" are also defined, and include pre-commencement activities such as surveys, site investigations and site clearance. These works are required to ascertain further information which is necessary for the undertaker to include in approvals being sought under some of the requirements at Schedule 2 to the Draft DCO **[REP1-007]**. With regards specifically to archaeological remains, this point was discussed between the Applicant and North Kesteven District Council (NKDC) prior to the submission of the DCO Application. Although "permitted preliminary works" are excluded from the majority of the Requirements in Schedule 2 of the Draft DCO **[REP1-007]**, as a result of the aforementioned discussions with NKDC, the Applicant amended Requirement 11 at Schedule 2 of the Draft DCO **[REP1-007]** to make clear, at sub-paragraph (3) of the Requirement that: *"for the purposes of sub-paragraph (1), "commence" includes any permitted preliminary works."* The inclusion of this wording means that the provisions in Requirement 11 must be complied with before even the "permitted preliminary works" can be commenced, unlike the other Requirements in Schedule 2. This therefore means that there is no provision that would exclude even "permitted preliminary works" from the need to comply with the archaeological mitigation provided for by Requirement 11 of Schedule 2 to the Draft DCO **[REP1-007]**. This demonstrates that the Applicant is not seeking a blanket approach to the permitted preliminary works, but reflecting the nature of the works and their potential impacts. The "permitted preliminary works" are governed by the parameters assessed in the Environmental Statement (ES) and the provisions of the Framework Management Plans, which ensure that these works do not result in new or

			materially different effects from those assessed in the ES impacts. The nature of these works is such that they are not expected to give rise to environmental effects requiring mitigation.
DCO.1.04	Applicant NKDC LCC	**Articles 2 and 5 - maintenance** Article 2 provides a definition for *"maintain"* which includes *"inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of the authorised development (but not remove, reconstruct or replace the whole of Work No. 1 at the same time)"*. Article 5 describes the power to maintain the authorised development. Paragraph 2.3.3 of the FOEMP **[APP-190]** identifies that every 12 months from the date of final commissioning and before undertaking the maintenance for the year ahead, the applicant would submit a planned maintenance schedule for the year ahead to the relevant planning authorities, excluding unforeseen emergencies that require maintenance throughout the year. Paragraph 2.3.4 sets out what the maintenance schedule must include, with item e being confirmation that any environmental effects that are likely to arise as a result of such maintenance and the environmental controls to be implemented are not to be materially worse than those reported in the ES. a) Would the provisions within Articles 2 and 5 and the commitments in the FOEMP be sufficient to ensure that any environmental effects from maintenance activities would not be materially worse than those reported in the ES. If not, what other measures should be included? b) Should there be a mechanism for the relevant planning authorities to determine whether the extent of maintenance would/would not give rise to materially worse environmental effects and if so, what this should comprise?	a) The Applicant maintains that the provisions within Articles 2 and 5 of the Draft DCO **[REP1-007]**, together with the commitments set out in the Framework Operational Environmental Management Plan (OEMP) **[REP1-033]**, are sufficient to ensure that any environmental effects arising from maintenance activities would not be materially worse than those reported in the Environmental Statement (ES). Sub-paragraph (3) of Article 5 of the Draft DCO **[REP1-007]** specifically 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."* The inclusion of this wording is considered sufficient to ensure that any environmental effects from activities associated with the maintenance of the Proposed Development would not exceed those assessed in the ES and any breach of this provision would amount to a breach of the DCO which would constitute a criminal offence and be the subject of enforcement action by the relevant planning authority. As set out at paragraph 2.3.3 of the Framework OEMP **[REP1-033]**, every 12 months from the date of final commissioning, and prior to undertaking maintenance for the year ahead, the Applicant will submit a planned maintenance schedule for the upcoming year to the relevant planning authority (excluding unforeseen emergency maintenance). The planned maintenance schedule is required to set out the nature and extent of the proposed maintenance activities and to confirm that the environmental effects likely to arise would not be materially worse than those assessed in the ES. Where a component is no longer operational and requires final decommissioning, this will also be identified within the maintenance schedule. In addition, the Framework OEMP requires the implementation of a detailed Operational Environmental Management Plan, which will be substantially in accordance with the Framework OEMP and secured by Requirement 13 of the Draft DCO **[REP1-007]**. Compliance with the detailed OEMP(s) will be overseen during operation by a designated Environmental Manager, who will observe site activities, record any deviations from the detailed OEMP in a logbook together with corrective actions taken at the time, and will conduct regular walkover which will be documented and arrange regular formal inspections. These provisions are considered to be sufficient to ensure that any environmental effects arising as a result of maintenance activities are not materially worse than those reported within the ES. b) As detailed above, the Applicant considers the inclusion of Article 5(3) to be sufficient to ensure that no maintenance works give rise to any materially new or materially different effects that have not been assessed in the ES. Therefore, the Applicant does not consider such a mechanism to be necessary. As noted at

			paragraph 2.3.3 of the Framework Operational Environmental Management Plan (OEMP) **[REP1-033]**, every 12 months from the date of final commissioning and before undertaking the maintenance for the year ahead, the Applicant will submit a planned maintenance schedule for the upcoming year to the relevant planning authority (excluding unforeseen emergencies that require maintenance throughout the year). The planned maintenance schedule is required to include the extent and nature of the planned maintenance and confirmation that the environmental effects that are likely to arise as a result are not materially worse than those report in the ES. Therefore, this planned maintenance schedule provides the mechanism to ensure that any environmental effects from maintenance activities would not be materially worse than those reported in the ES.
DCO.1.05	Applicant	**Article 2 – interpretation** The list of definitions appears to be in alphabetical order other than *"waterbodies in a river basin management plan"*. The definition for waterbodies should be moved to its correct alphabetical position.	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.
DCO.1.06	Applicant	This matter was discussed during the course of ISH2	**N/A**
DCO.1.07	Applicant LCC	**Article 9 - application of the permit scheme** Paragraph 4.3.2 of the EM **[APP-019]** identifies that the applicant will continue discussions with LCC as to the need for this Article. Provide an update on the progress on any such discussions concerning the need for Article 9 to be included in any made DCO for the proposed development.	Article 9 (Application of the permit scheme) of the Draft DCO **[REP1-007]** sets out that the permit scheme applies with the modifications which are set out in the article. As defined at Article 2 (Interpretation) "permit scheme" means the Lincolnshire Permit Scheme for Road Works and Street Works Order 2016 made under Part 3 of the Traffic Management Act 2004. The Applicant has included this Article in acknowledgement of the fact that where a permit scheme has been implemented, the notice provisions under the New Roads and Street Works Act 1991 (NRSWA 1991) do not apply. The provisions of this article confirm that the permit scheme will apply, but with the modifications set out in the article. These modifications ensure that no permit would be granted subject to conditions where compliance with those conditions would constitute a breach of the Order or would render the Applicant unable to comply with the conditions due to a conflict with the powers conferred by the Order. The drafting of this article has been based on wording included the Viking CCS Carbon Dioxide Pipeline Order 2025. In paragraph 11.17 of its Local Impact Report LCC has confirmed that it welcomes the inclusion of Article 9 in the Draft DCO and that the wording of the Article is acceptable.
DCO.1.08	Applicant LCC	**Article 10 - power to alter layout, etc. of streets** Paragraph 2 would allow the undertaker, for the purposes of the authorised development, or in connection with the authorised development, to alter the layout of any street within the Order limits in addition to those specifically identified in the tables in Part 1 and Part 2 of Schedule 5.	Article 10(2) of the Draft DCO **[REP1-007]** 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

		a) **The applicant** - provide a justification for why paragraph 2 would be appropriate in the specific circumstances of the proposed development. b) **LCC** - comment on whether you consider the extent of this general power would be necessary and reasonable.	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 generality 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. Additionally, under Article 10(3), the Applicant must restore any street temporarily altered under the Order to the reasonable satisfaction of the street authority. The generality of Article 10 has precedent in the Drax Power (Generating Stations) Order 2019, the Great Yarmouth Third River Crossing Development Consent Order 2020 and the Mallard Pass Solar Farm Order 2024.
DCO.1.09	Applicant	**Article 12 and Schedule 6 – public rights of way** The applicant should review the consistency of the public rights of way (PRoW) identified in Schedule 6 with those in ES Chapter 5: Traffic and Transport **[APP-038]**, the Framework Public Rights of Way Management Plan (FPRoWMP) **[APP-195]** and the Streets, Rights of Way and Access Plans **[AS-007]**. For example, paragraph 3.3.3 of the FPRoWMP identifies several PRoWs as not having been assessed further as they are unlikely to be impacted during the construction phase. This includes PRoW LL|NoDi|4/1, which is identified in Part 3 of Schedule 6 for the permanent use of motor vehicles. If required, any necessary changes to the documents and the implications for the assessment of effects should be identified and be incorporated in submitted revised versions of the document(s) in question.	The Applicant has reviewed the documents identified by the Examining Authority and can confirm that the Framework Public Rights of Way Management Plan (PRoWMP) **[APP-195]**, Streets, Rights of Way and Access Plans **[REP1-004]** will be updated and submitted to the Examination at the next available deadline to address inconsistencies. These changes will include: - Public Rights of Way NoDi/4/1, NoDi/1/1, ThuN/5/1 and ThuN/1/1 will be updated in the Streets, Rights of Way and Access Plans **[REP1-004]** to remove both management and authorisation of motor vehicles controls, no powers will therefore be sought over these public rights of way. These changes will also be reflected in the corresponding schedules of the Draft DCO **[REP1-007]**, with any reference to LL|TOTH|6A/2 to be changed to LL|TOTH|6/2 to correct error in referencing. Within the Framework PRoWMP **[APP-195]**: - Public Right of Way LL|NoDi|1/2 to be relocated from Section 3.3.3 to 3.3.4; - Public Rights of Way LL|TOTH|5/1 and LL|TOTH|7/1 to be added to Section 3.3.3; and - Public Right of Way LL|Swdb|4/1 to be moved from Section 3.3.4 to 3.3.3.
DCO.1.10	Applicant	**Article 13 – stopping up of PRoWs** Paragraph 4.3.9 of the EM **[APP-019]** explains that the Article 13 provides the undertaker with the power to stop up the PRoWs shown on the Streets, Rights of Way and Access Plans **[AS-007]** with a brown dashed line. The EM goes on to state that these PRoWs would be permanently stopped up with a replacement route to be provided, as shown on the Streets, Rights of Way and Access Plans. a) Paragraph 5.6.1 of the EM **[APP-019]** identifies that Schedule 6 relates to Article 13. The applicant should signpost where in Schedule 6 the reference to the stopping up of PRoWs is. b) The applicant should clarify where in the dDCO the provision for replacement routes for those stretches of PRoWs that would be stopped up can be found.	a) The Applicant notes that paragraph 5.6.1 of the EM **[APP-019]** incorrectly indicates that Schedule 6 to the Draft DCO **[REP1-007]** relates to Article 13. This has been amended both in the EM and in Schedule 6 itself, and an updated version of the Draft DCO **[REP1-007]** reflecting these amendments is to be submitted to the Examination at Deadline 2. b) Article 13 of the Draft DCO **[REP1-007]** provides the undertaker the power to stop up public rights of way (PRoW) as shown on the Streets, Rights of Way and Access Plans **[REP1-004]**. There are only three PRoW which will be permanently diverted as a result of the Proposed Development. Where any PRoW is permanently stopped up, a replacement route will be provided, 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 (PRoWMP) **[APP-195]** which sets out the details of the how these permanent diversions will be implemented and managed. Requirement 18 of Schedule 2 to the

			Draft DCO **[REP1-007]** provides that a detailed PRoWMP, which is substantially in accordance with the Framework PRoWMP **[APP-195]**, must be produced. 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 PRoWMP **[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 PRoWMP, 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.
DCO.1.11	Applicant LCC	**Article 16 - traffic regulation measures** Paragraph 2 includes a general power that would authorise temporary traffic regulation measures on *"any road"* in addition to those specifically identified in Parts 1 and 2 of Schedule 8 (traffic regulation measures) and shown on the Traffic Regulation Measures Plans **[AS-008]**. a) Noting that Article 16 is not in the model provisions, the **applicant** should provide a justification for why it would be appropriate in the specific circumstances of the proposed development for it to be included in any made DCO for the proposed development. b) **LCC** - should comment on whether it considers the extent of the general power in Article 16 would be necessary and reasonable.	a) The Applicant acknowledges that this Article is not contained within the general model provisions. However, 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. Article 16 (Traffic regulation measures) makes provision in sub-paragraph (1) for the implementation of limited temporary traffic regulation measures (temporarily placing traffic signs and signals and imposing temporary speed limits) in the extent of the roads specified in Schedule 8 and shown on the Traffic Regulation Measures (TRM) Plans **[AS-107]**. As set out in Schedule 8 to the Draft DCO **[REP1-007]** 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. Article 16(2) 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 paragraph (4) of Article 16 which states that prior to exercising the power conferred by 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. b) Not directed to the Applicant
DCO.1.12	Applicant NKDC	**Article 40 – trees subject to tree preservation orders** Paragraph 2(b) of Article 40 states that the duty contained in section 206(1) (replacement of trees) of the Town and Country Planning Act 1990 would not apply although where possible the undertaker would seek to replace any trees which are removed. a) Applicant - Explain why it is considered this provision should not apply to the proposed development. b) NKDC - in your relevant representation **[RR-210]** you have identified some concerns about the wording of Article 40 in respect of trees subject to tree preservation orders. Can you clarify what those concerns are and how you consider those concerns could be addressed?	a) Sub-paragraph (2)(b) of Article 40 provides that, whilst the duty contained in section 206(1) of the Town and Country Planning Act 1990 (TCPA 1990) (replacement of trees) does not apply, where possible the undertaker is to seek to replace any trees which are removed. The disapplication of the duty to replace trees under s106 TCPA 1990 has precedent in numerous made DCOs, including but not limited to the Tillbridge Solar Order 2025, the Heckington Fen Solar Park Order 2025, the West Burton Solar Project Order 2025, the Sunnica Energy Farm Order 2024 and the Gate Burton Energy Park Order 2024. However, these precedents completely disapply the duty to replace trees, without requiring replacement trees to be provided where possible. As such, the drafting at Article 40 provides additional protection than those precedents cited above. 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. b) Not directed to the Applicant
DCO.1.13	Applicant	**Schedule 1 - Authorised development and the description of individual works** Various application documents, including the ES, refer to the installation of buried electrical cables. However, the description of the individual proposed works included in Schedule 1 of the dDCO only refer to the installation of cables and those descriptions would not necessarily secure the installation of buried cables. The applicant, for the avoidance of doubt, should therefore amend the wording of the descriptions for the proposed works in Schedule 1, as necessary, to refer to the installation of buried cables.	The Applicant confirms that Work Nos. 5A and 6 in Schedule 1 of the Draft DCO **[REP1-007]** have been amended to refer to underground cables and an updated version is being submitted to the Examination at Deadline 2.
DCO.1.14	Applicant	**Schedule 1 – Further associated development** In Schedule 1 14 works (items (a) to (n)), in addition to proposed Work Nos 1 to 9, have been identified as *"further associated development"* and there is an additional section of text stating *"… and further associated development comprising such other works*	a) Schedule 1 to the Draft DCO **[REP1-007]** provides that any further associated development, i.e. that which does not form part of a specific Work Number, can only be brought forward if it does not lead to materially new or materially different effects from those assessed in the Environmental Statement. It sets out examples of the other works which might come within the scope of this further associated development. As well as not leading to any materially new or materially different

		or operations as may be necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the authorised development which are within the Order limits and fall within the scope of work assessed in the environmental statement." The further associated development listed as items (a) to (n) inclusive appears to comprise a comprehensive list of works. Given that: a) What other works might come within in the scope of the further associated development that have not been included in items (a) to (n) and if there are other such works could they be added as items following item (n)? b) Could the proposed development be implemented without the inclusion of the section of text that follows item (n)? If it is considered that the proposed development could not be implemented with the text that follows item (n) explain why that is considered to be the case.	effects, consent is only granted by the Order where the other works or operations comprising the further associated development are necessary or expedient for the purposes of or in connection with the construction, operation and maintenance of the authorised development. Such development is only permitted within the Order Limits. The list of items at (a) to (n) is considered to be a comprehensive list of what the Applicant currently anticipates would constitute further associated development. However, at this time, it is not possibly to conclusively determine what works may be required as part of further associated development. Therefore, the Applicant requires the element of flexibility provided by this provision. b) The section of 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.
DCO.1.15	Applicant	**Requirements general** Proposed requirements 8, 9, 10, 11, 12, 14 15, 16 and 18 start with the phrase *"No part of the authorised development may commence until …"*. The ExA considers that wording to be imprecise and should be replaced with 'must not' phraseology.	The Applicant has used the wording "may commence" in line with standard drafting practice. There is a significant number of precedents for this approach – recent precedents include: the Cory Decarbonisation Project Order 2025, the Tillbridge Solar Order 2025, the Mona Offshore Wind Farm Order 2025 and the Byers Gill Solar Order 2025.
DCO.1.16	Applicant	**Requirements - management plans** Clarify why Requirements 7, 8, 10, 12, 13, 14, 15, 17, 18, 19, 20 of the dDCO are qualified by the word "substantially" in accordance with the various framework management plans and justify its use given its imprecision.	The Applicant has used the phrasing "substantially in accordance" with the various management plans referenced in the requirements in order to retain the necessary flexibility for the detailed design of the Proposed Development, and thus the specific details of the mitigation accompanying it, to be reflected in the final versions of the Management Plans to be approved. The flexibility is justified as, like any NSIP in the consenting process, detailed design has yet to be undertaken. The detailed design phase will take place post-consent, and at that time, it may be necessary for the Applicant to carry out some detailed design related surveys or investigations. The findings from such surveys or investigations may mean that the measures outlined in the various framework management plans are no longer necessary or may require revision. Additionally, some measures may need to be made more specific in accordance with the detailed design of the Proposed Development, in order to ensure that they effectively deliver the precise mitigation that they are designed to achieve. Finally, such flexibility is required to allow for innovation in the provision of certain mitigation measures that may evolve prior to construction and would represent a more effective method of delivering the management or mitigation measures to be provided than those suggested at the stage that the Framework plan was drafted. The use of the word "substantially" therefore allows updates and amendments to be made as necessary, following the detailed design phase of the Proposed Development. The various management plans are essential to provide effective

			management of, and mitigation for, the effects of the Proposed Development. Therefore, the use of the wording "substantially in accordance" ensures that the management plans can be updated to accord with the detailed design of the Proposed Development, whilst remaining predominantly consistent with the frameworks. The use of the wording "substantially" has precedent, for example in the Tillbridge Solar Order 2025, the Gate Burton Energy Park Order 2024, The Mallard Pass Solar Farm Order 2024~~,~~ and Heckington Fen Solar Park Order 2025. In addition to the above, the Applicant notes that with regards to the wording "substantially in accordance", in its post-hearing submission **[REP1-085]**, NKDC stated "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." (verbatim)
DCO.1.17	Applicant	**EM - missing text** Paragraph 4.6.1 of the EM **[APP-019]** appears to have missing text. This should be amended as required.	The Applicant has updated paragraph 4.6.1 of the EM submitted at Deadline 1.
DCO.1.18	Applicant	**Requirements - tailpieces** Section 5.3.17 of Advice Note 15 'Drafting Development Consent Orders' advises against using tailpieces in requirements. Requirement 5 of the dDCO **[APP-016]** includes a tailpiece element and that should be deleted or an explanation should be provided indicating why it is considered the tailpiece would be appropriate.	Requirement 5 of Schedule 2 to the Draft DCO **[REP1-007]** provides that the undertaker must establish a community liaison group prior to commencement of the authorised development. The tailpiece element referred to provides that the community liaison group is to continue to meet until the date of final commissioning of the final part of the authorised development unless otherwise agreed in writing with the relevant planning authority. This community liaison group has in fact already been established by the undertaker, meaning this requirement has effectively already been discharged. However, the requirement is included to provide comfort to local stakeholders that it will continue. The wording 'unless otherwise agreed with the relevant planning authority' is included to allow the undertaker, the relevant planning authority and members of the community liaison group, the flexibility to suspend meeting of the group if they are of the view that it is no longer serving a useful purpose. By requiring agreement of the relevant planning authority, it is putting that decision in the hands of NKDC/LCC.
DCO.1.19	Applicant	**Requirement 6 – detailed design approval** a) Should the *"design commitments"* referred to in paragraph 2(a) be amended to 'Design Commitments at Appendix A of the Design Approach Document' for clarity? This would also apply to the reference in Article 2 (interpretation), Requirement 9(3) and Schedule 12 (documents to be certified). b) With respect to paragraph 6, clarify the purpose of providing the relevant planning authority with an explanation for the choice to install either a centralised (Work No 2) or distributed (Work No 3) battery energy storage system.	a) 'design commitments' is defined in Article 2(1) of the Draft DCO **[REP1-007]** as "the document of that name identified in the table of Schedule 12 (documents and plans to be certified) and which is certified by the SoS as the design commitments for the purposes of this Order". That definition applies to the use of the term throughout the Order, including in Schedule 2 and therefore the Applicant is of the view that no amendment to the reference in Requirement 6 is required. b) To provide a control on the flexibility sought under the DCO in relation to the chosen BESS infrastructure, Requirement 6(6) of Schedule 2 to the Draft DCO **[REP1-007]** states that the chosen BESS work must not commence until an explanation of the choice made by the undertaker has been provided in

			writing to the relevant planning authority. The purpose of this, is to ensure that the relevant planning authority has clarity as to the reasoning behind the choice made with regards to the BESS type and is satisfied that a decision has been made and communicated to them. The drafting reflects that adopted in other made DCOs that have sought optionality in their detailed design such as the Hornsea Three Offshore Wind Farm Order 2020.
DCO.1.20	Applicant	This question relates to the same issue addressed in question DCO.1.15.	**N/A**
DCO.1.21	Applicant	**Requirement 16 – operational noise** The applicant should clarify whether Requirement 16 would apply to maintenance activities during the operational phase.	Requirement 16 does not apply to maintenance activities during the operational phase – operational noise in this context relates to the operation of the Proposed Development, for example arising from the working transformers, switchgear and inverters. Any noise associated with maintenance activities is likely to be minimal and limited, for example associated with vehicle movements and maintenance activities, such as the replacement of faulty or broken equipment.
DCO.1.22	Applicant LCC	**Requirement 17 – permissive paths** a) Should this requirement include a provision specifying that the permissive paths would be made available to the public for a specified number of days a year during the operation of the proposed development or would the reference in paragraph 6.1.2 of the FLEMP **[AS-101]** be sufficient? b) Should the wording in the FLEMP and Requirement 17 be more prescriptive than "up to" 364 days a year as this could be interpreted as being a maximum and therefore allow for less than 364 days? If so, the applicant should provide clearer wording.	a) The Applicant considers that the wording in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (LEMP) **[REP1-039]** is sufficient. The provision of a detailed LEMP, which is to be substantially in accordance with the Framework LEMP, is secured under Requirement 8 of Schedule 2 to the Draft DCO **[REP1-007]** and therefore this provision is secured and does not need duplicating within Schedule 2 to the Draft DCO **[REP1-007]**. b) The wording "up to" 364 days a year has been used as it is necessary for the permissive paths to be closed for at least one day a year for maintenance purposes. It may also be necessary for a permissive path to be closed due to unforeseen circumstances, such as in emergency situations, where it would be in the interests of public safety for a permissive path to be closed. As such, the Applicant cannot commit to the permissive paths being open for 364 days a year and in order to ensure that adverse circumstances requiring the closure of a permissive path do not result in an inadvertent breach of the provisions of the DCO, the flexibility of the words "up to" is required.
DCO.1.23	Applicant	**Requirement 18 - Public Rights of Way** Requirement 18 would prevent the commencement of the proposed authorised development until a public rights of way management plan for any sections of public rights of way shown to be **temporarily** (ExA emphasis) closed on the streets, rights of way and access plans for that part has been submitted to and approved by the relevant planning authority. However, three PRoWs would need to be permanently closed with permanent diversions created. Explain how the trigger in Requirement 18 would apply to sections of PRoWs that would be permanently closed. For example, if a public right of way was to be permanently closed in advance of the temporary closure of any section of public right of way, would that trigger the submission of the management plan?	The wording of this Requirement is considered appropriate as it ensures that the details for the management of public rights of way in the various parts of the authorised development are finalised and agreed prior to the commencement of that part of the authorised development. Largely similar wording is used under Requirement 17 of Schedule 2 to the Tillbridge Solar Order 2025. The Applicant notes the point raised by the ExA and the wording of Requirement 18 of Schedule 2 to the Draft DCO **[REP1-007]** has been amended to include the wording "permanently or temporarily closed".

DCO.1.24	Applicant NKDC LCC	**Requirement 20 – decommissioning** a) **For applicant** – Having regard to the definition for the *"date of final commissioning"* stated in paragraph 1 of Schedule 2 *(""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."*) and the wording of subparagraph (1) of Requirement 20, what does each part of the development mean and how would the commencement of each part of the proposed development on a commercial basis be recorded and be made known to the relevant local planning authority? b) Would Requirement 20 adequately address the situation where the proposed development ceases to be in use/generate electricity before the 60-year period ends (early cessation)? If it is considered that the draft wording of subparagraph (1) would inadequately address early cessation, provide wording that is considered to be appropriate, including the triggering for an early cessation procedure. c) Should a timescale for completion of decommissioning works be included?	a) The Applicant has revised the definition of "date of final commissioning" within Article 2 (interpretation) and paragraph (1) of Schedule 2 to the Draft DCO **[REP1-007]**. The amended definition is as follows: *""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"* The wording of Requirement 20 of Schedule 2 to the Draft DCO **[REP1-007]** has been amended accordingly as follows: *"**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."* b) The Applicant considers that the wording of sub-paragraph (1) of Requirement 20 of Schedule 2 to the Draft DCO **[REP1-007]** would adequately address early cessation. The exact wording is: *"Decommissioning works must commence no later than 60 years following the date of final commissioning"* The use of the words "no later than" means that there is nothing to prevent decommissioning works being undertaken prior to the end of the anticipated 60 year lifetime of the Proposed Development. c) The DEMPs will include appropriate timescales for decommissioning works. Given the nature of the Proposed Development, the length of time required for decommissioning works will vary according to the element of the Proposed

			Development to which they relate. Therefore, it is not appropriate to implement a blanket timescale for completion of decommissioning works.
DCO.1.25	Applicant	**Schedule 14 – protective provisions, Lincolnshire Fire and Rescue** Comment on the request in LCC's RR **[RR-157]** for a protective provision for Lincolnshire Fire and Rescue, including a financial contribution for monitoring of the BESS.	The Applicant has agreed protective provisions for the protection of LFRS which were included at Schedule 14 of the version of the Draft DCO **[REP1-007]** submitted by the Applicant at Deadline 1 (20 January 2026). This includes the financial contribution referred to.
DCO.1.26	Applicant	**Schedule 15 – procedure for discharge of requirements** a) Explain why the procedure for discharging requirements needs to be included in a freestanding schedule (Schedule 15) rather be set out in a second part for Schedule 2 (Requirements), given that all of the proposed requirements would be for the approval of the relevant planning authority. b) Under paragraph 4 (Appeals), what purpose would subparagraph (9), most particularly the provision that the relevant planning authority may confirm any determination given by the appointed person in an identical form, serve given that under subparagraph (8) decisions made by appointed persons would be final and binding on the parties? Would subparagraph (9) be superfluous and should be deleted? c) Explain how the fees in paragraph 5 have been determined and the rationale for the different fees that would apply to different requirements. d) Clarify whether the reference to schedule 16 in paragraph 5.15.1 of the EM **[APP-019]** should be schedule 15 and amend if required.	a) Schedule 15 to the Draft DCO **[REP1-007]** provides a bespoke procedure for dealing with an application made to the relevant planning authority for any consent, agreement or approval required by the Requirements in Schedule 2. It 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. 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. Schedules similar to Schedule 15 have been used in various orders and can be seen 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. b) The ability for the relevant planning authority to confirm any determination by the appointed person in identical form in writing allows for a procedural step to be taken by the relevant planning authority given that under Schedule 2 of the Draft DCO **[REP1-007]** it is the relevant planning authority which approves the requirements. This provisions allows for the relevant planning authority to formally approve the requirement in compliance with the appointed person's determination, should they need to do so for their own internal processes. As the ExA has noted in its question the decision of the appointed person is to be final and binding on the parties so this provision plays a procedural, as opposed to a substantive, function and is commonly included in similar schedules in made Orders, including the Longfield Solar Farm Order 2023, the Cleve Hill Solar Park Order 2020, The Mallard Pass Solar Farm Order 2024 and the Heckington Fen Solar Farm Order 2025. c) The fees payable by the undertaker to the relevant planning authority on each occasion that the undertaker submits an application for consent, agreement or approval under this Schedule have been determined in accordance with the national planning fees and DCOs made in Lincolnshire at the time of drafting and with consideration of the scale of the Proposed Development. The Applicant notes that in their Local Impact Reports, both Lincolnshire County Council (LCC) and NKDC have made comments on this point and the Applicant has responded to these comments.

			d) Reference to Schedule 16 was a typographical error and was amended in the updated version of the Explanatory Memorandum to the Draft DCO **[REP1-009]** submitted at Deadline 1.
DCO.1.27	Applicant	**Justification for some transfers of benefits of a made DCO not requiring the Secretary of State's consent** With respect to Article 35 (Consent to transfer the benefit of the Order) explain why under paragraph (3) it is considered it would be appropriate in some identified circumstance to disapply the need to obtain the Secretary of State's consent for transfers of the benefit of any made order for the proposed development. In this regard paragraph 4.6.4 of the EM **[APP-019]** should be amended to explicitly explain why it is considered transferees and lessees would "*be of a similar regulatory standing to the undertaker …*".	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 SoS is needed before the undertaker can transfer or lease the DCO except where: 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. 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 (i.e. holds a generating licence under the Electricity Act 1989) 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. 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 SoS required, except for in the aforementioned specific circumstances. Under Article 35(4), where the consent of the SoS is not needed, as in the above noted circumstances, the undertaker must nevertheless notify the SoS and the relevant planning authority in writing, with at least 14 days' notice required to be given to the SoS. 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. The approach in Article 35 has precedent in the Cleve Hill Solar Park Order 2020, the Longfield Solar Farm Order 2023, the Gate Burton Energy Park Order 2024 and the Cottam Solar Project Order 2024.
DCO.1.28	Applicant	**Breadth of Article 38 (Planning permission etc)** With respect to Article 38 the Secretary of State in recent decision making has not been supportive of the extended type of wording included in Article 38 included in the dDCO. For example, in granting consent to the Five Estuaries offshore wind farm the equivalent article, Article 42, states the "*Development consent granted by this Order is to be treated as specific planning permission for the purposes of section 264(3)(a) (cases in which land is to be treated as not being operational land) of the 1990 Act*.". The Applicant should amend the wording for Article 38 so that it is more reflective of the text that has been	Article 38 (Planning permission, etc.) of the Draft DCO **[REP1-007]** permits certain development authorised by a planning permission granted under the Town and Country Planning Act 1990 (TCPA 1990) that is within the Order Limits to be carried out pursuant to the terms of the planning permission without breaching the DCO. This provision ensures that the undertaker or another developer does not breach section 161 of the Planning Act 2008 (PA 2008) in carrying out certain development pursuant to a grant of planning permission. These provisions have precedent in the M20 Junction 10a Development Consent Order 2017 and the A30 Chiverton to Carland Cross Development Consent Order 2020 and the A122 (Lower Thames Crossing) Development Consent Order 2025.

		included in other recently made DCOs? If the applicant is unwilling to make this change to Article 38 it should explain why that is the case.	Paragraph (2) addresses the Supreme Court's ruling in Hillside Parks Ltd v Snowdonia National Park Authority 2022 UKSC **[30]**. That judgment relates to planning permissions granted under the TCPA 1990. It holds that, unless there is an express provision otherwise, where development has taken place under one permission, whether another planning permission may lawfully be implemented depends upon whether it remains physically possible to carry out the development authorised by the second permission in light of what has already been done under the first permission. Paragraph (2) ensures that enforcement action is not taken in respect of planning permissions granted under the TCPA 1990 which are inconsistent with the works and exercise of powers under the DCO. The provision is based on Article 3(3) of the Lake Lothing (Lowestoft) Third Crossing Order 2020. However, it differs from that precedent in that the provision reflects the terminology used by their Lordships in that case and confirms that planning permissions which conflict with the Proposed Development can proceed without the risk of enforcement action being taken notwithstanding any incompatibility between the Proposed Development and the development authorised under a planning permission. It is considered this is necessary to confirm that developments are not prevented. Paragraph (3) has been inserted to deal with the converse situation and confirms that development under a planning permission is not to prevent activity authorised under the DCO. Without paragraphs (2) or (3) there is a significant risk of the DCO or other permissions being undeliverable or subject to enforcement action. It should be noted that the provisions of Article 38 are designed to address a different situation (as described above) to the wording provided for in Article 42 of the Five Estuaries offshore wind farm Order. That wording is reflected in Article 37 of the Applicant's Draft DCO **[REP1-007]**.
DCO.1.29	Applicant	**Prohibition of the commencement of the proposed development until the proposed NGET Navenby has obtained a planning permission** Comment on the written and oral submissions made by NKDC and LCC that any made DCO for the proposed development should include a requirement prohibiting the commencement of works, including intrusive survey works, until the proposed substation at Navenby has obtained planning permission. In answering this question the applicant should outline the **internal processes** it would follow after the making of any DCO for the proposed development and the final decision being made to commence works on the proposed development, including what factors would influence a decision being made as to whether to the implement any consented development and the point(s) at which any funding decisions would be made.	The anticipated timeline provided for the Navenby Substation on National Grid's website, at the time of writing, estimates that a planning application under the Town and Country Planning Act 1990 (TCPA 1990) will be submitted to NKDC in early 2026 for permission to construct and operate the Navenby Substation. National Grid's current estimate is that the application will be determined in Spring 2026 and, subject to approval, construction is hoped to begin mid/late 2026. On this basis, the estimated completion date will be late 2029. The Applicant would like to reiterate that it does not have any information beyond that which is in the public domain, and that this anticipated timeline based on National Grid's estimates, although accurate at the time of writing, is subject to change. That currently estimated completion date of late 2029 is around 3.5 years ahead of the connection date for the Proposed Development. As detailed in the Grid Connection Statement **[APP-200]**, the Applicant has secured a grid connection for the Proposed Development, meaning that it has been allocated a connection bay at the Navenby Substation. In the event there were a delay to National Grid's currently estimated timetable, this would be highly unlikely to impact the Proposed Development.

			On the basis that National Grid take a responsible approach to siting, design and mitigation, in compliance with the 'Horlock Rules', and given the generally supportive national and local policy position, there are no obvious reasons known to the Applicant why consent for the Navenby Substation and associated overhead lines to connect it into the national grid would be withheld. Furthermore, the Applicant understands from National Grid that should planning permission not be granted, the fall back is to appeal any such refusal to the SoS and await determination. Therefore, there is nothing to create any doubt surrounding the deliverability of the Navenby Substation. As such, a requirement is not necessary for inclusion in the Draft DCO.
DCO.1.30	Applicant	**References to framework rather than outline management plans** At the application stage for nationally significant infrastructure projects, 'draft' management plans are normally referred to as being "**outline**" documents. For this application the draft plans have been referred to as being "**framework**" plans: a) **Applicant** – explain the rationale for describing the draft plans as "framework" management plans. b) **Applicant, NKDC and LCC** – comment on whether you consider it would or would not be more appropriate to describe the draft management plans as outline rather than framework plans. (If the applicant is agreeable to each of the draft management plans being described as outline plans, then each plan would need to be retitled and resubmitted and related changes to the dDCO's wording would need to be made)	a) The Applicant considers that "framework" is the appropriate description of the management plans that have been prepared in relation to the Proposed Development, and submits that the words "framework" and "outline" are often construed in the same way. Both words serve a similar purpose, providing an overarching regime rather than final detailed content, which is to be refined post-consent as secured by Requirements of the Draft DCO. Regardless of the name, of importance is that these management plans provide sufficient detail to support the assessment of likely significant effects within the Environmental Statement and provide an appropriate mechanism for the control, mitigation, management and monitoring of effects, of which the framework management plans submitted with the DCO Application do. Furthermore, describing such management plans as "framework" has precedent in the Tillbridge Solar Order 2025, which the Applicant notes is partly within the County of Lincolnshire, where the Proposed Development is located. "Framework" is also used in relation to a number of the management plans in the Gate Burton Energy Park Order 2024 (which is partly within Lincolnshire) and in relation to a number of the management plans in the Sunnica Energy Farm Order 2024. b) As explained above, the Applicant considers "framework" to be the appropriate term and as such, does not consider this amendment necessary.

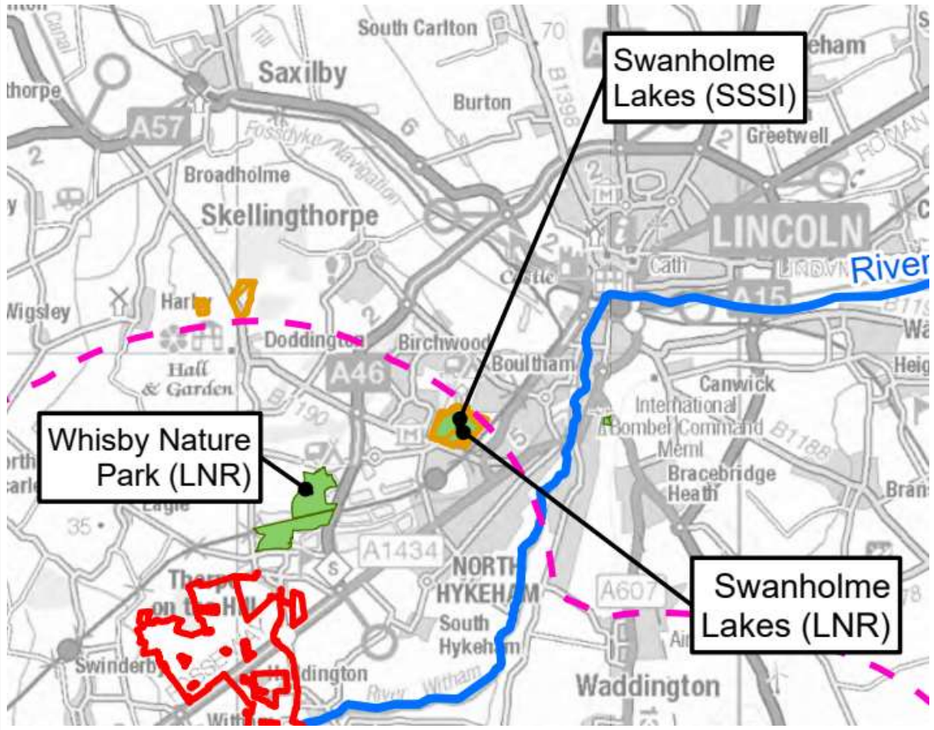
2.4 Ecology and Nature Conservation questions

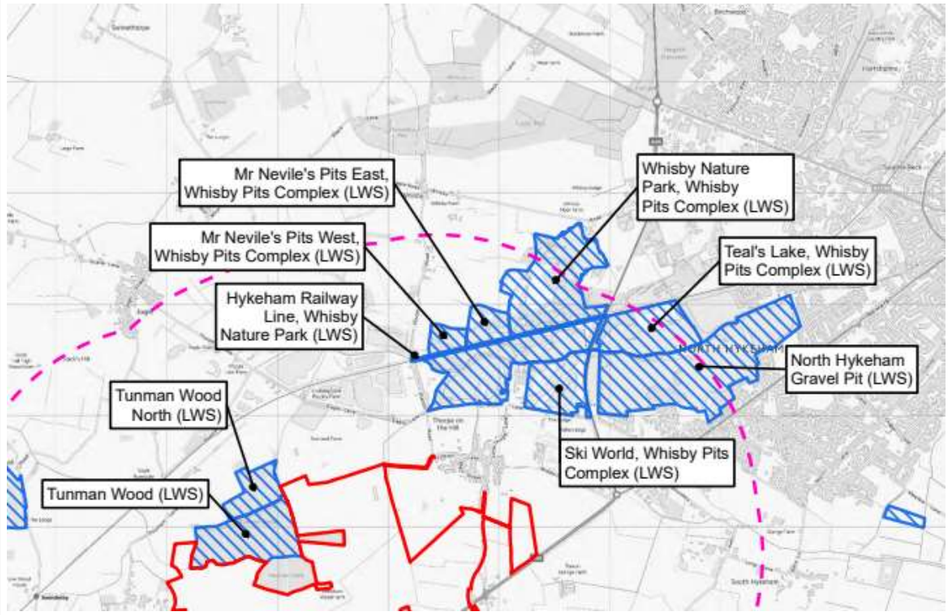
Table 0-3: Applicant's Responses to the Examining Authority's Ecology and Nature Conservation questions

Ecology and Nature Conservation (ENC)			
ENC.1.01	Applicant	**Landtake required to meet a BNG level of 10%** The ExA's notes the applicant's comments relating to its commitments for providing BNG, included in **[AS-004]** as a response to item 5 raised by the ExA in **[PD-005]**. Notwithstanding those submissions the applicant is requested to identify the minimum landtake required to achieve the provision of 10% for BNG habitat units and BNG hedgerow units, as opposed to the commitment levels respectively of 30.64% and 50.62% included in the application, as identified in for example the submitted BNG Report **[APP-194]**. In responding to this question the applicant should identify the necessary hectarage in writing and show that on a plan or plans for comparison with the extent of proposed Work No. 9 shown on the Works Plans **[AS-006]** and the figures included in the Framework Landscape and Ecological Mitigation Plan **[AS-101]**. Further to the discussion held during the course of Compulsory Acquisition Hearing 1 (CAH1) and the applicant's agreement to submit a technical note relating to its proposals for delivering BNG, the reply to this question should be covered in the BNG technical note.	As noted in the question, the response to this question is covered in Appendix D (Action Point 8) of the Written Summaries of Oral Submissions Issue Specific Hearing 1 **[REP1-046]**. This response is summarised below: There is no land within the Order limits specifically for BNG, and therefore it is not feasible to reduce the footprint of the Proposed Development to achieve only 10% as this would impact on the mitigation that is required to be delivered as part of the Proposed Development and land required to ensure that the Proposed Development can be installed and delivered. Reducing the Order limits would not lower the BNG to 10%, due to the change in arable use to grassland under solar PV panels inherently generating over 10% BNG. Instead there would need to be a change in land use or surfacing relative to what the Applicant has proposed (e.g. gravelling the ground under panels or laying reflective plastic sheeting – neither of which are proposed by the Applicant). Solar farms inherently have the potential to increase the biodiversity value of a site, as noted in NPS EN-3. Converting intensive arable farmland to grassland will typically deliver well in excess of 10% BNG. Therefore, it is not necessary to calculate the area required to deliver 10% across unit types, because as set out above, the enhancements contributing to the BNG score reported in the BNG Report **[APP-194]** are a result of good design practices and not the need to specifically identify land to deliver BNG. Reducing the Order limits therefore would have wider implications for delivering the required environmental mitigations whilst also reducing the objectives of the Application to maximise the renewable energy generation for the grid connection offer, but not necessarily on the ability to achieve BNG. There are two other BNG measures aside from area habitats: hedgerow and watercourses. It is not possible to deliver the Proposed Development with only a 10% hedgerow gain without introducing more significant effects on landscape and visual amenity, heritage and glint and glare. With regards to watercourse habitat, the Applicant is only proposing to achieve 10% BNG for watercourses. In line with paragraph 2.10.89 of NPS EN-3, the Applicant has sought to maximise the level of biodiversity gain, where feasible, but without the need to identify discrete areas to deliver this or the inclusion of land within the Order limits solely for the purpose of delivering BNG.
ENC.1.02	Applicant	**NPS EN-1 - 25 Year Environment Plan** Paragraph 5.4.39 of NPS EN-1 (2023) states that regard should be had to the aims and goals of the government's Environmental Improvement Plan 2023,	In the context of Ecology and Nature Conservation, paragraph 5.4.39 of NPS EN-1, is discussed in Table 1 of Appendix 8-A: Ecology Legislation, Planning Policy Context and Guidance of the ES **[APP-133],** confirming that the assessment has given due

		and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. Clarify how the proposed development responds to the aims and goals of the government's Environmental Improvement Plan 2023.	regard to the aims and goals of the Environmental Improvement Plan 2023. For example, the following goals stated in the Environmental Improvement Plan 2023 are responded to as part of the Proposed Development: Goal 1: Thriving plants and wildlife – The reduction of low value intensively managed arable land and increase in grassland within and surrounding the solar infrastructure will provide a larger area and wider array of ecological niches for invertebrates to inhabit which will provide a more biodiverse and resilient ecosystem. The reduction of fertilizer and pesticide input, that is used in intensively managed arable cropland, as a result of the change of land use will also encourage an increase in biodiversity on site, both in terms of invertebrate abundance and diversity of flora species. A reduction in nutrient run-off and spray drift will also improve adjacent habitats hedges, woodland, ponds and watercourses. Additional trees and hedges, pond restoration and permanent grassland will also help to meet this goal. Goal 3: Clean and plentiful water and Goal 4: Managing exposure to chemicals and pesticides – The change in land use from arable farmland to solar will be associated with a reduction in the input of fertilizers and pesticides as there will no longer be a requirement for intensive farming practices across the majority of the Principal Site. This will have knock-on effects, reducing the amount of potentially polluting agricultural run-off into the surrounding water courses and water bodies. Goal 7: Mitigating and adapting to climate change – the plan states a desire to "*Continue our role as a global leader in tackling climate change, biodiversity loss and land degradation and push for an integrated approach to international action*". The Proposed Development addresses these points by: increasing the availability of renewable energy, thus reducing carbon emissions; increasing biodiversity, including replacing low value arable land with more diverse grassland, restoring wetlands (e.g. pond restoration) and increasing hedgerow length and value (as described in the Framework Landscape and Ecological Management Plan **[REP1-039]**), thus habitat connectivity, across the Site. By reducing intensive arable farming practices and grassland creation over a large area of land will also improve soil health, reduce the rate of run-off and provide a more resilient ecosystem in terms of adapting to climate change. Further detail on compliance with NPS EN-1, including paragraph 5.4.39 and regard to the Environmental Improvement Plan 2023, is set out in Appendix B: National Policy Accordance Tables of the Planning Statement **[AS-099]**. This states, '*Chapter 8: Ecology and Nature Conservation of the ES **[EN010154/APP/6.1]** demonstrates the Proposed Development has the potential to generate beneficial effects for a number of the important ecological features. As demonstrated within the Biodiversity Net Gain Report **[EN010154/APP/7.12]**, on the basis of the illustrative design, the Proposed Development could achieve a net gain of 30% for area-based habitat units, 50% for hedgerow units, and 10% for watercourse units. BNG contributions are secured via the Framework LEMP **[EN010154/APP/7.15]** and under Requirement 8 in Schedule 2 of the Draft Development Consent Order **[EN010154/APP/3.1]**.*'

			Appendix 8-A: Ecology Legislation, Planning Policy Context and Guidance of the ES **[APP-133]** provides a wider overview of how the assessment presented in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** has considered and demonstrates compliance with relevant environment and wildlife legislation and policy.
ENC.1.03	Applicant	**Location of Ancient Woodland and Priority Habitats** Confirm whether the notations and key on Figure 8-3 **[AS-044]** are consistent with each other and if not resubmit this figure.	The notations and key on Figure 8-3: Location of Ancient Woodland and Priority Habitats identified during the desk study of the ES **[AS-044]** are consistent with each other. Note that some habitats are very small in extent and may be difficult to view, however all these habitat types are considered within Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**.
ENC.1.04	Applicant	**Study areas** Paragraph 8.4.4 of ES Chapter 8: Ecology and Nature Conservation **[APP-033]** describes the definition for the study areas and advises they have adopted standard good practice, being informed by published guidance and professional judgement. Explain why the distances used are appropriate for capturing all of the potential impact pathways associated with the proposed development.	Paragraphs 8.5.2-8.5.4 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** provide details of the Study Areas, Zones of Influences and Survey Areas used in the assessment. These are informed by the specific impact pathways considered likely to arise from the Proposed Development (i.e., as set out in paragraphs 8.9.2-8.9.4 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**). These are typically the maximum distances expected by statutory consultees, providing a precautionary approach, where if there is doubt over whether an impact could occur the area of study is extended to capture all potential impacts. Further to this, the last column in Table 8-4 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**) provides further commentary on the rationale for areas subject to survey by the Applicant, based on likely impacts. Specific areas of study relevant to specific Important Ecological Features (IEFs) are detailed in the relevant technical appendices (Appendix 8-B to 8-K of the ES **[AS-080-090]**. The Applicant notes that in their RR **[REP-202]** Natural England agree on the study areas used to identify Internationally and Nationally Designated Sites (references NE1 and NE4). Both LCC and NKDC acknowledge that a suite of both desk-based studies and field surveys has been undertaken to identify protected and priority species likely to occur within the DCO Site Boundary as described in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** and associated appendices. They consider that the survey methods used, and the survey effort deployed were appropriate.
ENC.1.05	Applicant	**Baseline – statutorily designated sites** Table 8-8 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** and Figure 8-1: Sites Statutorily Designated for Biodiversity Value **[AS-042]** identify Whisby Nature Park as a Local Nature Reserve. In relevant representations **[RR-139]** and **[RR-263]** reference is made to Whisby Nature Park as being a Site of Special Scientific Interest. Confirm which is correct and what changes, if any, would be required to the assessment of effects.	The complex of flooded gravel pits northeast of the Order limits is subject to a number of statutory and non-statutory nature designations, some overlapping. As shown on Figure 8-1: Sites Statutorily Designated for Biodiversity Value **[AS-042]** (see image below for reference) an area is designated as the Whisby Nature Park Local Nature Reserve (LNR). The Swanholme Lake Site of Special Scientific Interest (SSSI), located further to the northeast, has potentially been confused with the Whisby Nature Park LNR in Relevant Representations **[RR-139]** and **[RR-263]**.

			 In addition to the above statutory designations, and as shown on Figure 8-2: Sites Non-statutorily Designated for Biodiversity Value of the ES **[AS-043]** (see image below for reference), a number of the flooded gravel pits are also designated as Local Wildlife Sites (LWS), including those also designated as the Whisby Nature Park LNR.

			 All designated sites are considered in Table 8-14 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019].** No further assessment is required. As stated in Table 8-14 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**, due to the embedded mitigation secured within the Framework Construction and Environmental Management Plan (CEMP) **[REP1-031]** (such as pollution control and dust suppression), there is expected to be no impact pathways, either directly or indirectly, that would impact upon the integrity or functioning of Whisby Nature Park LNR, Swanholme Lakes LNR / SSSI or any LWS. The integration of soft landscaping within the design of the Proposed Development includes measures to increase connectivity across the DCO Site and in the wider ecological network, noting the opportunities to form ecological connections to Whisby LNR. The provision of a detailed CEMP, to be substantially in accordance with the framework, is secured via Requirement 12 of the Draft DCO **[REP1-007]**.
ENC.1.06	Applicant	**Baseline - habitat types** The Environment Agency in relevant representation **[RR-089]** has questioned the direction of flow for the River Whitham and River Brant stated in Table 8-10 of ES Chapter 8: Ecology and Nature Conservation **[APP-033]**. Confirm the direction of flow and any implications for the assessment that has been undertaken.	It is acknowledged that the direction of flow of the River Witham and River Brant in Table 8-10 is incorrectly stated – this has been corrected within Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** which was submitted to the Examination at Deadline 1. It should be noted, however, that the assessment presented within Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**, including the relevant appendix on fish; Appendix 8-C Aquatic Ecology of the ES **[AS-081]**, has considered both upstream and downstream impacts and all references to locations of desk study data, designated sites and protected species (including fish) either upstream or downstream are correct. Therefore, it can be confirmed that the aquatic ecology baseline assessment presented in the ES is accurate.

ENC.1.07	Applicant	**Baseline – defining biodiversity importance** Using otter and water vole as examples, explain the reasoning behind categorising them as species of "district" importance in Table 8-11 of ES Chapter 8: Ecology and Nature Conservation **[APP-033]** when they are a Species of Principal Importance and water voles are identified as decreasing in population size and range and are considered endangered in England.	The presence of a Species of Principal Importance at a site does not automatically mean that the particular site is of high value (e.g. regional/national importance) for that species. The assessment methodology is based on a suite of national guidance for Ecological Impact Assessment, as set out in paragraph 8.2.11 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**. Paragraphs 8.5.22 to 8.5.28 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** set out how the relative importance of Important Ecological Feature has been determined. Whilst Species of Principal Importance, such as Water Vole or Otter, are priorities for protection and conservation nationally, this does not mean that every population or individual Otter or Water Vole is of national importance. In assigning values to species that may interact with the Proposed Development, it is also important to consider other factors such as its distribution, rarity, population trends and the size of the population which would be affected. With regards to otter, the limited evidence of otter present within the DCO Site, along main watercourses, the lack of breeding sites (holts), and the fact that otter populations are rising in Lincolnshire, suggest that the Order limits and their value to Otter are of local to district importance only. That is to say, in the event the habitats used by otter were removed the otter population would be impacted at up to district level only, not a national level. Similarly, with regards to Water Vole, as stated in the Appendix 8-J Riparian Mammals of the ES **[AS-089]** the distribution of Water Vole across the DCO Site is restricted to the eastern side of the Order Limits along the River Witham only and is present elsewhere in the County and therefore the value is no higher than District importance. If, for example the DCO Site supported a significant percentage of the county, regional or national population of a species then the importance would be adjusted. For water vole no county population assessments are available, but the estimated population in England is approximately 58,341 to 186,142 individuals. For the Order limits and associated Water Vole population to be of national importance level (for example based on a 10% threshold) there would need to be a water vole population at the DCO Site in excess of 5,800 individuals, which is not the case. With no county data available the assessment is based on the survey data, estimate population sizes, the legislation and professional judgement. The Proposed Development will embed sufficient avoidance and mitigation measures, as set out in the Framework CEMP **[REP1-031]**, a detailed version of which will be developed, substantially in accordance with the framework, as secured via Requirement 12 of the Draft DCO **[REP1-007]**, to ensure that any otter and water vole occurring within the DCO Site are not negatively impacted upon, in line with all relevant legislation, policy and guidance. Such measures include the implementation of undeveloped areas of a minimum of 10m from the bank-top of watercourses (extended to a minimum of 100m from the River Witham where the Cable Corridor is proposed) to protect riparian habitats, some of which (such as the River Witham) support otter (ref. ECO-C8 of the Framework CEMP **[REP1-031]**). These buffers and undeveloped zones will provide mitigation for potential hazards such as chemical and soils spills into watercourses and avoid potential direct impacts to watercourses

			and any protected species using them. The Framework CEMP **[REP1-031]** states that pre-construction surveys will be undertaken to support the baseline survey findings where intrusive crossing methods of watercourses are proposed within the DCO Site. The purpose of these pre-construction surveys is to ensure mitigation during the construction phase is based on the latest protected species information. Where there have been any changes to otter and water vole distribution within the DCO Site (or the status of the potential otter holt), mitigation measures (such as non-intrusive crossing for cabling) will be updated accordingly and the relevant Natural England protected species licence application would be applied for if disturbance to otter and water vole was unavoidable.
ENC.1.08	NKDC LCC Forestry Commission Natural England Lincolnshire Wildlife Trust Environment Agency	**Mitigation commitments** Table 8-13 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** sets out the proposed development's mitigation commitments. Comment on the extent of mitigation measures proposed and whether they would be sufficient to achieve their objectives?	**N/A**
ENC.1.09	Applicant	**Mitigation – pre-construction surveys** Paragraph 7.1.1 of the FLEMP **[AS-101]** identifies that the baseline data collected in 2023/2024 would require updating prior to construction by repeating the surveys, with those survey updates to be undertaken a year prior to construction to identify any ecological constraints, including any protected species licensing requirements. ES Chapter 8: Ecology and Nature Conservation **[APP-033]** points to the Framework CEMP **[APP-189]** as the document that would secure the pre-construction surveys, for example, in Table 8-13. Table 3 in the Framework Construction Environmental Management Plan (FCEMP) **[APP-189]**, which addresses ecology and nature conservation, refers to pre-construction surveys, for example ECO-C6 to ECO-C9 and ECO-C11. Monitoring requirements and responsibilities within Table 3 identify that the identified mitigation/enhancement measures would be confirmed in detailed CEMP(s). Given that the detailed CEMP(s) would only be required prior to the commencement of the authorised development under the terms of Requirement 12 of the dDCO **[APP-016]**, explain how the implementation of pre-construction surveys would be secured and how they would inform any necessary mitigation.	There are two secured mechanisms for ensuring that the ecological baseline is up to date prior to the commencement of construction and that the Proposed Development complies with the relevant wildlife legislation, namely the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. The Applicant has a legal obligation to comply with relevant wildlife legislation and therefore permitted preliminary works would require pre-preliminary works ecology surveys to ensure the Contractor does not harm or kill protected species. These laws place a legal duty on developers to check for the presence of protected species before works and makes it an offence to kill, injure, or disturb protected species, or damage or destroy their breeding or resting places. That legal duty applies whether or not the DCO/its management plans require the carrying out of protected species surveys pre construction. The Framework LEMP **[REP1-039]** includes the provision for updating / verifying the ecological baseline. These surveys would be required to inform the production of the final LEMP and would inform any specific requirements for protected species mitigation during construction, e.g., bats, Badger, Water Vole, bird species on Schedule 1 of the Wildlife and Countryside Act, etc. The LEMP will not be approved without the updated / verification surveys, and therefore these will be required before the LEMP and CEMP are shared with the Council to discharge Requirements 8 and 12 of the Draft DCO **[REP1-007]**, respectively. The Framework CEMP **[REP1-031]** includes the provision for the undertaking of pre-construction surveys for several protected species (see ECO-C6-C9 and C11) to determine whether specific mitigation measures are required to avoid impacts during

			construction. As these are a requirement within the Framework CEMP, they will need to be enacted, or the programme for delivery throughout the construction period defined, before the final CEMP can be approved by the host authorities and relevant statutory consultees. The CEMP is secured through Requirement 12 of the Draft DCO **[REP1-007]**. The measures requiring pre-construction surveys to be carried out in the Framework CEMP and Framework LEMP do not require LPA approval or the final details versions of those management plans to be in place before they are carried out and therefore the surveys can be undertaken whilst discharge of the details plans is taking place pre-construction.
ENC.1.10	Applicant NKDC LCC	**Mitigation - Navenby Green Man Road Verges Local Wildlife Site** Paragraph 8.12.7 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** identifies specific measures to limit the potential impacts to the Local Wildlife Site and that these would be included in the CEMP. Paragraph 8.12.8 in **[APP-033]** explains it may be possible to supplement the re-instated areas with seed collected from more diverse sections of the Local Wildlife Site. Table 3.4 of the FCEMP **[APP-189]** under ECO-C1 part b. identifies measures specific to the Local Wildlife Site. Comment on whether the measures set out in ECO-C1 part b of **[APP-189]** would adequately cover those identified in paragraphs 8.12.7 and 8.12.8 of **[APP-033]**.	ECO-C1 part b of the Framework CEMP **[REP1-031]** adequately covers all necessary features to avoid and mitigate impacts on Navenby Green Man Road Verges LWS, as stated in paragraph 8.12.7 and 8.12.8 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**. It does this by outlining how disturbance will be limited, and the LWS will be protected though the construction phase. Where any LWS loss is required (potentially for construction access only), methods are provided to ensure that any reinstatement of habitats is carried out successfully and quickly after the construction phase is complete. The methods for re-instating species-rich grassland, including those associated with the LWS, are outlined the Framework LEMP **[REP1-039]** under the species-rich grassland section (from paragraph 5.3.36). Production of a detailed CEMP and LEMP, which are to be developed substantially in accordance with the Framework plans, will be secured under Requirements 12 and 8 of the Draft DCO **[REP1-007]** respectively.
ENC.1.11	Applicant	**Mitigation – horizontal directional drilling** Table 8-13 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** provides a summary of embedded avoidance and mitigation measures. That includes using trenchless methods such as horizontal directional drilling for the two main rivers (River Witham and River Brant). That point is also made in paragraph 2.6.5 of the Water Framework Directive Assessment **[APP-145]**. a) Clarify whether a detailed survey been undertaken to inform the feasibility of horizontal directional drilling in these locations. b) If horizontal directional drilling would not be feasible or it fails for whatever reason, what alternative technique(s) would be available for crossing the River Witham and River Brant?	a. In the context of potential ecological effects associated with the Proposed Development, the habitat/species surveys undertaken (as detailed in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**) cover the areas of the potential trenchless crossing locations as relevant. However, no detailed ground investigation surveys of the potential trenchless crossing locations have been undertaken at this stage – the DCO Application incorporates spatial flexibility within the Proposed Development Parameters to account for any localised constraints (e.g. archaeological constraint) which may be identified later in the process, and as such these detailed surveys would be undertaken at detailed design stage. b. As noted at ID EC5 of the Design Commitments (found at Appendix A of the Design Approach Document **[APP-186]**), the River Witham and River Brant crossings will be installed by trenchless methods, of which HDD is a potential trenchless method noted. If HDD was not pursued at these locations, alternative trenchless crossing methods include pipe-jacking, micro-tunnelling and boring. It should be noted that an alternative trenchless crossing method would not affect the findings or conclusions of the Environmental Statement, which assessed potential effects based on trenchless crossing parameters (encompassing the possible trenchless methods noted above), such as those set out in the Proposed Development Parameters **[REP1-029]** (ref. Work No.5A (f) and Work No.6 (d)).

ENC.1.12	Applicant	**Mitigation – ground nesting birds** Figure 8-5: Bird Mitigation Land Allocation **[AS-046]** identifies areas of permanent grassland (grassland A to D) and managed arable (arable A to F) as the bird mitigation areas. Figure 7.15-1 of the FLEMP **[AS-101]** identifies "bird mitigation areas – permanent grassland" and "bird mitigation areas – managed arable" which appear to be the same as the areas of permanent grassland and managed arable in Figure 8-5. The post development habitat plan in Appendix D of the Biodiversity Net Gain (BNG) Report **[APP-194]** identifies "grassland – other neutral grassland" and "cropland – cereal crops" which appear to be the same as the areas of permanent grassland and managed arable in Figure 8-5. Paragraph 4.2.4 of the FLEMP **[AS-101]** advises that there would be approximately 83 hectares (ha) of permanent grassland for bird mitigation purpose, while paragraph 5.3.57 states that a minimum 64ha of permanent grassland would be created, although the size of Area D would be confirmation. Paragraph 5.2.18 identifies that a minimum of 181ha of managed arable would be provided for bird mitigation purposes. Paragraph 3.3.4 of the BNG Report **[APP-194]** states that 124.82 ha would be utilised primarily for bird mitigation (Cropland and Grassland habitats) by offering a variety of flowering plants that support pollinators and serve as a food source and nesting habitat for numerous bird species. Explain: a) the relationship between the various documents referred to in this question b) the reasons for the differences in the figures identified in the FLEMP and BNG Report c) how the areas identified as bird mitigation have been considered in the BNG Report The ExA considers the applicant's response to point c) should be included in the technical note to be submitted as an action arising out of the holding of ISH1.	a) & b) As set out in paragraphs 8.12.19-8.12.26 of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** to avoid significant effects on ground-nesting birds, namely Skylark and Lapwing, a minimum of 64ha (158 acres) of permanent grassland and 181ha 181ha (447 acres) of managed arable is required to mitigate for the loss of existing arable nesting habitat. Indicative areas for this mitigation provision are shown on Figure 8-5: Bird Mitigation Land Allocation of the ES **[AS-046]**. Grassland Areas A, B and C on this figure consist of approximately 64ha (158 acres) of permanent grassland creation, with Grassland Area D providing the option for approximately a further 19ha (47 acres) (or in exchange for parts of Areas A-C). Therefore, Arable Areas A-D total approximately 83ha (205 acres). Further to the creation of a minimum of 64ha (158 acres) of permanent grassland specifically for ground-nesting bird mitigation, a minimum of 181ha (447 acres) of existing arable farmland will also be managed annually for ground-nesting birds. Indicative locations for providing this managed arable are shown as Arable Areas A-F on Figure 8-5: Bird Mitigation Land Allocation of the ES **[AS-046]**. However, to allow for the arable mitigation measure (namely Skylark plots) to be rotated within existing cropping patterns/regimes, this commitment of a minimum of 181ha (447 acres) can be delivered within the wider undeveloped areas providing the principles for field sizes are achieved (as stated in paragraph 5.2.18 of the Framework LEMP **[REP1-039]**). For avoidance of doubt, reference to '124.82ha' will be removed from the Biodiversity Net Gain Report (to be submitted to the Examination at a future deadline, as set out in ENC.1.28 below). The provision for ground-nesting bird mitigation is as set out above and secured by the Framework LEMP **[REP1-039]**. Beyond this specific mitigation for birds, the Proposed Development will also deliver areas of 'Other Neutral Grassland' managed for wider biodiversity in margins and other smaller field parcels. These areas will benefit a wide range of bird species and the broader bird assemblage within the Order limits. For clarity, Figure 8-5: Bird Mitigation Land Allocation of the ES **[AS-046]** is intended to demonstrate how and where specific ground-nesting mitigation can and will be delivered, i.e., a minimum of 64ha (158 acres) of permanent grassland and a minimum of 181ha (447 acres) of existing arable. The Framework LEMP **[REP1-039]** then sets out the details and mechanisms for delivery and management of these provisions. The Biodiversity Net Gain assessment has then been undertaken based on the Landscape Mitigation Plan set out in Appendix A: Figure 7.15-1 of the Framework LEMP **[REP1-039]**, incorporating all the enhancement measures provided in the Framework LEMP. c) As noted in the question, the response to this question is covered in Appendix D (Action Point 8) of the Written Summaries of Oral Submissions Issue Specific Hearing 1 **[REP1-046]**. This response is summarised below: The Applicant acknowledges there is land within the Order limits not designated for above ground solar infrastructure, which contributes to the BNG score as

			presented in the BNG Report **[APP-194]**. Specifically, there is land designed in the illustrative layouts **[AS-022 and AS-023]** for: a. Bird Mitigation Area - Permanent Grassland; b. Bird Mitigation Area - Managed Arable; and c. Retained Arable and Grassland. None of the above has been included for the delivery of BNG alone, but is instead provided to mitigate the potential environmental effects of the Proposed Development. The 'Bird Mitigation Area – Permanent Grassland' will contribute to the BNG score as these areas are being converted from intensive arable farmland to grassland, however the inclusion of these areas in the Order limits is driven by the need to provide mitigation to avoid likely significant effects on ground nesting birds. The Applicant has sought to maximise the potential of these grassland areas to benefit wider biodiversity, including an enhanced contribution to BNG units, beyond the mitigation requirements solely for ground-nesting birds. However, the measures to maximise the potential of these areas has not increased the land take necessary to provide the required mitigation and to reduce the Bird Mitigation Area would introduce a new likely significant effect on birds. As the areas of land marked as 'Bird Mitigation Area - Managed Arable' have been retained in the post-development calculations as arable farmland to be sensitively managed to mitigate impacts on ground nesting birds, this has a negligible impact on the overall BNG score, as current land use will continue, but with measures such as small unsown areas within the crop (Skylark 'plots') incorporated. As with the Permanent Grassland described above, no additional land has been incorporated in this area to provide for BNG and to reduce these Bird Mitigation Areas would introduce a new likely significant effect on birds, specifically skylark and lapwing, which are of district importance, and other ground nesting birds. Finally, the 'Retained Arable and Grassland' area may provide further contributions to BNG if it is seeded as grassland rather than arable, but the BNG Report **[APP-194]** has conservatively assumed it will be retained as arable farmland to avoid overstating any beneficial effect relating to BNG. This land is required in the application to deliver buried cabling connecting fields of solar PV with one another and the solar PV to the Onsite Substation and BESS. Without this land, the Proposed Development is not deliverable.
ENC.1.13	Applicant	**Mitigation – ground nesting birds** In terms of the construction phase effects, paragraph 8.12.26 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** states that with the application of the identified mitigation measures, the magnitude of habitat loss for ground-nesting birds would be reduced to low, resulting in a minor adverse effect which would not be significant. The identified mitigation would be the	As outlined in Section 8.9 in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** construction impacts and operational impacts are assessed separately. As the impact of habitat loss would occur during the construction period and is considered to be a permanent loss for the lifespan of Proposed Development, the effects on biodiversity and in this case ground-nesting birds, are assessed in the construction phase assessment with appropriate mitigation incorporated at this

		provision of sufficient areas of undeveloped land (64ha of permanent grassland and 181ha of retained arable) that would be utilised for habitat creation and enhancement to offset the impact of loss of arable farmland for breeding ground nesting birds. Given that, even with the mitigation provided by the previously mentioned land and its management, there would remain a minor adverse effect on ground nesting birds, explain why this would not be carried forward into the operational effects, given that it would remain during the operational phase.	stage. The assessment of habitat loss incurred during the construction phase is not repeated during the operational phase assessment as there is no new or different effect arising. The embedded mitigation within the Framework LEMP **[REP1-039]** (e.g. ref. paragraph 5.3.46) is considered sufficient to ensure no significant residual effects on ground nesting birds during the lifespan, as stated in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** (ref. page 8-162).
ENC.1.14	Forestry Commission	**Mitigation – ancient woodland** Natural England and Forestry Commission's Standing Advice on Ancient Woodland (NE/FC Standing Advice) recommends for ancient woodlands, proposals should have a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. Table 8-13 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** identifies that the proposed development's design includes undeveloped areas of at least 15 metre (m) between woodlands, which includes ancient woodlands, thereby avoiding any direct impact on these habitats. a) Provide an update for when the revised NE/FC Standing Advice is likely to be published. b) Explain why there is reasonable doubt that deterioration of the ancient woodlands could still occur as a result of the proposed development if they were only afforded a 15m minimum buffer and what difference a 30m buffer would make.	With regards to item b, it should be noted that a meeting was held between the Applicant and the Forestry Commission on 23 January 2026 to discuss a number of items, including the Forestry Commission's view that a 30m buffer from Ancient Woodlands is appropriate, as communicated to the Applicant via their Relevant Representation **[RR-091]** and ongoing discussions regarding the SoCG between the Applicant and the Forestry Commission. At this meeting it was demonstrated that a 30m buffer will be provided for the majority of the ancient woodland with only isolated sections of incursion within this wider buffer for limited works such as fencing (driven wooden posts/stock type fencing) and access tracks (which generally make use of existing access routes and hedge breaks). The likely beneficial impact of the Proposed Development on the ancient woodland was also discussed in the context of improved conditions due to factors such as the cessation of ploughing and nutrient enrichment. In effect, the ancient woodland is currently unprotected and soil structure, soil flora and fauna and tree roots are likely being regularly disturbed via ploughing and other agricultural activities. The Proposed Development will result in a reduction in damaging works and an increase in formal protection in proximity to the ancient woodland. This discussion will be reflected in the SoCG between the Applicant and the Forestry Commission, and submitted to the Examination at the midpoint of examination in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 **[PD-005]**.
ENC.1.15	Applicant	**Mitigation – fish spawning** The summary of engagement presented in Table 8-3 (page 43) of ES Chapter 8: Ecology and Nature Conservation **[APP-033]** states that the embedded mitigation in Table 8-13 includes mitigation to avoid horizontal directional drilling activities within key spawning/migration windows of September to February (salmonids) and March to May (coarse fish) wherever practicable. It is noted that paragraph 4.2.3 of Appendix 8-C Aquatic Ecology **[AS-081]** identifies that no suitable fish spawning habitat for notable species were present in any of the surveyed watercourses. However, to address the point made by the Environment Agency in its relevant representation **[RR-089]**, confirm whether or not the submitted assessment includes course fish species and if not advise on how this issue will be addressed during the examination.	The reference to no suitable spawning habitat for fish having been identified in any of the surveyed waterbodies within Appendix 8-C: Aquatic Ecology of the ES **[AS-081]**, paragraph 5.2.7, and Chapter 9: Water Environment of the ES **[REP1-021]** paragraph 9.5.31, relates to notable fish species, not coarse fish species. With regards to the mitigation measures around all fish species (including coarse species), the Framework CEMP **[REP1-031]** (ref. ECO-C4) notes the requirement for activities where there are direct impacts to watercourses or water bodies, for example through drain-down, culverting, or open trenching to avoid key fish migration timings wherever practicable. This is inclusive of the coarse fish spawning season - Measure ECO-C4 (b) of Table 3 of the Framework CEMP **[REP1-031]** reads: *"avoidance of key fish migration timings wherever practicable, including the*

			avoidance of the coarse fish spawning season, which runs from March 15th to June 15th (inclusive);"
ENC.1.16	Applicant LCC NKDC	**Cumulative effects** Table 8-16 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]** identifies the residual effect for ground nesting birds of the proposed development in isolation as minor adverse (not significant). The assessment presented in Table 8-19 of **[APP-033]** concludes that there would be a negligible cumulative effect assuming appropriate mitigation measures would be included within respective developments to ensure there would be no significant residual effects. However, if several projects are identifying a minor adverse effect due to a loss of land for ground nesting birds, which is not significant in isolation, at what point might the effects for ground nesting birds become significant?	Assuming appropriate mitigation measures would be included for ground nesting birds within the cumulative schemes (which they state are included), there would be no significant residual cumulative effects (e.g. Site or Local level effects). For a proposed development, either on its own or cumulatively to result in significant residual effects, this would likely require residual negative effects at the County level scale or above, which have not been established. This is unlikely to be possible as each proposed development aims to reduce the adverse effects on Important Ecological Features (such as ground nesting birds) with embedded and/or additional mitigation measure to not-significant levels.
ENC.1.17	Applicant Forestry Commission	**Veteran trees –** Paragraph 6.6.21 in Appendix 10-H: Arboricultural Impact Assessment **[APP-155]** identifies that a total of five root protection area incursions for veteran trees would be required to facilitate the use of existing access roads by construction traffic. The affected veteran trees have been identified as: T708; T709; T1004; T1120; and T572 in paragraphs 6.6.22 and 6.6.23 of **[APP-155]**. a) **Applicant** - explain how the proposed development accords with the NE/FC Standing Advice in this regard, particularly in respect of avoiding and reducing (mitigating) impacts. b) **Applicant** - explain why it is considered that there would be no change from the existing use, in terms of for example, the potential to cause soil compaction, for those access roads that would be within the root protection areas for T708, T709, T1004 and T1120, as stated in paragraph 6.6.22 in **[APP-155]**? c) **Applicant** - what type and weight of vehicles would use the access road that would be within the root protection area for T572 and for what purpose and what would be the extent of the incursion into the root protection area, in percentage terms? d) What would be the effectiveness of a cellular system, as identified in paragraph 6.6.23 in **[APP-155]**, for preventing compaction of the roots of T572 arising from vehicle movements.	a) The Proposed Development has been informed by extensive tree surveys to BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations). Throughout the design process due consideration has been given to the presence of trees and their associated area of constraint with emphasis on the avoidance and protection of veteran and ancient trees. As a result of this, the only unavoidable root protection area (RPA) incursions required for veteran and ancient trees from the Proposed Development are to facilitate access roads. In the majority of cases (T708, T709, T1004 and T1120) this will be achieved utilising existing formal access roads that are currently used frequently by agricultural machinery. In these situations where the Proposed Development does not propose any changes to the surface (such as width, height or ground loading from vehicle use) there is considered to be no change from existing use and no negative impacts to the RPAs of veteran or ancient trees are anticipated. The track next to T572 is labelled as Moreton Lane on county series mapping (1888) which indicates its long-standing use. It is likely formed of hard standing compacted material which has been partially overgrown. As this access route is already effectively surfaced this is not considered to be new surfacing but rather re-surfacing or reinforcement, however it is less formally surfaced than the other existing access routes adjacent to T708, T709, T1004 and T1120 and is therefore considered separately. This access route forms access to a number of agricultural fields and is used by agricultural machinery and as a result of this is considered to be heavily compacted. Due to the current use, the ground conditions within the RPA of this tree may worsen through the use of agricultural machinery which are utilised in all weather conditions including when the ground is wet (and more liable to compaction) which is likely to cause further soil compaction and the formation of ruts which are already present on site. Therefore, in its current state the soil conditions within the RPA of this tree may worsen and this could negatively impact

			the physiological condition of the tree. The Proposed Development intends to utilise this access route for emergency access only (and the existing agricultural use would cease) which would reduce the frequency of traffic from its current use. However, to avoid causing further damage to the structure of the soil within the RPA, mitigation measures include the use of a three dimensional cellular confinement system that would be specified to the highest anticipated load and would add reinforcement to the existing ground cover. This surface is considered to form a type of ground protection that will maintain existing soil structure and prevent any further compaction of the soil within the RPA. It also allows for the permeation of water and gas exchange between the soil and atmosphere. Therefore, the Proposed Development is considered to provide an opportunity to prevent any further damage to the soil conditions within the RPA of this tree. In relation to the standing advice, the most obvious point 'Direct and indirect effects of development' is 'damaging or compacting soil' within the RPAs of veteran and ancient trees. However, as detailed above, formal existing access routes will be utilised where available that are considered suitable for the proposed use or in the case of T572, following mitigation measures soil structure will be maintained and no soil compaction is anticipated. b) See response above. c) The access route within the RPA of T572 is proposed to be utilised for emergency fire access only with the largest vehicles expected to be no greater than 4m in height and 17 tonnes in weight. Therefore, the frequency of use is likely to decrease from its current agricultural use. The extent of RPA incursion for T572 is approximately 18.9% of the RPA. d) Implementation of a cellular confinement system would avoid any requirement for significant excavation to facilitate the construction of a new road surface, which would likely sever tree roots, cause further soil compaction and create an impermeable surface within the RPA. The cellular confinement system works by distributing the load of a vehicle across the entire surface so as to minimise or eliminate soil compaction. There are a variety of proprietary cellular confinement systems to choose from that are provided with different specifications (depths of the surface) to cater to different weight requirements.
ENC.1.18	Applicant	**Ancient and veteran trees** Provide the additional detail requested by NKDC in its relevant representation **[RR-210]** on how ancient and veteran trees have been classified.	The classification of ancient or veteran trees is subjective and, as noted in Section 5.3 of the Appendix 10-H: Arboricultural Impact Assessment of the ES **[APP-155]**, '*there is no universally accepted criteria to determine status'*. The Applicant's qualified and experienced arboriculturists identify potential veteran or ancient trees on site and these are then reviewed by a VETCert accredited (consulting level) arboriculturist. Key qualifying criteria would be a tree that is at least mature for the species and which features extensive deadwood or decayed wood habitat. Assessment draws on industry guidance, including that published by the Ancient Tree Forum and Woodland Trust to inform judgements on tree status. Tree condition comments and dimensions are included in the Tree Survey Schedule included as

			Annex B of the Arboricultural Impact Assessment **[APP-155]** and these provide the basis for the justification of tree status. The tree survey information in the Arboricultural Impact Assessment of the ES **[APP-155]**, that was used in the BNG report **[APP-194]** identified a total of 126 veteran trees and two ancient trees within and adjacent to the DCO Site. None of these are proposed to be impacted by the Proposed Development.
ENC.1.19	NKDC	**Arboricultural Impact Assessment – mitigation** The Arboricultural Impact Assessment **[APP-155]** identifies that the final specification for mitigation measures would be detailed in the Arboricultural Method Statement which it is proposed would be secured via the FCEMP **[APP-189]**. Would the mitigation mechanism proposed by the applicant be sufficient to address the point raised in your relevant representation **[RR-210]** about root and stump removal and, if not, what other details would be required to address the council's concern?	**N/A**
ENC.1.20	Applicant	**Connectivity** An embedded mitigation measure during construction identified in Table 8-13 of ES Chapter 8: Ecology and Nature Conservation **[APP-033]** would be a security perimeter fence with gaps to allow mammals, including small deer, badger, brown hare, hedgehog and otter to pass underneath at strategic locations to maintain ecological connectivity. A beneficial impact identified during the operational phase would be increased connectivity across the Order Limits and into the wider area, through the planting of trees and hedgerows (paragraph 8.9.3 in ES Chapter 8: Ecology and Nature Conservation **[APP-033]**). a) Provide a plan showing the potential corridors for species movement across the Order Limits. b) Comment on the potential for the proposed development to alter deer movements and their browsing and grazing patterns, as identified by the Forestry Commission in its relevant representation **[RR-091]**.	a) There are no specific corridors for biodiversity, i.e., where species movements have been channelled, but rather the design of the Proposed Development, including the erection of security fencing, creation of new habitats and reinforcement/enhancement of existing habitats, has considered the existing biodiversity baseline both within the Order limits and wider landscape and ensured that the Proposed Development is still permeable to species, i.e., security fencing will not exclude species and present any barrier to movement. The landscape planting also maximises both areas within and outside the perimeter security fencing to enhance and extend existing connecting habitats and create new ones where existing vegetation is limited or intermittent. As stated in paragraph 8.9.3 (beneficial impacts, item b) of Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**, the planting of trees and hedgerows will be the main features of landscaping used as potential corridors during the operation of the Proposed Development. As such, the Landscape Mitigation Plan (Figure 7.15-1 of Appendix A of the Framework LEMP **[REP1-039]**), which shows the proposed tree and hedgerow planting, therefore illustrates the corridors for species movement (proposed and retained) around the Order Limits. b) All security perimeter fencing will include gaps to allow small/medium sized mammals to pass underneath at strategic locations to maintain ecological connectivity, as secured within the Framework CEMP **[REP1-031]** (e.g. ref. ECO-C1). This should mean alterations to deer movements, and grazing patterns, are minimised. The final locations of these mammal passes will be determined at the detail design stage. Existing hedgerows and wildlife corridors will also be retained outside of the security perimeter, to allow the continued movement of mammals across the landscape and limit any unnecessary changes to the movement of deer. With the implementation of

			such mitigation secured by the management plans submitted with the DCO Application (e.g. Framework CEMP **[REP1-031]**), Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** concludes that there would be no effect upon deer. Production of a detailed CEMP, which is to be developed substantially in accordance with the Framework plan, will be secured under Requirement 12 of the Draft DCO **[REP1-007]**.
ENC.1.21	Applicant	**Tree belts** The Forestry Commission, in its relevant representation **[RR-091]** is seeking clarity on some woodland references in the Framework Landscape and Ecological Management Plan (FLEMP) **[AS-101]**. a) Confirm whether or not the tree belts referenced in the FLEMP **[AS-101]** would be in addition to the 200 trees referred to. b) Confirm that the area proposed for tree belts is that shown on sheet 6 of Figure 7.15-1 of the FLEMP **[AS101]**. c) Clarify where the proposed woodland that is referred to in the FLEMP **[AS-101]** would be located.	a) The total number of trees (over 200) referred to in the Framework LEMP **[REP1-039]** is inclusive of tree belt planting. b) That is correct – the location of proposed tree belts, in the north-eastern extent of Field 46, is shown on Sheet 6 of the Landscape Mitigation Plan in Figure 7.15-1 of the Framework LEMP **[REP1-039]**. c) The references to 'woodland' within the Framework LEMP **[REP1-039]** relates to the proposed implementation of 'woodland and tree belt' as a broad habitat category, whereby (as noted above) the location of proposed tree belts is within the north-eastern extent of Field 46, as shown on Sheet 6 of the Landscape Mitigation Plan in Figure 7.15-1 of the Framework LEMP **[REP1-039]**. Given that woodland planting in its own right is not proposed, the Framework LEMP has been updated for clarity to only mention 'tree belt' habitat provision (as opposed to 'woodland and tree belt' habitat). The updated Framework LEMP will be submitted to the Examination at the next examination deadline.
ENC.1.22	Applicant	**Hedgerow plan [AS-013]** The Hedgerow Plan **[AS-013]** identifies areas where lengths of hedgerow are proposed for removal together with maximum removal lengths. As referred to by NKDC in its relevant representation **[RR-210]**, explain the extent to which the detailed design might affect the hedgerow removal identified on the Hedgerow Plan and therefore the assessment of effects and mitigation requirements.	The areas of hedgerow removal set out on the Hedgerow Plan **[AS-112]** aligns with Figure 3-17: Maximum Vegetation Removal Plan of the ES **[AS-029]**. It is anticipated that this is the maximum extent of vegetation removal required to facilitate the Proposed Development, and additional hedgerow removal to this is not foreseen. The submitted Appendix 10-H: Arboricultural Impact Assessment **[APP-155]**, Figure 3-17: Maximum Vegetation Removal Plan of the ES **[AS-029]** and Hedgerow Plan **[AS-112]** assume a reasonable worst-case and take into account working space requirements and other elements to deliver a realistic assessment of tree/hedgerow impacts based on available information. It should be noted that, given the reasonable worst-case nature of the assessment (the Rochdale Envelope approach, as discussed in Chapter 5 Environmental Impact Assessment Methodology **[APP-030]**) within the Appendix 10-H: Arboricultural Impact Assessment **[APP-155]**, and the controls placed upon the detailed design via the various management plans (such as the Framework CEMP **[REP1-031],** secured via Requirement 12 of the **Draft DCO [REP1-007])**, it is considered that the detailed design will not result in any new, or changes to, likely significant effects established and not require any additional mitigation requirements.
ENC.1.23	Applicant	**Invasive non-native species** The Environment Agency in its relevant representation **[RR-89]** has raised the potential for the introduction/ spread of Signal Crayfish during construction and the need for specific mitigation measures.	Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** assessed the "*Introduction and, or, spread of invasive species, due to the movement of personnel, equipment and plant machinery, potentially facilitating the introduction of invasive species*" (ref. paragraph 8.9.2, item f). This inherently included consideration of both invasive plant and animal species. As such, it can be confirmed that the potential impact of the invasive Signal Crayfish has been duly considered within the

		Comment on what consideration, if any, that has been given to the introduction/spread of Signal Crayfish during the proposed construction phase.	assessment presented in **Chapter 8: Ecology and Nature Conservation** of the ES **[REP1-019]**. However, the Applicant notes this comment from the Environment Agency in their Relevant Representation **[RR-089]** and recognises that the mitigation measure regarding INNS in the **Framework CEMP [REP1-031]** should reflect the potential presence of invasive animals, and not just plants. As such, measure ECO-C11 of Table 3 of the **Framework CEMP [REP1-031]** has been updated and submitted to the Examination at Deadline 1 to clarify this. Measure ECO-C11 now reads: *"Pre-construction surveys will be undertaken to provide an update on the presence and location of any Invasive Non-Native Species (INNS) plant and animal species, the findings of which will inform the implementation of measures to prevent their spread into the wild. These surveys will inform the production of a Biosecurity Management Plan which will set out procedures to ensure that no INNS ~~plant~~ species are brought onto the DCO Site (e.g., Wildlife and Countryside Act 1981 (as amended) (Ref 7 Schedule 9 species) and will be formalised in the detailed CEMP, secured through the DCO. In the event that any future infestations of INNS are identified prior to and or during the development process, exclusion zones will be established around them, and an ECoW contacted for advice as required."* Production of a detailed CEMP, which is to be developed substantially in accordance with the Framework plan, will be secured under Requirement 12 of the Draft DCO **[REP1-007]**. Requirement 12 (1) of the **Draft DCO [REP1-007]** includes the Environment Agency as a prescribed consultee in respect of the final CEMP.
ENC.1.24	Applicant	**FLEMP – monitoring** Section 7 of the FLEMP **[AS-101]** sets out the proposed monitoring regime. a) Explain how any actions determined necessary from the monitoring would be secured for implementation. b) Explain what involvement the relevant authorities and other bodies would have in that process.	a) A post-construction monitoring programme comprising walkover surveys of the DCO Site undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60 is proposed. This will be formalised, agreed and included within the detailed Landscape and Ecological Management Plan (LEMP), which is secured through Requirement 8 at Schedule 2 to the Draft DCO **[REP1-007]**. As set out in the Framework LEMP **[AS-101]** (paragraph 7.1.11), the results of post-construction monitoring will inform ongoing site management and, where necessary, trigger amendments to the management measures, such as replacement planting or changes to species where planting has failed to establish. Any such amendments will be implemented through the approved LEMP, compliance with which is enforceable under the relevant DCO Requirement. Actions identified as necessary through monitoring are therefore secured for implementation, ensuring the long-term effectiveness of the proposed green infrastructure. b) Monitoring reports for surveys during operation would be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any changes to management set out in the approved detailed LEMP. The role of the Ecological Steering Group will be set out in the detailed LEMP, whereby the relevant consultees would be given an opportunity to review the detailed LEMP before it is formally approved to discharge the Requirement. It should be noted that it is envisaged that the other NSIP

			projects within the District would be required to also have an Ecological Steering Group/Ecological Advisory Group (or similar), who would also send monitoring reports as relevant to the host authorities and the Lincolnshire Wildlife Trust for their information. Therefore, the host authorities will have oversight of the mitigation proposed across all relevant schemes within the District, to allow for coordinated mitigation suggestions as part of their approval of the detailed LEMP(s) where necessary.
ENC.1.25	Applicant	**BNG Report [APP-194] – metric assumptions** Under "post development data", paragraph 2.5.4 confirms that for the creation and enhancement of habitats, a delay of three years has been included in the metric, based on a predicted construction period of between 24 to 30 months. In terms of assumptions for area-based habitats and hedgerows, paragraph 2.8.4 in the BNG Report identifies that, given an anticipated construction duration of 24 to 30 months, a two-year delay has been applied to post-development habitats in the Principal Site. Explain the different delay periods identified in paragraphs 2.5.4 and 2.8.4 of the BNG Report and confirm which should be relied on.	A three-year delay has been applied in the Metric. Paragraph 2.8.4 is incorrect; it should say three-year delay. The BNG Report will be updated and submitted to the Examination at a future examination deadline.
ENC.1.26	Applicant LCC NKDC Natural England	**BNG Report [APP-194] – strategic significance** Paragraph 2.6.2 of the BNG Report sets out that NKDC has yet to produce a Local Nature Recovery Strategy and because of that strategic significance has been assigned to habitats using the alternative methodology in line with guidance set out in the Statutory Biodiversity Metric User Guide. LCC, in its relevant representation **[RR-157]**, considers that significance has not been applied in accordance with the Statutory Biodiversity Metric User Guide, as NKDC has identified criteria for assessing strategic significance (Central Lincolnshire Biodiversity Opportunity Mapping). NKDC, in its relevant representation **[RR-210]** also refers to a failure to apply locally adopted strategic significance criteria. a) Comment on what would be the most appropriate approach for assigning strategic significance within the context of the advice stated in the Statutory Biodiversity Metric User Guide. b) **NKDC** - provide an update on when the council's Local Nature Recovery Strategy is expected to be published.	It should be noted that a meeting was held with NKDC and LCC on 22 January 2026 to discuss comments on the BNG Report **[APP-194]**. The Applicant, NKDC and LCC agreed at this meeting to further examine the NKDC and LCC comments in the context of potential updates to the BNG Report and the Metric and have a follow up meeting prior to any update being submitted to the Examination. LCC and NKDC commented that there is sufficient alternative documentation in place of an adopted LNRS available, and therefore LNRS methodology should be used in this case as described in the Statutory Biodiversity Metric User Guide. To use this approach, further clarity on the use of local policy mapping tools for BNG will be discussed as an alternative to a LNRS.
ENC.1.27	Applicant NKDC LCC Forestry Commission	**BNG Report [APP-194] – trading rules** Paragraphs 3.3.2 to 3.3.6 in the BNG Report explain the trading rules. Paragraph 3.3.2 confirms that for area habitats, the trading rules within the Statutory Biodiversity Metric currently would not satisfied for each distinctiveness level. That would be because of the loss of "Lakes – Reservoirs", "Heathland and shrub – Mixed scrub" and "Cropland – Arable	a. The area of Mixed Scrub habitat to be lost as part of the cable route totals 0.02 ha, equating to 0.08 biodiversity units. This represents a very small area and, for this reason, was not expanded upon further. The loss of Mixed Scrub occurs in several discrete, very small parcels along the Cable Corridor which cumulatively account for the recorded 0.02 ha. Such minor losses within a wider, more extensive scrub resource are considered to result in little to no ecological impact.

	Natural England	field margins" habitats, which would not be directly mitigated for by the proposed development. a) For the **applicant** - paragraphs 3.3.3 and 3.3.4 in the BNG Report provide more detail with respect to Lakes – Reservoirs' and Cropland – Arable field margins. Clarify why a similar explanation is not provided for Heathland and shrub – Mixed scrub. b) Comment on the approach to the trading rules.	It is anticipated that this loss will be avoided in practice, and therefore impact to this habitat will be avoided, however this would be determined at the detailed design stage and as such has been assessed within this report as a worst-case. **b.** The approach to Trading Rules is set out within the BNG Report **[APP-194]**, however was also further discussed in a meeting with NKDC and LCC on 22nd January 2026. The Applicant, NKDC and LCC agreed at this meeting to further examine the NKDC and LCC comments in the context of potential updates to the BNG Report and the Metric and have a follow up meeting prior to any update being submitted to the Examination.
ENC.1.28	Applicant	**BNG Report [APP-194] – approach** Respond to the points raised by NKDC in its relevant representation **[RR-210]** concerning the robustness of the approach that has been taken in the BNG assessment.	Please see the response provided by the Applicant at Section 6 of RR-210 within the Applicant's Response to Relevant Representations **[REP1-047]**. It should be noted that a meeting was held with NKDC and LCC on 22 January 2026 to discuss comments on the BNG Report **[APP-194]**, as raised in RR-210. The Applicant, NKDC and LCC agreed at this meeting to further examine the NKDC and LCC comments in the context of potential updates to the BNG Report and the Metric, and to have a follow up meeting prior to any update of the BNG Report being submitted to the Examination. The Applicant is seeking to agree these items through further consultation with NKDC and LCC via the respective Statements of Common Ground, which are currently under preparation and will be submitted at the midpoint of Examination, in line with the Examining Authority's request in its Procedural Decision of 22 August 2025 **[PD-005].** Any changes made to the BNG Report in light of these discussions will be reflected within an updated report submitted to the examination at a future examination deadline.
ENC.1.29	Applicant LCC NKDC	**Ecological Steering Group** **Applicant** - confirm its view on establishing such a group. **Councils** - explain how it is envisaged that the ecological steering group referred to in NKDC's relevant representation **[RR-210]** could be secured.	The Framework LEMP **[REP1-039]**, secured by the DCO, includes the following commitment (ref. paragraph 7.1.9): "*Post-construction monitoring for flora, birds (breeding and non-breeding), riparian mammals, badgers and bats (bat box roosting and activity survey), will be undertaken in the respective seasons, in years 1, 3, 5, 10 and 15 postconstruction and thereafter every ten years from years 20 to 60. These surveys are likely to involve similar methods to those used to determine the ecological baseline of the Proposed Development and will be overseen by an Ecological Advisory Group or similar."* The Ecological Advisory Group (or similar) is considered by the Applicant to be the same as and fulfil the role of an Ecological Steering Group, overseeing the monitoring and mitigation of impacts as relevant. The monitoring reports for surveys during operation will be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any changes to management set out in the approved detailed LEMP. The role of the Ecological Steering Group will be set out in the detailed LEMP, whereby the relevant consultees would be given an opportunity to review the detailed LEMP before it is formally approved to discharge the Requirement. Production of a detailed LEMP, which is to be developed substantially in accordance with the Framework plan, will be secured under Requirement 8 of the Draft DCO **[REP1-007]**.
ENC.1.30	Applicant	**Delivery of BNG** **a)** What are the proposed timescales for providing the proposed BNG?	a) Habitat creation and enhancement will begin during the construction period. There is likely to be a phased approach to this as the Proposed Development is

		b) What control mechanisms would there be to ensure that the BNG proposed would be delivered at an early stage in the implementation for the proposed development? **c)** What would happen to the BNG provision at the conclusion of the operational phase when the proposed development would be decommissioned?	built out, but habitats will be created alongside construction activities. Within the BNG report, it states: *"For the creation and enhancement of habitats, this assessment has taken a worst-case scenario approach, as the predicted construction phase for the Solar PV Array Areas is anticipated to be between 24 and 30 months, therefore a delay of three years has been included in the Metric."* Where habitat is to be temporarily lost, it will be returned to its original habitat type and condition, once the construction activity affecting this particularly area has ceased. Once the habitat is created or enhanced, it will be maintained until year 60. The following is secured within the Framework LEMP **[REP1-039]** (ref. paragraph 7.1.7) which will be carried through into the detailed LEMP: "*A post-construction monitoring programme will be formalised, agreed and included within the detailed LEMP. Walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. This monitoring will also be used for the purposes of BNG Condition Assessments that requires a 30-year management plan."* However, it should be noted, as explained in the Applicant's response to NKDC's Relevant Representation **[REP1-047]**, that whilst it is explained above that there will be a phased approach to habitat creation, the Applicant's commitment to BNG in its entirety, as secured by Requirement 8 of Schedule 2 to the Draft DCO **[REP1-007]**, is not linked to specific phases of the Proposed Development – the minimum commitments made (i.e. delivery of a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units using DEFRA's Statutory Biodiversity Metric (SBM) (Version 1.0.4)) are linked to the entire Proposed Development. b) Habitat creation and enhancement works, which contribute to BNG, will be undertaken in line with the controls, where relevant, of the Framework LEMP **[REP1-039]**. For example, paragraph 5.2.10 notes that the planting of hedgerow gaps and positive management to increase hedgerow size will commence in the planting season (i.e. winter) prior to the commencement of construction. c) At the end of the operational life of the Proposed Development, the infrastructure will be removed, and the land returned to the landowners. The Applicant would cease to have control of the land at this point. The decommissioning of the Proposed Development will not involve the removal of any created or enhanced habitats but noting that it would be the landowners choice as to how the land is to be used and managed, in accordance with the Framework DEMP **[REP1-035]** (ref. paragraph 2.3.5). As stated in ECO-D1 of the Framework DEMP **[REP1-035]**, any impacts from decommissioning will be mitigated fully in line with relevant legislative and policy requirements at the time of decommissioning.

2.5 Farming and Soils questions

Table 0-4: Applicant's Responses to the Examining Authority's Farming and Soils questions

Farming and Soils (FS)			
FS.1.01	Applicant	**Effects on the availability of farmland** b) What is the land area of England? c) What is the land area of the county of Lincolnshire? d) How much of the county of Lincolnshire is farmland and of that farmland how much is classed as being best and most versatile (BMV) and not BMV? e) Cumulatively how much farmland within the county of Lincolnshire would be occupied by the solar farms currently benefitting from made DCOs and of that farmland how much is classed as BMV and not BMV? f) For the proposed solar farms subject to accepted applications submitted under the Planning Act 2008 (PA2008) within the county of Lincolnshire that are currently in pre-examination, examination, recommendation or decision stages, cumulatively how much farmland would be occupied by those proposed developments and of that farmland how much is classed as BMV and not BMV? (In the event of any of the applications for the proposed solar farms being determined and becoming the subject of a made DCO in the period between the issuing of this question and the reply date, then the information relating to that development should be incorporated into the answer for part d) of this question).	The Applicant's responses are set out below relative to each itemised query. a) The land area of England is just over 13,046,000 (13 million) hectares (or 32,237,368 acres) according to the UK government's land use statistics for 2022. The UK has 9 million hectares (22 million acres) utilised agricultural area according to the DEFRA UK Food Security Report 2024. b) According to LCC's website, Lincolnshire covers an area of 592,100 thousand hectares or 0.59 million hectares (or 1,463,111 acres). c) Paragraph 12.10.15 of **Chapter 12: Socio economics and Land Use [AS-016]** states that "*The County of Lincolnshire contains approximately 490,000ha of farmland*" which is equivalent to approximately 1.2 million acres. It goes on to state that there is no definitive measure of Best and Most Versatile (BMV) land in Lincolnshire (because provisional Agricultural Land Classification (ALC) mapping does not differentiate between Subgrades 3a and 3b), however using estimates derived for previous NSIPs in Lincolnshire (based on a mixture of Defra secondary data mapping and primary data collection across several projects), a reasonable estimate may be 71% and therefore just under 350,000 ha (or 617,763 acres) of BMV land in the County. d) Paragraph 12.10.15 of **Chapter 12: Socio economics and Land Use [AS-016]** states: "*It is estimated that the solar NSIPs in Lincolnshire, together with the Proposed Development account for approximately 1.4% of the BMV land in the County. Whilst there is a degree of uncertainty around this proportion it is indicative that the solar NSIPs represent a small proportion of BMV land in the County.*" It should be noted that this is not just the made DCOs, it encompasses all solar DCOs currently in the public domain at pre-application, examination, and consented stage in the County. If these solar NSIPs are all consented, they will occupy an estimated 2.9% of the County's farmland (1.4% BMV and 0.6% non-BMV land). Should all of those DCOs not be made, then these figures will reduce accordingly. The Applicant is aware of 12 solar NSIPs in Lincolnshire currently. Consented (made DCO) projects include Mallard Pass, Gate Burton, West Burton, Cottam, Tillbridge, Heckington Fen. Other solar NSIPs in the county include Fosse Green Energy, Beacon Fen, Leoda, Springwell, Meridian, and One Earth (which crosses the Lincs-Notts border). The applicant understands Temple Oaks has been withdrawn. Half of these are made DCOs and the other half yet to be determined. Roughly, assuming an equal land take is required for each of these projects, the made DCOs (consented projects) would require an estimated 0.7% of BMV land and 0.3% of non-BMV land in the County, totalling 1.0% together.

			e) As indicated above, Fosse Green Energy and other solar NSIPs within the county of Lincolnshire that are currently in pre-examination, examination, recommendation or decision stages will require an estimated 0.7% of BMV in the County, and 0.3% of non-BMV land, totalling 1.0% together. Together with the made DCOs therefore, it requires an estimated 1.4% of BMV land, 0.6% of non-BMV land, and therefore 2.9% of farmland in Lincolnshire.
FS.1.02	NKDC	This matter was addressed during ISH1 where it was agreed that further information would be provided by the applicant and the Councils on brownfield land availability.	This was provided in Appendix C in 9.2 Written Summaries of Oral Submissions for Issue Specific Hearing 1 **[REP1-046]** which was submitted as part of Deadline 1.
FS.1.03	Applicant Natural England	**Agricultural land classification survey** Paragraph 12.4.16 in ES Chapter 12: Socio-Economics and Land Use **[AS-016]** advises that the soil survey for the cable corridor would be undertaken post consent, with that to be secured in the final approved CEMP. That is described in SOC-C3 in the FCEMP. Table 12-15 in **[AS-016]** describes the agricultural land classification within the principal site. This identifies that 18.4ha (1.8%) was not surveyed or was inaccessible. a) Has the partial surveying of the Order Limits prevented a comprehensive assessment of the effects of the proposed development on agricultural land? b) Would the measures in the FCEMP **[APP-189]** be sufficient to secure the required surveys? If not, what additional measures would be required? For example, should there be a specific provision in the dDCO to secure the survey work?	The Applicant's responses are set out below relative to each itemised query. a) The Applicant does not consider the inability to survey this small proportion of the Order Limits to have prevented a comprehensive assessment from having been undertaken. The area inaccessible for survey due to livestock is illustrated on **Figure 12-5 Agricultural Land Classification for the Principal Site (Revision 2) [AS-068]**. Based on the soil data for the surrounding fields, it is likely this is Grade 3a (BMV) or 3b (non BMV). The area not surveyed may be temporarily disturbed for cable installation during construction, and following reinstatement is designated during operation for 'retained arable/grassland'. It therefore may continue to be used for arable farming, should – as expected - the landowner so choose, but with the flexibility in the application for it to be managed as good quality grassland. The lack of data in this field is therefore not considered to be a gap that would affect the conclusions of the assessment. In addition, Figure 12-5 of the ES **[AS-068]** shows that there is an area of land east of the Onsite Substation, which forms part of the bird mitigation land (either grassland or managed arable), which was not surveyed and based on the surrounding fields may be Grade 3a (BMV). This is due to additional land in this area having been introduced to the Order limits following the survey. Given this soil would be managed as a mixture of either managed arable or permanent grassland after installation of the Proposed Development, the baseline data for this field will also not change the conclusions of the ES (i.e., there is no magnitude of change / impact). b) The Applicant does not consider any additional Requirements to be necessary and considers the measures in the Framework CEMP **[REP1-031]** to be sufficient to secure the required surveys. The areas previously inaccessible for survey would be surveyed before the commencement of any construction works. Paragraph 7.2.2 of the Framework Soil Management Plan (SMP) **[REP1-037]** already provides for "*Agricultural Land Classification (ALC) surveys - soil surveys across remaining areas of the site red line boundary: including the cable corridor, previously inaccessible areas and compound locations etc. Sample density must be in accordance with relevant ALC guidance, i.e. one sample per 100m of linear route or 1 per hectare of site area and undertaken by suitably qualified soil surveys in accordance with the BSSS guidance*". The Framework SMP (which is to be

			developed into a detailed SMP, substantially in accordance with the Framework SMP **[REP1-037]**, as secured under Requirement 15 of Schedule 2 to the Draft DCO **[REP1-007]**) therefore secures the provision of the required survey work of the areas not previously surveyed and is already subject to a provision in the Draft DCO **[REP1-007]** requiring its implementation. To add another provision which simply duplicate this control. An update on these matters will be provided in the SoCG with Natural England at the midpoint of Examination, in line with the Examining Authority's request in its Procedural Decision dated 22 August 2025 **[PD-005]**.
FS.1.04	Applicant	This matter was clarified by the applicant during ISH1.	The Applicant noted the original question concerned a discrepancy in the reported area of BMV land. 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]** 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 (or 701.5 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.
FS.1.05	Applicant	**Agricultural land classification survey** Explain the methodology used to define the agricultural land grade boundaries on Figure 12-5 **[AS-068]** in the context of Natural England's issue NE11 raised in its relevant representation **[RR-202]**.	In its relevant representation **[RR-202]**, Natural England noted that the ALC boundaries appear to be drawn in strict straight lines, conforming to field boundaries and grid points and that usually, it is expected that ALC boundaries would be calculated using an inverse distance weighted modelling tool. Whilst the Applicant notes that curved boundaries are sometimes preferred in land grading mapping to reflect natural variation, in this case, the delineation between Grades 3a and 3b has been represented using straight lines for clarity and consistency of presentation. Some of the mapped boundaries also correspond to permanent features such as roads, farm lanes, and existing field divisions, which are inherently linear and therefore appropriately represented as straight lines. The sample points informing the grading were computer-generated on a regular 1 ha (2.5 ha) grid, providing an even spatial distribution across the site. The mapping technique utilised uses "linear interpolation", which connects two sample points with a straight line, assuming a constant rate of change between them. It is possible to use spline interpolation or spline smoothing, which fits a smooth curve through the points by using statistical algorithms to estimate values at unsampled locations between auger points. Each technique has its own advantages and disadvantages. The linear interpolation does not attempt to estimate values between auger points and presents a factual representation of the accuracy of the data. The smoothing techniques can appear more accurate to the eye but are based on estimates

			that give an unknown level of accuracy and imply a false level of accuracy associated with the results. It is not considered a weakness selecting the linear interpolation technique. As such, the straight-line representation is an interpretive visualisation of the data rather than a reflection of exact field variation. Given the uniform sampling density, curving the boundaries would not alter the distribution or total area of Grades 3a and 3b within the site, and the change would be purely cosmetic. Therefore, the use of straight versus curved boundaries has no effect on the conclusions of the assessment within **Chapter 12: Socio-Economics and Land Use** of the ES **[AS-016]**, as the classification is determined by the underlying dataset rather than the graphical representation of the boundary.
FS.1.06	Applicant	**Assessment methodology – receptor sensitivity** a) Explain why grade 3a land is defined as "medium" sensitivity in Table 12-10 in ES Chapter 12: SocioEconomics and Land Use **[AS-016]** when the guidance published by the Institute of Environmental Management and Assessment, referred to in paragraph 12.4.19 of **[AS-016]**, indicates that the sensitivity should be classed as "high". b) If the sensitivity should be defined as high, explain the implications for the assessment reported on **[AS-016]**. For example, paragraph 12.7.44 in **[AS-016]** considers that the permanent loss of agricultural land, which would include 1.5ha of BMV land, would be a minor adverse effect, but a high sensitivity receptor would result in a moderate adverse and significant effect when applying the approach described in Table 12-14 of **[AS-016]**. The applicant addressed this matter during ISH1, in response to a point raised by NKDC. It would nevertheless assist the ExA and potentially other interested parties, in particular Natural England who raised this as an issue in **[RR-202]** (issue NE10), if the applicant would provide a written explanation.	The Applicant's responses are set out below relative to each itemised query. a) The Applicant acknowledges that the terminology used in the assessment presented in ES Chapter 12: Socio-Economics and Land Use **[AS-016]** differs to the terminology set out in IEMA's 'A New Perspective on Land and Soil in Environmental Impact Assessment[1]. However, the IEMA Guidance (page 51) note: "*Furthermore, when using the above matrices within an ES, the terminology of the tables may need to be adapted to align with a wider EIA reporting terminology framework used within a specific ES.*" The Applicant sought to adapt the significance criteria to align with the structure presented in **Chapter 5: EIA Methodology [APP-030]**, where the example matrix in Table 5-1 does not include a 'Very high' category for receptor sensitivity. This was to avoid skewing the effects; otherwise, all-but-imperceptible impacts on Grade 1 or 2 land would be significant. The result of this was Grade 1 and 2 land being then classified as 'High' rather than 'Very high' and Grade 3a land becoming 'medium' sensitivity rather than 'High'. b) Applying the IEMA guidance stringently, as requested by Natural England (NE), it is not considered to change the ES conclusions. There are three elements to the Proposed Development: land affected temporarily during construction and reinstated; land used in operation and then returned to farming after decommissioning, and land that is permanently lost from farming. The latter is considered most critical. There is 4.6ha (11.4 acres) of land that is classed as permanently lost as a result of the Proposed Development, due to the proposed landscaping that the Applicant does not intend to remove during decommissioning. Of this, 1.5ha (3.7 acres) is Grade 3a (BMV land). The area of loss is less than 5ha (12.4 acres) and therefore amounts to a minor magnitude of impact, for either a High (on BMV land) or Medium (on non-BMV land) sensitivity; this results in a Slight effect on the non-BMV land, and Slight or Moderate on the BMV land, whether or not the land is classified as being of medium or high sensitivity. Given the area of

[1] IEMA (2022) A New Perspective on Land and Soil in Environmental Impact Assessment

			BMV lost is over 3 times less than the 5ha threshold, it is appropriate to conclude a Slight effect, which in the ES would correspond with a minor adverse effect that is not significant. Furthermore, this land is not truly lost from farming forever; the landowners/farmers can choose to remove the landscaping/planting in the future (and part of this is the community orchard, which technically is a form of agricultural use). 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 result in 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 (irrespective of the receptor sensitivity / ALC grade). This corresponds with a Slight effect (for High and Very High sensitivity soils), which in the ES would correspond with a minor adverse effect that is not significant. Finally, the land under the solar panels constitutes a mix of Grade 3a (High sensitivity) and 3b (Medium sensitivity) land. The soil is still present (it is not displaced) and following implementation of good soil handling and construction methods (secured through the Framework SMP **[REP1-037]**) the soil should maintain the same ALC or recover to this status. It would also still be available for sheep grazing under panels which itself is still a form of agricultural land use, although not arable. There is no discernible loss or reduction of soil functions or soil volumes that restrict the current farming activity. It is acknowledged that a farmer would not attempt to grow wheat or many other crops due to the obstacle that the solar infrastructure presents, however the soil would allow this if the panels were removed. Rather than attribute a Moderate, significant adverse effect to the change of land use followed by a moderate, significant beneficial effect when the panels are removed and facilitate arable farming again, it is considered appropriate to assign a Negligible magnitude of change to this impact, which results in a Slight effect. This corresponds with a minor adverse effect using the ES terminology, that is not significant. As such, it is considered that the conclusions within **Chapter 12: Socio-Economics and Land Use** of the ES **[AS-016]** remain unchanged, and the effects with regards to the permanent loss of the 1.5ha (3.7 acres) of BMV as a result of ecological enhancements associated with the Proposed Development, and the long term, reversible change of use of 282.9ha (699 acres) of BMV (relating to the Solar PV Array elements of the Proposed Development) is considered a 'minor' adverse effect. It is therefore not considered necessary to update the ES to change the criteria for sensitivity in this instance and it would have no bearing on the outcome of the assessment.

<table>
<tr>
<td>FS.1.07</td>
<td>Applicant</td>
<td>Land take
a) Provide details of the amount of land take, including the Agricultural Land Classification (ALC) classification where relevant, for each of proposed Work Nos 1 to 9 inclusive.
b) Plate 6-1 within the Planning Statement [AS-098] shows the areas proposed for solar arrays and arable and bird mitigation together with agricultural land. Provide a similar plan which also includes the other components of the proposed development notably the BESS and substation.</td>
<td>a) Table 1 below presents the ALC grade by Works No. It should be noted that Works Areas overlap and therefore the sum of the table below is far greater than the sum of the area of the Order limits.

Table 5: ALC Grade by Works No. for the Proposed Development
<table>
<tr><th></th><th>Grade 3a</th><th>Grade 3b</th><th>No Data/ Not Agriculture</th><th>Sum</th></tr>
<tr><td>Works No 1 Solar Areas</td><td>122.6 ha
303.0 acre</td><td>313.9 ha
775.7 acre</td><td>22.1 ha
54.6 acre</td><td>458.6 ha
1133 acre</td></tr>
<tr><td>Works No 2 AC BESS</td><td>3.7 ha
9.2 acre</td><td><0.01 ha
0.01 acre</td><td>0 ha
0 acre</td><td>3.7 ha
9.2 acre</td></tr>
<tr><td>Works No 3 DC BESS</td><td>120.3 ha
297.3 acre</td><td>296.3 ha
732.2 acre</td><td>31.4 ha
77.6 acre</td><td>448.0 ha
1107 acre</td></tr>
<tr><td>Works No 4 Main Substation</td><td>0 ha
0 acre</td><td>0.16 ha
0.4 acre</td><td>1.4 ha
3.5 acre</td><td>1.56 ha
3.9 acre</td></tr>
<tr><td>Works No 5a HV Cable Route</td><td>2.25 ha
5.6 acre</td><td>31.1 ha
76.8 acre</td><td>351.1ha
867.6 acre</td><td>384.4 ha
950.0 acre</td></tr>
<tr><td>Works 5b Substation Works</td><td>0 ha
0 acre</td><td>0 ha
0 acre</td><td>0 ha
0 acre</td><td>0 ha
0 acre</td></tr>
<tr><td>Works No 6 Interconnecting Cables</td><td>202.1 ha
499.4 acre</td><td>471.3 ha
1165 acre</td><td>37.0 ha
91.4 acre</td><td>710.4 ha
1755.4 acre</td></tr>
<tr><td>Works No 7 Temporary Construction Compounds</td><td>2.0 ha
4.9 acre</td><td>3.9 ha
9.6 acre</td><td>0 ha
0 acre</td><td>5.9 ha
14.5 acre</td></tr>
<tr><td>Works No 8a Highway Works</td><td>1.7 ha
4.3 acre</td><td>4.1 ha
10.2 acre</td><td>1.5 ha
3.6 acre</td><td>7.3 ha
18.1 acre</td></tr>
<tr><td>Works No 8b Ancillary Road Works</td><td>3.0 ha
7.4 acre</td><td>5.6 ha
13.8 acre</td><td>3.0 ha
7.4 acre</td><td>11.6 ha
28.6 acre</td></tr>
<tr><td>Works No 9 Landscaping Works</td><td>0 ha
0 acre</td><td>0 ha
0 acre</td><td>20.0 ha
49.4 acre</td><td>20.0 ha
49.4 acre</td></tr>
</table>
b) A plan which shows the ALC overlaid with the components of the Proposed Development is presented in Figure WQ1-3 of Appendix A.</td>
</tr>
<tr>
<td>FS.1.08</td>
<td>Applicant</td>
<td>BMV land – permanent loss
Paragraph 12.7.44 in ES Chapter 12: Socio-Economics and Land Use [AS-016] explains that the only areas of agricultural land considered to be permanently lost would be areas of planting and habitat creation introduced as part of the proposed development. The extent of permanently lost agricultural land would be 4.6ha, of which 1.5ha would be BMV land (Subgrade 3a).

Explain why all areas of planting and habitat creation would not be on lower quality land, given the statement in paragraph 2.10.29 of National Policy Statement for Renewable Energy Infrastructure EN-3 (NPS EN-3 2023) that 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 BMV agricultural land where possible.</td>
<td>Firstly, it is worth noting that the ES assessment considers this permanent loss because the Applicant does not propose to remove the vegetation planting which does not need to be removed to facilitate decommissioning of the Proposed Development. It is not permanent in the sense of the word, however: the landowner/farmer would be able to reinstate the 4.6ha (11.4 acres) of planting to farmland after decommissioning if they were to so choose and receive any necessary consents. The ES has taken a worst-case approach in this regard to the assessment of effects.

Approximately 41% (0.62ha (1.5 acres)) of the 1.5ha (3.7 acres) BMV land used for planting is the (northern part of) the community orchard that is proposed adjacent to Witham St Hughs (illustrated on the indicative layout plans [AS-022 and AS-023]) . Although this land is assessed as a permanent loss in the ES, an orchard is unequivocally still an agricultural use in planning terms and therefore not strictly lost from agricultural use. Irrespective, the planting in this location was chosen to provide</td>
</tr>
</table>

			a buffer and vegetation screening from solar panels to the east of Witham St Hughs and to provide an area of community access close to the village. The benefit of the community orchard is lost if the planting were to be proposed elsewhere on site. The other planting on BMV land is made up of linear hedges (some with scattered trees), which are located at field boundaries (illustrated on Appendix A Landscape Mitigation Plan in the Framework Landscape and Ecological Management Plan **[REP1-039]**. This would have minimal impact on farming activities, as some fields already have good field margins due to the size of machinery used and/or environmentally friendly farming methods. These hedges offer visual screening and their relocation on lower quality land would therefore not mitigate potentially significant effects, leading to new significant effects on visual amenity or from theoretical glint and glare, which the Applicant is keen to avoid.
FS.1.09	Applicant	**Restoration of solar farms to productive farmland** Provide any examples in the United Kingdom or in another country where at the conclusion of the operation of a solar farm(s) there has been restoration of the affected farmland to its original ALC classification. This point was considered during ISH1 in response to a point raised by NKDC. It would nevertheless assist the ExA and potentially other interested parties if the applicant would provide a written explanation. In doing so the applicant should provide details of the research that was referenced on whether soil quality improves or is affected negatively by solar farms.	The Applicant is not aware of any examples where at the conclusion of operation of a solar farm there has been restoration of the affected farmland to its original ALC classification. Most solar farms worldwide are less than 15 years old and therefore have not yet been decommissioned, or the soil condition has not been recorded. Many other countries also do not have classification of land and soil quality akin to the UK where it is important to monitor changes in ground conditions. There are however examples of UK projects that have installed pipelines or buried cables where the soil has been successfully reinstated, which the Applicant considers to be relevant to the Proposed Development. These other types of projects have had soil excavated, stored, reinstated, and heavy vehicles and construction plant onsite, in a similar way to the construction of a solar farm and mimicking the cabling works. They demonstrate that excavated soil that is disturbed and stored can be reinstated adequately. Examples include Triton Knoll (offshore wind farm) onshore cable route which is a 57km buried HV dual cable circuit that underwent staged reinstatement and monitoring, and the Rampion Offshore Wind Farm cable route, which is a 27km buried cable circuit. The Applicant's consultants have also worked on onshore wind farms where peatland has been successfully reinstated after construction, such as Whitelee Wind Farm in East Kilbride (although peatland habitat is not present within the Order limits for the Proposed Development). During ISH1 the Applicant referred to the availability of new studies on soil quality in operational UK solar farms. This comprised the Welsh Government / ADAS report (2023)[2] which looked at some schemes in Wales and England, and the more comprehensive study undertaken by Lancaster University in 2025[3] alongside University of York and the UK Centre for Ecology & Hydrology, which looked at 32 UK solar farms. Both studies identified that issues from soil compaction can occur if construction works are undertaken during wet weather / periods of heavy rain and sufficient controls are not in place, with the Welsh Government / ADAS report

[2] The impact of solar photovoltaic sites on agricultural soils and land quality: summary (2023) Welsh Government

[3] Plant and soil responses to ground-mounted solar panels in temperate agricultural systems (2025) Carvalho, F, Montag, H *et al.*

			concluding that "*a soil resources and management plan is key*" therefore to avoid this; the Applicant agrees with this and this will be achieved through the detailed SMP (Requirement 15 of the Draft DCO **[REP1-007]** secures the delivery of a SMP substantially in accordance with the Framework SMP **[REP1-037]**). The Lancaster University study concluded overall from the 32 operational solar farms considered that with these controls in place "*Solar farms can be designed and managed to deliver positive plant and soil outcomes*".
FS.1.10	Applicant	**Food security** Respond to concerns raised in multiple relevant representations, such as **[RR-028]**, **[RR-066]**, **[RR-081]**, **[RR-172]**, **[RR-174]**, **[RR-220]**, regarding the impact of the proposed development on the UK's food security and Lincolnshire's role in that. The response to this question should include an estimate of loss in yield due to the proposed development.	Critically, the key document on UK food security is the DEFRA UK Food Security Report 2024[4], which concludes, "It is plausible that with continued growth in output and conducive market conditions, that food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments." To reach the Government target of 90GW of solar we will require in the order of 66GW more ground mounted solar[5], which is expected to use 1% of the UK's 9 million hectares (approximately 22 million acres) utilised agricultural area. The DEFRA UK Food Security Report is clear that farming output fluctuates much more than 1% each year due to the weather, with continuous improvements in crop yield per acre year on year. The potential for the Proposed Development to impact upon food production is considered in **Chapter 12: Socio-Economics and Land Use** of the ES **[AS-016].** The Applicant acknowledges the relevant representations regarding the current agricultural use of land within the Order Limits, however, it is important to place the scale and nature of land use into context. The total land area required for the Proposed Development represents approximately 0.09% of the total farmland within the East Midlands and 0.2% of Lincolnshire, and therefore constitutes a very small proportion of the region and county's agricultural resource. It is the Applicant's understanding that 1,070 (2,644 acres) of Grade 3a/3b farmland in Lincolnshire might be expected to roughly yield up to 12,000 tonnes of wheat per annum. However, not all of the land within the Principal Site is currently used for food production, nor is this required under the current use. Approximately 50% of the land within the proposed Principal Site is currently used for the cultivation of non-food crops (biofuel and animal feed). Of this, the majority (approximately 81%) is grown for use as fuels for plant carbon-based energy sources, rather than for direct human or animal consumption. Approximately 40% of the Principal Site is therefore currently used for biomass and bioethanol production in fuels, rather than human or animal food. 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.

[4] United Kingdom Food Security Report 2024 (2024) Department for Environment, Food and Rural Affairs

[5] DESNZ's latest published statistics (Electricity Section 5: Energy Trends statistics and Digest of UK Energy Statistics (DUKES)) shows the UK has 23.8GW ground mounted and roof mounted solar as of December 2025. An additional 66.2GW is required to achieve 90GW

			The Principal Site also includes a significant portion of retained arable land (a minimum of 181ha (447 acres) of retained arable land is secured via the **Framework LEMP [REP1-039]**, which allows current farming practices to continue whilst also providing other benefits, such as mitigation for ground nesting birds. This retained arable land includes approximately 116ha (287 acres) of Subgrade 3a BMV agricultural land. In total, 48% of the Principal Site could continue to be farmed for food production (although noting some of this has the flexibility to be grassland, with the final use to be determined with landowners/farmers post-consent). In summary, with approximately 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 in fact produce more human food during operation than it does now – albeit this depends on landowner/farmer decisions.
FS.1.11	Applicant LCC NKDC Natural England	**Framework Soil Management Plan** Within the Framework Soil Management Plan **[AS-100]** mention is made of a number of documents that would need to be referred to for the management of soils, for example, the soil resource survey, DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites document, as well as the SMP. a) **Applicant** - for each element of the proposed development, explain the approach to managing soils during construction, operation and decommissioning. This should include the methods for stripping, storing and replacing soils, including during wet weather, and activities during the aftercare period. b) Comment on other matters which you consider should be included in a final soil management plan to ensure that it provides an appropriate basis for the preparation of a detailed plan for the management of soils during construction, operation and decommissioning.	It is intended that the detailed SMP would provide this level of detail. The request by the ExA goes beyond the purpose of a framework management plan and is requiring more detail than has been necessary in previous made DCOs. However, soil stripping methods would follow one of the suggested methods as described in the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Workings[6]. Standard good practice measures will be emphasised including handling soils in a dry and friable state; keeping topsoil and subsoil separate; minimising the number of occasions for soil handling by direct transfer of material from donor to receptor areas; no trafficking of reinstated soils; and daily records of operations. The creation of stockpiles will be designed so that there is no pollution risk to watercourses, nor an increase in flood risk. Trafficking on stockpiles will be prohibited, and seeding will be used if stockpile duration exceeds 6 months. Direct excavation and restoration of the soil from the stockpiles using a long-reach back-acting/360° excavator is a preferred method but the size of earthmoving plant will be tailored to the area of reinstatement. Soils will be tested by hand for moisture before being worked. The precise methodology will be incorporated in the detailed SMP. Stop conditions will be included in the detailed SMP requiring work to be suspended during certain weather conditions. Other matters to be included in the detailed SMP will relate to site machinery and vehicle movements. Measures to maintain biosecurity will be included. Identifying reasons for exceptions may be incorporated into the SMP, for example deviation from optimum soil handling conditions.
FS.1.12	Applicant Natural England	**Framework Soil Management Plan – topsoil** Paragraph 5.4.1 of the Framework Soil Management Plan (FSMP) **[AS-100]** refers to any significant vehicular movement over topsoil being restricted.	The **Framework SMP [REP1-037]** provides an outline of commitments which will be further developed in the detailed SMP to be provided post-consent. Stockpiles will be designed such that trafficking of the pile is generally not required and trafficking will not

[6] Institute of Quarrying (2021) Good Practice Guide for Handling Soils in Mineral Workings

		a) **Applicant** - explain how "significant" would be defined, for example, by type of vehicle, by number. b) Should this requirement be more definitive, for example, it should not happen except for the purposes of stripping operations?	be allowed except for specified operations. For example, it is possible that vehicles will be used in seeding operations or vegetation management. The word 'significant' is intended to refer to vehicle weight that would affect the topsoil. Specification of vehicle type and weight will not be incorporated in the SMP to allow contractors to match machinery to a task and owing to the anticipated evolution of vehicle design over the course of the operational lifetime of the Proposed Development. The Applicant does not consider there to be a need to expand on this commitment at this stage but welcomes NE's comments on this.
FS.1.13	Applicant	**Framework Soil Management Plan – offsite uses** Section 6.7 in FSMP **[AS-100]** refers to potential off-site uses for materials including topsoil. Explain why soils would need to be removed rather than being retained for re-use on-site.	Removal of soils is not expected or planned for the Proposed Development. An example of when this would happen is if LCC requires onsite minerals (sand/gravel/limestone/clays) to be extracted before construction, although the Applicant does not consider a need for this or anticipate it to be required. Soils may also need to be removed in the event that contamination is identified and the best remedial measure agreed with LCC is removal offsite for treatment or disposal. However again, based on the **Preliminary Risk Assessment** (Appendix 14-C of the ES) **[APP-170]**, this is not expected to be required.
FS.1.14	Applicant Natural England LCC NKDC	**Framework Soil Management Plan – restoration** Restoration to previous quality appears to be one of the reasons for a finding of minor adverse effect for the land temporarily affected (paragraph 12.7.42 in ES Chapter 12: Socio-Economics and Land Use **[AS-016]**. It is also referenced in SOC-C3 in the FCEMP **[APP-189]**. Given this context, should there be a stronger commitment in the FSMP to restoring to the predevelopment grade of agricultural land? If not, explain why that is considered to be the case?	SOC-C3 in the **Framework CEMP [REP1-031]** already provides a commitment that: "*The agricultural land within the Cable Corridor is only temporarily required during construction and will be restored to the current ALC grade*". For consistency, the Applicant has updated the Framework SMP **[REP1-037]** to include this commitment and submitted it into the Examination at Deadline 1 (see Paragraph 7.1.4). Compliance with the SMP is provided for under Requirement 15 of the Draft DCO **[REP1-007]**. It is considered that the ExA's suggestion has therefore been fulfilled and no further action is required on this matter.
FS.1.15	Applicant Natural England	**Framework Soil Management Plan – aftercare** Paragraph 7.2.3 in the FSMP identifies that the period for aftercare would be determined during the preparation of the Soil Management Plan, the period of aftercare would be agreed with landowner and it would be the responsibility of the appointed person to determine when the reinstatement standard had been met. a) **Applicant** – what is the reasoning behind not establishing a more clearly defined aftercare period at this stage? b) Is there a need for a clearer definition of when land would be put into aftercare, for example, following the completion of topsoil replacement?	The period of aftercare refers to active management of the soil. Monitoring is expected for the full duration of the operational phase of the Proposed Development, but aftercare (intervention) is only required where monitoring identifies it is needed, from indicators such as vegetation performance, infiltration rate, or erosive rills. The Applicant expects aftercare to be able to cease after a few years of operation of the Proposed Development, but may be required again later during the operational phase if there is a need for heavy equipment onsite (especially during wet conditions), such as if there is repowering of the Proposed Development during the 60 year operational period or the need for maintenance activities during wet weather. It is suggested that the host authorities and Natural England will agree whether after care intervention is required following the review of each monitoring report. Therefore, the Applicant does not consider that a clearly defined aftercare period is required to be established.

FS.1.16	Applicant Natural England	**Framework Soil Management Plan – aftercare** Section 9 of the Framework Soil Management Plan **[AS-100]** addresses soil maintenance (aftercare requirements). It refers to green spaces and input from a landscape specialist. a) **Applicant** – would the aftercare requirements also apply to areas that would be returned to an agricultural use such as in the cable corridor? b) If so, should the specialist soils consultant referred to in paragraph 4.5.1 of the FSMP **[AS-100]** be identified as having a role in aftercare, as indicated in that paragraph?	Section 6.9 of the **Framework SMP [REP1-037]** (there is no section 9) was specifically written to apply to the Principal Site. It is expected that after installation of the export cable the farmers would want to reseed the fields in the next growing season and would therefore carry out any ploughing, seeding, and maintenance activities as part of their normal farming operations. The Applicant would work with the landowners / farmers within the Cable Corridor to ensure that following the construction of the Cable Corridor, the land is returned in a condition that can continue to be farmed (i.e. it's original condition or better). It is not proposed that the Cable Corridor is seeded with grass by the Applicant; it would continue to be managed by the landowner and farmers following installation of the export cable circuit. The specialist soils consultant referred to would be involved in the soil handling measures in the Cable Corridor and subsequent handover to the landowners/farmers. It is not expected that aftercare will be required in respect of the Cable Corridor and therefore it is not considered that Paragraph 4.5.1 of the **Framework SMP [REP1-037]** needs amending.
FS.1.17	Applicant	**Framework Soil Management Plan – monitoring** Paragraph 7.2.3 of the FSMP **[AS-100]** identifies that a monitoring schedule must be determined prior to the compilation of the Soil Management Plan. Provide more detail on the aims for the monitoring and what it would cover.	With reference to Paragraph 7.2.3 of the FSMP **[REP1-037]**, the monitoring schedule would be determined by the soil expert prior to compilation of the SMP and then presented in the SMP for the consideration of the councils and Natural England. Paragraph 7.2.3 clarifies this by saying the monitoring schedule will be "determined and set out within the SMP". The Applicant expects that the host authorities and Natural England (NE) will want to see evidence that the soil is not damaged and the Applicant seeks to provide such evidence through the monitoring. Soil quality can be affected if soil is compacted, as well as changing local hydrology by causing ponding/pooling. Monitoring during and after construction will confirm no issues, or where issues are identified through soil compaction for example, remedial measures for agreement with the host authorities and NE. It is expected that these parties will also want to see some monitoring during operation and following decommissioning, likewise for confirmation the measures in the detailed SMP have been adequate or so that remedial measures can be identified and carried out. Visual monitoring would identify local ponding/pooling, which is evidence of soil compaction, which allows the identification of areas that require rectification. This would be supplemented by soil probe tests and lab analysis. The detailed SMP would outline the sampling frequency, analytes, and location of sampling.
FS.1.18	Applicant	**Farm holdings** Work No. 5A relates to the works in the cable corridor. The Proposed Development Parameters document **[APP-187]** refers to a minimum soil cover of 0.9m in areas of farmland and identifies several bits of infrastructure such as manholes, marker poles, joint bays. Comment on the extent to which the proposed soil cover and other infrastructure associated with the cable corridor would be a constraint to	Work No. 5A in the Cable Corridor will be covered by 0.9m of soil, which is sufficient to allow arable farming. The Applicant is not proposing any planting, fencing, hedging, or other equipment in the Cable Corridor following installation. There will not be manholes and any marker poles are unlikely to be required and, if included, would be located at field margins out of the way of agricultural activity .Jointing bays are usually closer to the ground level (approximately 0.5m below ground level) and tend to be located at field boundaries, where they would have minimal impact on subsequent farming

		farming activities, including any specific planting, fencing, hedging, equipment or other uses.	activity; this detail would be discussed with landowners and the host authorities at the detailed design stage.
FS.1.19	Applicant	**Farm holdings** In the summary of the scoping opinion responses presented in Table 12-1 in ES Chapter 12: Socio-Economics and Land Use **[AS-016]**, it is stated that a reduction in farming employment has been assessed as part of the assessment of employment during operation. The reference in the assessment of employment during operation appears to be at paragraph 12.7.52 which identifies that it has been confirmed by all landowners that there is expected to be no job losses resulting from the removal of agricultural land. Signpost where in the documentation the evidence on this is.	As noted, paragraph 12.7.52 of **Chapter 12: Socio Economics and Land Use [AS-016]** states that "*It has been confirmed by all landowners that there is expected to be no job losses resulting from the removal of agricultural land. It is expected that when the rent revenues from the land start, then there will be additional jobs created on their farms offsite as landowners diversify their land further with the underlying financial stability of the rental income*". Evidence of these emails is collated in **Appendix D**. This matches a survey of farmers by Solar Energy UK in its Farming Sustainably Report[7], which notes that most farmers surveyed welcome the additional revenue stream which can be reinvested in other parts of the land holding or employing additional staff. The assessment also mentions there will be an estimated four permanent workers during operation and up to 20 other staff per day during operation. Paragraph 12.7.53 of **Chapter 12: Socio Economics and Land Use [AS-016]** assesses the above together and concludes no net change, which results in a Neutral effect. This is considered not significant. Further assessment was not considered necessary in the ES given the effect is clearly not significant.
FS.1.20	NKDC LCC	**Cumulative Effects** The applicant has assessed the cumulative effects for agriculture in section 12.10 of ES Chapter 12 (Socio-Economics and Land Use) **[AS-016]**. Table 12-29 on page 71 presents the applicant's estimates of BMV land under solar infrastructure for solar NSIPs in Lincolnshire (including the unitary authority areas), with the applicant estimating in paragraph 12.10.15 in **[AS-016]** that other solar NSIPs in Lincolnshire, together with the Proposed Development would occupy approximately 1.4% of the BMV land in the County. What are the Councils' views on the applicant's consideration of the cumulative effects for agriculture?	**N/A**
FS.1.21	Applicant	**Sheep Grazing** In terms of managing the proposed solar array areas documents such as the FLEMP **[AS101]** refer to either sheep grazing or the use of machinery.	The Applicant's responses are set out below relative to each itemised query. a) The Applicant's intention is to use sheep grazing to manage the grass vegetation under solar panels but is unable to commit to this at this point as it is too early to sign contracts with graziers. This approach is currently a more practical and

[7] Solar Energy UK (2025) Farming Sustainability Report

		a) Should a requirement be included in any made DCO for the proposed development securing the undertaking of grazing? b) Paragraph 12.7.67 (page 62) in Chapter 12 of the ES **[AS-016]** identifies a minor beneficial effect. Clarify whether that relates to soil quality, and whether it would be dependent on the undertaking of conservation grazing.	economical solution than mechanical mowing and the Proposed Development has been designed in order to retain the flexibility to facilitate sheep grazing under the solar PV array, with the panels being a minimum of 0.8m above ground level (as specified in **Proposed Development Parameters [REP1-029]**), which would allow sheep to freely move under panels. Like most solar developers the Applicant does not have a sheep grazing arm to its business and would rely on local companies and/or farmers to provide and manage the sheep. Any contracts with graziers would be signed after consent – it is too early at this stage to engage in legal contracts with graziers ahead of knowing whether the Proposed Development will obtain a made DCO – and therefore, in the absence of this guarantee, it is not considered appropriate to include a Requirement for grazing. It is worth noting that sheep grazing in solar farms is a relatively new industry in the UK, with the farmers earning revenue from the sheep maintaining the grass, rather than from meat, milk or wool. There are now companies in the UK that match graziers with solar farms. It is a niche business and differs from traditional sheep farming where the aim is to make profit from the wool, milk or meat. The sheep farming in this respect has a sole grazing purpose, so the comparison would be against the cost of mechanical grass cutting. Regardless of this emerging business, at present, most UK solar grazing arrangements are currently brokered through NFU local branches, county farm groups or land agents. The Applicant has no reason therefore to think there would not be graziers willing to sign up to graze the land. b) Paragraph 12.7.67 of **Chapter 12: Socio Economics and Land Use** of the ES **[AS-016]** does not rely on sheep grazing. None of the assessments in the ES rely on sheep grazing, as grazing is not guaranteed and therefore does not form a definite part of the application.

2.6 Historic Environment questions

Table 0-6: Applicant's Responses to the Examining Authority's Historic Environment questions

Historic Environment (HE)			
HE.1.01	Applicant	**Effects of decommissioning works on archaeological remains** In section 3.3 of the Framework Decommissioning Environmental Management Plan **[APP-191]** it is stated *"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"*. In relation to the installation and removal of the supporting legs for the proposed solar "panel mounting structures", which in the case of the single axis tracker type could have a ground penetration of up to 4.0 metres Table 3-2 in **[APP-028]** identify/explain: a) The estimated number of legs that would be installed for the proposed fixed panel and single axis tracker options. b) The anticipated procedure for removing the legs, including the anticipated depth and extent of any below ground disturbance and the volume of any earth displaced (brought to the surface) as part of the process of extracting the legs.	Responses: a) **Proposed Development Parameters [REP1-029]** does not specify the number of mounting structure legs (piles). **Chapter 3 The Proposed Development of the ES [REP1-015]** gives an indicative number of 575,000 panels for the fixed south facing configuration and 510,000 panels for the single axis tracker configuration, however the spacing of the piles varies by manufacturer. It is also reasonable to assume that the fixed south facing configuration will have front and rear support piles, whereas the single axis tracker configuration could have a single pile more widely spaced apart supporting the axis (and therefore potentially fewer piles). Taking the fixed south facing configuration and assuming 4-6 panels per table with 2 in portrait, with 2 driven piles per table, there could be in the order of 200,000 – 300,000 piles driven into the ground across the site, as a reasonable worst-case estimate. For a reasonable best case estimate, a single axis tracker configuration with a single pile support, may have 75,000 – 100,000 piles across the site. These numbers are not secured however, and flexibility is required to enable the Applicant to consider the full range of manufacturers, suppliers and installers. The number of piles is irrelevant to the environmental assessments in the ES, except for flood and drainage, which calculates the impact on displacement of flood water by introducing obstacles into each field. Annex G of Appendix 9-C: Flood Risk Assessment of the ES **[REP1-023]** includes a calculation of the area taken up by piles where relevant; this has been based on a fixed south facing configuration, which presents a worse impact than the single axis tracker configuration (which has fewer piles). What has been assessed therefore presents a reasonable worst-case scenario. With regard to the assessment of potential effects upon archaeological remains during decommissioning works, the number of legs that would be installed is not a material consideration of the decommissioning phase assessment – as noted at paragraph 7.7.49 of Chapter 7: Cultural Heritage of the ES **[APP-032]**, there is a degree of uncertainty regarding potential harm upon the archaeological remains during the decommissioning phase as the likely methodology of the removal of the Solar PV infrastructure may differ as a result of potential changes in technology during the 60 years of operation. Whilst removal of piles may impact archaeological remains which survive just outside the areas of disturbance caused during the construction works, when decommissioning methods are clarified, appropriate measures to ensure protection or appropriate recording of archaeological remains during decommissioning will be incorporated into the detailed DEMP, which will be agreed with local authority. For clarity, the Framework DEMP has been updated (to be submitted to the Examination at the next available deadline), to include the following at CH-D1: "*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 the detailed DEMP. If deemed necessary, an Archaeological Clerk of Works and Archaeological Management Plan can be agreed." Further details on the matter of archaeological impacts can be found within the Framework WSI **[AS-001]** (to be updated/finalised). However, this is likely to be immaterial/negligible and still considerably less disturbing to archaeological remains than the ongoing ploughing regimes. b) Neither the application (**Proposed Development Parameters [REP1-029]**; **Chapter 3 The Proposed Development** of the ES **[REP1-015]**) or **Framework DEMP [REP1-035]** are specific on the method of removal of the solar PV mounting structures that penetrate the ground. The reason for this is that there are different installation methods. Some piles are driven/rammed into the ground, whilst other options are screwed piles or using ground anchors. The latter are less common and unlikely to be used but would be pulled out using hydraulic jacks. Helical screw piles are unscrewed out of the ground, which has fairly minimal soil disturbance. Driven piles are long H-shaped beams or C-shaped channel posts hammered into the soil during construction, which are currently removed by a pile extractor or pile driver clamping onto the pile and applying a backward/upward force to withdraw the pile. It is expected that the piles would be pulled out intact but any that are corroded may be cut off below ground level at a level to be agreed with landowners and in the DEMP prior to their removal. It can be anticipated that, as a realistic worst-case scenario, the soil / material being 'held within the frame' of the H-shaped or C-shaped pile would be displaced during their extraction. Further to this, some soil / material may also become adhered to the outside faces of the pile, and that this might also be displaced during extraction. Thus, in the worst-case scenario a total displaced horizontal area, for a select few (not all), of the piles of c.20cm x 20cm could occur. As noted in paragraph 7.7.49 of Chapter 7 Cultural Heritage of the ES **[APP-032]**, this horizontal area, along with the expected depth of piling, within the unlikely scenario of a coincidently located pile and buried archaeological feature of particular interest, would result in an immaterial / negligible effect. This effect is considered to be less disturbing than the effects of ongoing and anticipated ploughing regimes (i.e. an improvement / benefit when measured against the baseline environment).shaped beams or C-shaped channel posts -shaped beams or C-shaped channel posts As detailed in the **Framework DEMP [REP1-035]** and **Framework SMP [REP1-037],** there would be a post-restoration survey of agricultural land to determine the need for any rectification measures (which would likely involve deep ploughing).
HE.1.02	NKDC	**Conservation area character appraisals and management plans** Submit copies of maps and any adopted or emerging conservation area appraisals and management plans for the following conservation areas: a) Bassingham b) Boothby Graffoe c) Coleby d) Navenby	**N/A**

2.7 Land Rights (Compulsory Acquisition (CA) and Temporary Possession questions

Table 0-7: Applicant's Responses to the Examining Authority's Land Rights (Compulsory Acquisition (CA) and Temporary Possession questions

Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) (LR)			
LR.1.01	Applicant	The applicant answered this question during the course of CAH1.	**N/A**
LR.1.02	Applicant	The applicant answered this question during the course of CAH1.	**N/A**
LR.1.03	NKDC	**Clarification as to whether any of the land included in the Order Limits for the proposed development should be considered as being commons or open spaces for the purposes of s131 and/or s132 of PA2008** With respect to the proposed Order Limits within the Witham Valley Country Park, advise as to whether any of that land should be considered as being special category land for the purposes of sections 131 and/or 132 of the PA2008? Any part of the Order Limits that is considered to be constitute special category land should be identified on a plan and the reason(s) for that conclusion should be given. In answering this question, further to the applicant's response to a similar question asked during the course of Compulsory Acquisition Hearing 1, the council is requested to have regard to the provisions of s131(4B)(c) and s132(4B)(c) and the definitions for special category land included in s131(12) and 132(12) of PA2008 and s19(4) of the Acquisition of Land Act 1981.	The Applicant has determined that there is no Special Category Land within the Order Limits. The Applicant understands that the Witham Valley Country Park is not recognised as a land based designation in the Central Lincolnshire Local Plan, but is promoted by NKDC as an area within which recreation is promoted. The definition of open space for the purposes of s131 and s132 of the Planning Act 2008 (PA 2008), which draws on s19(4) of the Acquisition of Land Act 1981, is any land laid out as a public garden or used for the purposes of public recreation, or land being a disused burial ground. The parts of the Witham Valley Country Park which lie within the Order Limits, do not fall within that definition. In particular, there are no parts within the Order Limits that are used for the purposes of public recreation. It should be noted that, even if there were open space within the Order Limits, regard must be had to the provisions of s131(4B) and s132(4B) of the PA 2008 which disapply the protective provisions of s131 and s132 of the PA 2008 where the acquisition is for a temporary, although possibly long term purpose. The Proposed Development is proposed for a temporary 60 year period – that is long term, but it is nonetheless temporary. Therefore, even if the land within the Witham Valley Country Park and within the Order Limits was considered to fall within the definition of open space, the provisions of s131(4B) and s132(4B) would disapply the protective provisions of s131 and s132 of the PA 2008.
LR.1.04	Applicant	**Proposals for providing BNG and meeting the conditions for the CA of land under s122 of PA2008** The applicant has made commitments to achieve minimum levels of around 30% BNG in habitat units and 50% BNG in hedgerow units, as stated in the submitted BNG Report **[APP-194]**, in response to the minimum level of 10% provision which is due to be enacted via s99 and Schedule 15 of the Environment Act 2021. It is intended that those BNG levels would be secured via Requirement 8 included in Schedule 2 of the dDCO. The applicant's proposed minimum provision of around 30% BNG in habitat units and 50% BNG in hedgerow units would exceed the minimum level to be enacted under the Environment Act 2021. With respect to the proposed CA of land for BNG:	a. The Applicant has committed to the delivery of a minimum of 30% BNG in habitat units, 50% BNG in hedgerow units and 10% BNG in watercourse units, as secured by Requirement 8 of Schedule 2 to the Draft DCO **[REP1-007]**. Therefore, the Applicant does not intend to seek the trading of any units which form part of the minimum BNG delivery committed to in the DCO. Given the commencement of the Proposed Development is some five years away, the Applicant has no way of knowing what projects may be in existence at that time which cannot deliver sufficient BNG and may require units traded from other projects such as the Proposed Development. The Applicant does therefore not consider it appropriate to place any form of restriction on the trading of BNG units as it is committed to the minimum delivery secured under Requirement 8 of Schedule 2 to the Draft DCO **[REP1-007]**.

		a) Confirm whether the proposed BNG provision would exclusively serve the proposed development or might be used to facilitate the trading of BNG credits capable of being traded with and purchased by other developers unable to accommodate onsite BNG provision within their proposed developments? b) Explain why it is considered the proposals for BNG provision would satisfy the conditions stated in subparagraphs (2) and (3) of s122 of PA2008 and meet the guidance included in the *"Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land"* (Department for Communities and Local Government, September 2013). The applicant's response to point a) should be included in the technical note to be submitted as an action arising out of the holding of ISH1.	b. As submitted by the Applicant during CAH1, and noted in the Written Summaries of Oral Submissions for the same **[REP1-045]**, there is no land subject to compulsory acquisition which is being acquired only for biodiversity net gain purposes. Where land that is included within the Order Limits contributes the Proposed Development's BNG provision, that land is also required for other purposes to mitigate the effects of the Proposed Development, as explained in those previous responses. As the Applicant is not seeking to compulsorily acquire any land solely for the purposes of BNG, there is no requirement to satisfy the conditions stated in s122(2) and s122(3) in relation to the BNG proposals. However, the Proposed Development as a whole satisfies these conditions as set out in the Statement of Reasons **[REP1-013]**.
LR.1.05	Applicant	Minimum landtake required to construct and operate the proposed development The submitted application documents variously refer to the proposed Order Limits having a gross area of 1,368 hectares (eg paragraph 1.2.2 in the Statement of Reasons **[APP-020]**) (an area that would be a little less if the applicant progresses it change request). The Examining Authority recognises that the proposed development would not necessarily need to occupy the entirety of the proposed Order Limits. For example, the exercising of any land rights within the proposed cable corridor that might be consented would not necessarily cover the entirety of Order Limits shown on the Land Plans **[AS-005]** and other plans accompanying the application. However, it is unclear what the necessary minimum landtake would need to be to provide a development cable of serving the 240 megawatt grid connection limit that has been secured. a) The Applicant is therefore requested to confirm what the minimum land area would need to be for each of the proposed works listed in Schedule 1 of the draft development consent order **[APP-016]**, namely Work Numbers 1, 2, 3, 4, 5A, 5B, 6, 7, 8A, 8B and 9, in order to be able to operate a development cable of generating sufficient electricity to serve the 240 megawatt gird connection limit that has been secured? b) How much of the gross area for the proposed Order Limits comprises public highway (either the strategic or local highway network) versus non-highway land?	a) Please refer to the Technical Guide, which is to be submitted to the Examination at the next available examination deadline. The areas shown on the **Works Plans [AS-105]** are larger than required where relevant during operation, primarily to provide flexibility for the detailed design and construction activities (for example, the detailed interconnecting and grid connection cable routing). The Technical Guide provides further justification as to the required flexibility and provides the areas of land required for the construction and operation of the Proposed Development, as requested by the Examining Authority. As the Proposed Development is not due to enter construction for another 5 years, the Applicant needs to retain a high level of flexibility to allow for the most optimal scheme to be provided at the detailed design stage. There has been a significant change in design and implementation of solar farms over the last 5 years, and the industry is improving the design, both from an engineering and energy harvesting point of view but also has reduced the environmental impacts of the construction period. Much of the flexibility can be split into categories; A) Technology – for example, this would be the flexibility between FSF and SAT, or centralised or distributed BESS; the intention of this flexibility is to allow the Applicant to bring forward the best technology from an engineering and energy harvesting point of view at the point of detailed design. B) Spatial flexibility – primarily this flexibility is for interconnecting corridors and the final cable route. This is to ensure that any information uncovered during the preconstruction surveying (Further Trial Trenching, Ground Investigations (GI) etc) does not result in a development barrier for the Proposed Development (for example, two indicative locations for trenchless crossing under the A46 are illustrated in Figure 3-12: Indicative Trenchless Crossing Locations of the ES **[AS-028]**, however this could potentially be one location once GI and agreement with National Highways is agreed. b) Based on the Land Plans **[AS-104]**, public highway comprises 293,523.33 sqm (i.e. 29.35 hectares, or 72.53 acres) of the Order limits. As such, non-public highway land comprises 1,324.92 hectares (3,273.95 acres) of the Order limits.

2.8 Landscape and Visual questions

Table 0-8: Applicant's Responses to the Examining Authority's Landscape and Visual questions

Landscape and Visual (LV)			
LV.1.01	Applicant	**Plans showing the locations for viewpoints and photomontages** Submit a plan clearly showing the locations for: a) the viewpoints included in ES Figure 10-8 Viewpoint Photography (Rev B) **[APP-095]** b) the photomontages included in ES Figure 10-10 Photomontages (Part 1) (Rev 1) **[APP-097]** and ES Figure 10-10 Photomontages (Part 2) (Rev 1) **[APP-098]**.	The viewpoints included in ES **Figure 10-8 Viewpoint Photography (Rev B) [APP-095]** as well as ES **Figure 10-10 Photomontages (Part 1) (Rev 1) [APP-097]** and **ES Figure 10-10 Photomontages (Part 2) (Rev 1) [AS-119]** are illustrated on ES **Figure 10-7 Zone of Theoretical Visibility – Barrier Earth, with Viewpoint Locations (Rev B) [AS-059].**
LV.1.02	NKDC LCC	**Applicant's methodology for assessing landscape and visual effects** Advise on whether you agree or disagree with the methodology the applicant has used to assess the proposed development's landscape and visual effects. If you disagree with any aspect of the methodology adopted by the applicant the reason for that should be explained.	**N/A**
LV.1.03	NKDC LCC	**Applicant's assessment of landscape and visual effects** The applicant has summarised the proposed development's effects for landscape and visual amenity for the fifteenth operational year in Table 10-13 in ES Chapter 10: Landscape and Visual Amenity **[APP-035]**. a) Advise on whether you agree or disagree with the applicant's classification of significance of effects, for both landscape and visual amenity, for the fifteenth operational year for each receptor summarised in Table 10-13 in **[APP-035]**? b) For any receptors for which you disagree with the applicant's classification of significance, state your preferred effect classification and explain why that is the case. c) For any instances of disagreement, you should also explain whether the provision of any additional or different mitigation would address your reasons for disagreeing with the applicant's assessment.	**N/A**
LV.1.04	NKDC LCC	**Visual effects for users of public rights of way (PRoW)** Paragraph 2.10.43 in NPS EN-3 (2023) states *"Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape.*[89]*"* Most of the proposed Order Limits through which PRoWs pass is open in character. To mitigate the visual effects of the proposed development for	**N/A**

		PRoW users the applicant is proposing to plant hedgerows. Having regard to the above quote from NPS EN-3 (2023), do you consider the planting of the proposed hedgerows would or would not be an appropriate form of mitigation for users of the affected PRoWs? If you consider such hedgerow planting would not be appropriate, are there any other forms of mitigation which you consider would be more appropriate?	
LV.1.05	Applicant NKDC LCC	**Effectiveness of the proposed roadside screen planting** The ExA observed while undertaking its unaccompanied site inspection 1 (USI1) that throughout the area of the proposed development all roadside hedgerows appear to be subject to managed pruning, resulting in hedgerows in the winter period being around 1.5m to 2.0m in height above carriageway level. a) **Councils** - is there local legislation in force (a byelaw or similar) requiring roadside hedgerows to be subject to managed pruning applying to the proposed Order Limits and the nearby area? b) If the proposed roadside hedgerow planting was to be pruned in the manner observed by the ExA during its USI1, would those hedgerows provide effective screening for the proposed development? For example would the proposed array area occupying field 62 on sheet 8 of Figure 7.15-1 in the FLEMP **[Appendix A in AS-101]**, adjoining Clay Lane west of Bassingham and east of Norton Disney be effectively screened by the proposed roadside hedgerow planting?	UK highway authorities have a statutory duty to maintain highway safety, giving them powers (Highways Act 1980 s.154) to cut or require cutting of any vegetation that endangers or obstructs road users. However, it is the Applicant's understanding that where the hedge is not owned by the Council and is demonstrably safe (i.e. its growth does not contradict health and safety requirements), the Applicant can request that the Council do not trim these hedges, or trim them less. The **Framework LEMP [REP1-039]** proposes that all existing hedgerows to be retained will be managed to achieve a minimum height of 3m and where overshading of solar panels is not of concern then these will be managed at greater heights. Where screening is not the primary purpose of a proposed hedgerow, for example where the embedded setback is considered sufficient to reduce the level of effect such that it is not significant in EIA terms, the hedgerows will be maintained at 3m or lower to maintain open views of the countryside. With regard to the example of the proposed array area occupying Field 62 on sheet 8 of Figure 7.15-1: Landscape Mitigation Plan in the **Framework LEMP (Appendix A)** in **[REP1-039],** adjoining Clay Lane west of Bassingham and east of Norton Disney, the roadside hedgerows would be managed to screen the proposed array area and would therefore likely be managed at 3m or higher to supplement the varied heights of existing hedgerows observed along Clay Lane and the wider Study Area during the LVIA assessor's fieldwork at different times of year. There are likely to be instances across the Order Limits where the effectiveness of screening from proposed roadside hedgerow planting would be less if they were managed at 1.5m to 2.0m in height above carriageway level. However, the extent of this will be very much context-specific and will depend on factors such as topography, presence of other vegetation, and distance between the viewer and edge of built development. The detailed LEMP will set out the final planting design and management requirements based on the final solar PV Array layout, and as such will ensure that the necessary locations and management of screening vegetation is implemented such that the level of effects reported within **Chapter 10: Landscape and Visual Amenity** of the ES **[AS-117]** would remain valid. The detailed LEMP will be substantially in accordance with the Framework LEMP, as set out in Requirement 8 of the **Draft DCO [REP1-007]** respectively. The host Councils will also review the detailed design and LEMP prior to and as part of their responsibility to discharge the Requirements.

LV.1.06	Applicant	**Clarification as to whether any advanced planting would be undertaken** Clarify whether there is any intention to undertake advanced planting in association with the proposed development, given that neither ES Chapter 10 **[APP-035]** nor the FLEMP **[AS-101]** refer expressly to the undertaking of any such planting. Should the intention be to undertake any advanced planting its location and form should be explained and shown on a plan.	Advanced planting is typically used where there is the potential for the greatest level of residual effects, i.e. major adverse effects, on residential receptors. **Chapter 10: Landscape and Visual Amenity of the ES [AS-117]** did not identify any such instances. Although Housham Wood Farm plus Church Farm and Low Barn were assessed as experiencing predicted moderate significant effects in Year 1, these properties benefit from existing hedgerows along their respective boundaries and allowing these hedgerows to grow to greater heights is considered by the Applicant to be an effective method of screening. Therefore, following consent and the passing of control of the land within the Order Limits to the Applicant, the existing hedgerows are proposed to be managed in line with the **Framework LEMP [REP1-039]** and would therefore benefit from additional years of growth before the Proposed Development is fully operational. Advanced planting is therefore not considered by the Applicant to be necessary and has not been included in the Application.
LV.1.07	Applicant	**Maximum height for any freestanding lighting columns** What would be the maximum height for any freestanding lighting columns installed as part of the proposed development?	The Applicant is not proposing any freestanding lighting columns during the operational period.(The solar farm perimeter will not include visible lighting (the lighting is infra-red lighting which is not visible to the human eye). The lighting of the Onsite Substation would be in accordance with health and safety requirements, particularly around any emergency exits where there would be motion sensor triggered lighting that would operate from dusk. There would be low level lighting on specific operational units (attached to these structures) that would operate, when triggered by motion sensors, from dusk, to assist any maintenance / repair workers during night time hours. All lighting would seek to limit any impact on sensitive receptors following guidance from the Bat Conservation Trust among others. Lighting during the construction, operation and decommissioning phases of the Proposed Development will be in line with the controls set out in the Framework CEMP **[REP1-031]**, Framework OEMP **[REP1-033]** and Framework DEMP **[REP1-031]**. Detailed management plans will be developed substantially in accordance with these framework plans by way of Requirements 12, 13 and 20 of the Draft DCO **[REP1-007]** respectively.
LV.1.08	Applicant	**Type of security fencing** In paragraph 3.3.63 of ES Chapter 3: The Proposed Development **[APP-028]** it is stated that the fencing around the solar array areas, onsite substation and BESS compound *"… is likely to be a stock proof meshtype security fence with wooden posts and up to 2m in height … Access gates will be of similar construction and height as the perimeter fencing …"*. How confident are you that stock proof fencing would provide an adequate level of security for many of the proposed development's elements. Would there be potential for more sturdy fencing needing to be installed that could have more significant visual effects for the character and appearance for the area affected by the proposed development?	The Proposed Development Parameters **[REP1-029]** provide that stock proof mesh-type security fence with wooden posts and up to 2m in height is proposed around the perimeter of the solar PV areas, which is in accordance with other made DCOs and as is commonplace on other built solar farms. The primary purpose of this fencing is keep deer away from – and therefore protect - the solar infrastructure. It is also a deterrent for humans. The fencing together with the cameras directed along the fenceline and within the solar farm are considered to be adequate to protect the solar infrastructure and in line with UK industry standard design. Compliance with the Proposed Development Parameters **[REP1-029]** is secured under Requirement 6(2)(b) at Schedule 2 to the Draft DCO **[REP1-007]**. Paragraph 3.3.64 of **Chapter 3: The Proposed Development of the ES [REP1-015]** explains that more sturdy fencing, i.e. palisade style fencing will be installed

			around the BESS Compounds (Work No. 2 and 3) and Onsite Substation (Work No. 4). As described in the **Proposed Development Parameters [REP1-029]** for the respective Work No's the palisade style fencing will be up to 2.5m, painted in a muted colour sympathetic to the surrounding environment. Both types of fencing have been considered within the assessment of visual effects contained within **Chapter 10: Landscape and Visual Amenity of the ES [AS-117]** collectively with other aspects of the Proposed Development. Generally, the palisade fencing would have a more urbanising influence on the landscape compared to the mesh-type fencing with wooden posts, but the palisade fencing would be perceived in context with larger infrastructure including the Onsite Substation such that the fencing would not be the principal determining factor for the overall level of effect.
LV.1.09	Applicant	**Submission documents referred to in ES Chapter 10: Landscape and Visual Amenity [APP-035]** Submit copies of the following documents (including cover pages, full text and dates of publication): a) NCA Profile: 47 Southern Lincolnshire Edge, Natural England (2012) b) NCA Profile: 48 Trent and Belvoir Vales Natural, England (2012) c) East Midlands Region Landscape Character Assessment, Natural England (2010) d) North Kesteven District Landscape Character Assessment, North Kesteven District Council (2007) Each of the above documents should be submitted as a freestanding document	The requested documents will be submitted to the Examination at the next available Examination Deadline.

2.9 Population Effects questions

Table 0-9: Applicant's Responses to the Examining Authority's Population Effects questions

Population Effects (PE)			
PE.1.01	Applicant	**Particulate matter 2.5 microns ($PM_{2.5}$) – interim planning guidance** Interim planning guidance on the consideration of the Environment Act $PM_{2.5}$ targets in planning decisions (the Interim Guidance on $PM_{2.5}$) was published on 4 October 2024. It applies to future developments and those that were in pre-application at the publication date. The applicant should clarify whether ES Chapter 14: Other Environmental Topics **[APP-039]** needs to be updated to incorporate the Interim Guidance on $PM_{2.5}$? If so, explain the measures that are needed, including actions in the design approach, that address its requirements.	Defra's $PM_{2.5}$ Targets: Interim Planning Guidance[8] confirms that pending publication of the new guidance, applicants are advised to provide evidence in their planning applications that they have considered exposure to $PM_{2.5}$ and taken appropriate action to minimise emissions of $PM_{2.5}$ and its precursors as far as is reasonably practicable. The Proposed Development has considered exposure to $PM_{2.5}$ when selecting the DCO Site by: a. Being in a location in a rural area with low population density and with a large offset from areas of work to the nearest residential, health care or educational properties. b. Contributing low levels of $PM_{2.5}$ and precursors, with agricultural activities and long range transport from outside the UK being the main baseline source contributions. c. Recognising the inherently very low level of emissions of $PM_{2.5}$ and precursors associated with the operation of the Proposed Development and seeking to minimise construction phase exposure through good practice control measures secured through the Framework Construction Environmental Management Plan (CEMP) **[REP1-031]** Most particulate matter emissions during construction will be heavier particles, PM_{10} and above, which are entrained in the wind following soil movement/disturbance. $PM_{2.5}$ tends to be associated more with combustion of fossil fuels, which is attributed to onsite construction/decommissioning equipment and road traffic. **Chapter 14: Other Environmental Topics of the ES [APP-039]** identifies that the change in traffic flows during construction, operation, and decommissioning is below the IEMA threshold for needing to carry out an assessment of road traffic exhaust emissions and the emissions from onsite equipment would be negligible. As such, it is clear that there would not be significant effects on air quality, including $PM_{2.5}$. The Proposed Development considers actions and/or mitigation measures to minimise cumulative $PM_{2.5}$ exposure for development users and nearby residents by: a. Managing Proposed Development related road vehicle movements through the Framework Construction Traffic Management Plan (CTMP) **[REP1-043]**. b. Managing emissions from Non-Road Mobile Machinery (NRMM) and construction works through good practice measures included in the Framework CEMP **[REP1-031].** c. Delivering a renewable energy project that will contribute to the region's reduction in $PM_{2.5}$ emissions. Most exposure to $PM_{2.5}$ is associated with the

[8] I**nterim Planning Guidance on the consideration of the Environment Act $PM_{2.5}$ targets in planning decisions** (2024) Defra. Available at: https://uk-air.defra.gov.uk/pm25targets/planning

			background contribution of emissions undergoing long range transport. By producing electrical power from renewable sources the Proposed Development will reduce the regional $PM_{2.5}$ and precursor emission footprint of the national grid. Given that Proposed Development is not located in immediate proximity to urban areas and does not introduce high levels of emissions, as demonstrated in the response above, it is not proposed that an update is required to Chapter 14: Other Environmental Topics of the ES **[APP-039]** to include a detailed assessment of $PM_{2.5}$ emission minimisation actions. The Applicant considers that this response provides evidence of source identification and appropriate actions taken in the design of the Proposed Development.
PE.1.02	NKDC	**Dust Management Plan** Would the level of detail in the FCEMP **[APP-189]** be sufficient to understand the proposed dust mitigation measures for the construction period and thus provide an adequate framework for the preparation of a final dust management plan?	**N/A**
PE.1.03	Applicant	**Socio-economic assessment of construction effects – local accommodation facilities** Paragraph 12.7.22 in ES Chapter 12: Socio-Economics and Land Use **[AS-016]** identifies the July figure for room availability as 17% but Table 12-26 appears to identify the availability rate as 11%. Clarification of the correct room availability rate should be provided.	The Applicant acknowledges that the room availability rate for July reported in Paragraph 12.7.22 of **Chapter 12: Socio-Economics and Land Use** of the ES **[AS-016-037]** is incorrect. The availability rate of 11% for this month as identified in Table 12-26 is correct, and this percentage has informed the assessment. As such, the ES assessment and conclusions remain valid.
PE.1.04	Applicant	**Socio-economic assessment of construction effects – temporary workforce** The assessment in ES Chapter 12: Socio-Economics and Land Use **[AS-016]** considers the effect on tourist accommodation. However, in the context of LCC's relevant representation **[RR-157]**, the applicant should explain what consideration has been given to the *"impact of a changing influx of workers"*, as set out in paragraph 5.13.4 of NPS EN-1 (2023) which identifies that this could change the local population dynamics, alter the demand for services and facilities in the settlements nearest to the construction work, and affect social cohesion.	**Chapter 12: Socio-economics and Land Use**, Section 12.7 of the ES **[AS-016]** includes an assessment of potential effects on tourist/visitor accommodation, which the Applicant considers to be the principal potential impact arising from an influx of workers during construction. The other considerations highlighted by LCC in its representation **[RR-157]** are not expected to result in significant adverse effects during construction or decommissioning. The reasons for this for each in-turn are as follows. • Local population dynamics: the construction period is expected to take 24 months or to be phased over 30 months, with decommissioning being completed over a shorter period of 12 to 24 months. Given the short durations of these periods, no workers are expected to move permanently to the local area such as to have any potential to exert influence on local population dynamics. • Demand for services and facilities in the settlements nearest to the construction work: the assessment of impact on tourist accommodation has considered all accommodation within a 60 minute drive time study area from

			the Order Limits. Accommodation in the immediately surrounding area is typically small in size, reflecting its countryside nature. Whilst worker accommodation and travel arrangements will be the choice of the construction/decommissioning contractor, it is expected that for cost-efficiency, and to minimise trips and impacts on the road network, larger hotels/accommodation would be used which are typically found closer to the larger centres of population such as Lincoln, Newark-on-Trent and Grantham. As such, the number of workers staying within smaller local settlements is likely to be minimised. When on-site, workers would not be able to access primary healthcare facilities in the vicinity of the Proposed Development as they would not be registered, with any emergency treatment where needed being provided at the nearest hospital with an Accident and Emergency unit, Lincoln County Hospital. Therefore, no significant effects on service provision such as local primary healthcare would be expected to arise. • Social cohesion: taking together the overall short-term durations of the construction and decommissioning periods, the likely locations of worker accommodation being within larger centres of population and the minimal impact on demand for services and facilities expected arising from this, there would be no significant effects on social cohesion from the Proposed Development.
PE.1.05	Applicant NKDC LCC	**Socio-economic assessment of decommissioning effects – temporary workforce** Paragraph 12.7.74 in ES Chapter 12: Socio-Economics and Land Use **[AS-016]** states that it is assumed that the same number of jobs required for constructing the proposed development would be needed to carry out the activities required to remove the infrastructure from the site. However, no assessment of effects on local accommodation facilities or the effects of an influx of workers is presented. Comment on the need for any effect during the construction phase to be covered in the assessment.	In respect of effects on local accommodation facilities from a potential influx of workers during construction, an assessment is presented in **Chapter 12 Socio-economics and Land Use** of the ES **[AS-016]**. This concluded that based on a worst-case assessment whereby of the peak construction workforce on-site (600 jobs), all workers estimated to come from outside the 60 minute drive time study area (330 jobs) would require bedspaces, there would be sufficient capacity within providers in the visitor accommodation (hotel, bed and breakfast, and inns) sector to meet demand year-round. This is a worst-case assessment which does not factor in other considerations which in all likelihood would result in there being greater available spare capacity within the sector across the construction period to meet demand for rooms, namely: the workforce required on-site would be lower than the peak, at times considerably so, across the rest of the construction period and; that available alternative temporary accommodation such as Airbnb, serviced apartments, and holiday parks (not assessed due to lack of information on occupancy levels) would be expected to provide further bedspace capacity to meet demand. There would be no significant effects on the visitor accommodation sector during construction. In respect of effects on local accommodation facilities no assessment has been undertaken in relation to decommissioning activities in **Chapter 12 Socio-economics and Land Use** of the ES **[AS-016]** due to the inherent limitations of forecasting supply and availability of such a resource a long time in the future. The extent of current supply of bedspaces in the visitor accommodation sector, consisting of privately-owned providers, is a reflection of trends in demand with changes in this being responded to by providers in the medium-term through contractions or expansions in supply to reach market equilibrium. Whilst it is not possible to estimate the supply of bedspaces or availability rates at a time 60 years in the future, it is

			reasonable to conclude that the current baseline is representative of future conditions and that, in the event of a change, this sector would respond to any sustained lack of supply through provision of more bedspaces. As there is no evidence to doubt that rates of spare capacity in the market-led hotels/inns/B&Bs accommodation sector would be greatly different to service general demand, the same level of demand for accommodation from the Proposed Development would in all likelihood be met year-round during the decommissioning phase. Decommissioning would also take place over a shorter duration than construction such that any requirements for accommodation and impacts on supply would be shorter lasting. On this basis it can be considered that there would be no likely significant effect on the visitor accommodation sector during decommissioning. The assessment approach taken by the Applicant here is consistent with other consented solar NSIPs in Lincolnshire, including Gate Burton Energy Park DCO and Tillbridge Solar Project DCO. The Applicant considers effects on visitor accommodation supply to be the principal potential impact arising from an influx of workers during the construction and decommissioning phases. As outlined in response to Question PE.1.04, other potential considerations relating to an influx of workers during these phases would not be expected to result in significant effects were these to be assessed. As such no significant effects are expected to arise during decommissioning relating to an influx of workers.
PE.1.06	Applicant	**Framework Employment, Skills and Supply Chain Plan** Section 5 in the Framework Employment, Skills and Supply Chain Plan **[APP-197]** sets out the methods by which it would be monitored and measured. What would happen if it was found that the objectives of the final Employment, Skills and Supply Chain Plan were not being met?	The Draft DCO **[REP1-007]** includes a requirement that the Applicant must prepare the Employment Skills and Supply Chain Plan substantially in accordance with the Framework ESSCP **[APP-197]**, for approval by the relevant planning authority, with the approved plan being implemented by the Applicant. It is not expected that the objectives of the Plan will be missed, but this assurance is one of the reasons for monitoring. Provisions for redress if objectives are not met would be included and secured in the Plan. It is the Applicant's intention that the monitoring reports will be shared with the host councils, with the detail on monitoring frequency and approach expected to be set out in the final Employment Skills and Supply Chain Plan. Should any issues with the Plan's objectives not being met be identified through the monitoring, the Applicant would include a suggested action / rectification measure along with the report and would in turn seek agreement or feedback from the host councils following their review. If action is found to be required due to objectives not being met, further monitoring would be carried out to check the effectiveness of these measures in line with the agreed approach with the host councils.
PE.1.07	NKDC	**Skills and Education Package** Clarify whether the skills and education package that is sought in **[RR-210]** would be a mitigation or an enhancement measure.	As concluded in **Chapter 12: Socio-economics and Land Use of the ES [AS-016],** there are no adverse socio-economic effects as a result of the Proposed Development that require mitigation to be provided. This includes in respect of employment, skills and the supply chain. Therefore, this is considered an enhancement measure.

			The Applicant is not therefore proposing a contribution towards training as part of the DCO Application and nor is it required to do so. It is proposing a comprehensive Framework ESSCP **[APP-197]** to maximise the beneficial effects reported in the assessment which will arise from employment generation (including supply chain opportunities, and skills development), and Gross Value Added (GVA) generation during the construction and decommissioning phases of the Proposed Development. The Applicant has engaged with both NKDC and LCC in the development of the Framework ESSCP and will continue this engagement. A detailed Employment, Skills and Supply Chain Plan, which will be substantially in accordance with the framework Plan, is secured through Requirement 19 at Schedule 2 of the Draft DCO **[REP1-007]** and will be subject to approval by NKDC and LCC.
PE.1.08	Applicant Environment Agency	**Contaminated land** Table 3.11 in the FCEMP **[APP-189]** identifies the proposed mitigation/enhancement measures for ground conditions, including the stopping of works if potentially contaminated land was to be encountered during the construction works. a) **Environment Agency** - clarify what other commitments it would expect to see to ensure that works would stop in an area where unexpected contaminated land was encountered. b) **Applicant** - explain why a similar provision is not included in the FOEMP **[APP-190]** and the Framework Decommissioning Environmental Management Plan **[APP-191]**?	**a)** N/A **b)** In response to this question and to the Environment Agency's Relevant Representation **[RR-089]** with regards to the provisions included within the Framework CEMP **[REP1-031]**, OEMP **[REP1-033]** and DEMP **[REP1-035]** on stopping works in the affected area where potentially contaminated land is encountered - Measure GC-O1 of Table 12 of the **Framework OEMP [REP1-031]**has been updated for clarity and was submitted into the Examination at Deadline 1. Measure GC-O1 now reads: *"(f) Should any potentially contaminated ground, including isolated 'hotspots' of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, works will be stopped in the affected area and the maintenance and replacement works contractors would be required to investigate the areas and assess the need for containment or disposal of the material. They would also be required to assess whether any additional health and safety measures, such as the use of suitable respiratory protective equipment, is required;"* and: *"(h) In the event that contamination is identified, works will be stopped in the affected area and appropriate remediation measures would be agreed with the appropriate authorities and undertaken to protect construction workers, future site users, water resources, structures, and services;"* Measure GC-D1 of Table 10 of the **Framework DEMP [REP1-035]** has also been updated for clarity and has been submitted into the Examination at Deadline 1. Measure GC-D1 now reads: *"(j) Should any potentially contaminated ground, including isolated 'hotspots' of contamination and/or potential deposits of asbestos containing materials (ACM), be encountered, works will be stopped in the affected area and the*

			Principal Contractor will be required to investigate the areas and assess the need for containment or disposal

2.10 Transport and Traffic questions

Table 0-10: Applicant's Responses to the Examining Authority's Transport and Traffic questions

Transport and Traffic (TT)			
TT.1.01	Applicant NKDC LCC	**NPS EN-1** Paragraph 5.14.21 of NPS EN-1 states that the Secretary of State should only consider refusing development on highways grounds in the absence of a demonstration of how consideration has been given to the provision of adequate active public or shared transport access and provision. Paragraphs 5.14.7, 5.14.9 and 5.14.11 of NPS EN-1 identify measures to be considered in that regard. The measures proposed to promote sustainable modes of transport are set out in the Framework Construction Traffic Management Plan (FCTMP) **[AS-102]**. Paragraph 1.2.1 of **[AS-102]** refers to the preparation of a combined FCTMP and Travel Plan. a) Would the identified measures in the FCTMP go far enough? b) Is sufficient detail provided in the FCTMP to provide a context for securing a detailed travel plan? If not, what other matters should be included?	a) The Applicant considers that the measures secured by the Framework CTMP **[REP1-043]** are sufficient, appropriate and practicable given the rural location of the DCO Site and the working hours proposed for the Proposed Development (as set out in Section 2.3 of the Framework CEMP **[REP1-031]**). Public transport and active travel options to/ from the DCO Site are limited for the above reasons, and as such shared transport provision, shuttle buses and car sharing, as secured by the Framework CTMP **[REP1-043]** (ref. Section 7.4) are considered appropriate. The Framework CTMP and Framework CEMP are to be developed into a detailed CTMP and CEMP, substantially in accordance with the Framework Plans, secured under Requirements 14 and 12 of the Draft DCO **[REP1-007]** respectively. b) Paragraph 1.2.1 of the Framework CTMP **[REP1-043]** sets out that the document is a combined Framework CTMP and Travel Plan in support of the Proposed Development. As noted in paragraph 4.1.2 and measure AQ-C1 of the Framework CEMP **[REP1-031]**, a Travel Plan is to be implemented within the detailed CTMP that supports and encourages sustainable travel (public transport, cycling, walking, and car-sharing). The Framework CTMP then sets out sufficient detail to be carried forward into the detailed Travel Plan (as part of the detailed CTMP), such as the measures set out in Section 7.4 and 7.5, including the management measures and controls to be placed upon staff movements, and also the roles and responsibilities of the Transport Co-ordinator. It is noted that LCC, in their Local Impact Report **[REP1-053]** (ref. paragraph 11.14), state that "*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*". The Framework CTMP is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirements 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee. The Applicant will continue to work collaboratively with National Highways, LCC and NKDC in matters relating to transport and access.
TT.1.02	Applicant LCC	**Impact assessment methodology** Paragraph 13.4.22 in ES Chapter 13: Traffic and Transport **[APP-038]** explains that an initial screening process of links and junctions has been conducted to identify receptors which record hourly traffic flow increases of less than 30 vehicles per hour as a result of the proposed development.	a) The 2023 IEMA (now the Institute of Sustainability and Environmental Professionals (ISEP)) guidelines advise that caution needs to be observed when applying percentage thresholds as very low baseline flows are unlikely to experience impacts even with high percentage changes in traffic (ref. paragraph 3.16). Accordingly, prior to the 30% screening rule, the 30 vehicles movement rule was applied to screen out any receptors with hourly traffic flow increases of less than 30 vehicles per hour. This pre-screening exercise was undertaken to avoid potentially

		Receptors that would be below that threshold have been screened out of the assessment. a) Paragraph 13.4.19 in **[APP-038]** advises that the assessment methodology has been informed by the 2023 IEMA guidelines: Environmental Assessment of Traffic and Movement. Explain how the threshold identified in paragraph 13.4.22 as described above relates to the IEMA guidance, which appears to recommend, as a starting point, that a 30% increase in traffic flows represents a reasonable threshold for including a highway link within an environmental assessment, other than for road safety and driver delay reasons. b) **Applicant** - signpost which part of the transport scoping presentation (Appendix 13-B) in **[APP-164]** identifies that the approach described in paragraph 13.4.22 has been agreed and **LCC** - confirm whether you agree with the approach taken by the applicant and if not what the reason for that is.	misleading large percentage impacts being identified on receptors with very low baseline flows. This threshold has been determined based on professional judgement, and is considered appropriate and robust given that an increase of less than one vehicle every two minutes would be immaterial to the assessment and would not result in any likely significant effects. This approach has also been adopted in similar assessments (e.g. the Gate Burton Energy Park Transport Assessment – Appendix 13-D **[EN010131/APP/3.3]**). b) Although agreement of this approach is not explicitly detailed in Appendix 13-B: Transport Scoping Presentation and Meeting Minutes of the ES **[APP-164]**, this approach was set out in paragraph 14.5.12 of Appendix 1-A: EIA Scoping Report of the ES **[APP-118]** and was adopted in the Preliminary Environmental Impact Report (PEIR) issued as part of the Statutory Consultation on the Proposed Development and was not contested at either of these stages. LCC, in their Local Impact Report **[REP1-053]** (ref. paragraph 11.14), state that "*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 is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee. The Applicant will continue to work collaboratively with National Highways, LCC and NKDC in matters relating to transport and access.
TT.1.03	LCC	**Impact assessment methodology** Paragraph 13.4.23 in ES Chapter 13: Traffic and Transport **[APP-038]** explains that a movement rule has been applied to the magnitude of impact assigned to receptors to avoid potentially misleading percentage impacts being identified as a result of very low baseline flows. Confirm whether you agree with that approach with and if not explain why that is the case.	**N/A**
TT.1.04	Applicant	**Assessment assumptions and limitations - peak construction vehicle movements** Paragraph 13.4.65 in ES Chapter 13: Traffic and Transport **[APP-038]** states that there would be a daily peak of 25 light goods vehicles (LGVs) and 50 heavy goods vehicles (HGVs) associated with the proposed Principal Site and 12 LGVs and 16 HGVs associated with the Cable Corridor works. Those vehicle movement figures would seem to accord with the figures in Table 2 of the FCTMP **[AS-102]** which identifies that there would be 50 two-way LGV movements and 100 two-way HGV movements to the Principal Site	a) The 16 two-way HGV movements for the Cable Corridor referenced in paragraph 3.4.19 of Chapter 3: The Proposed Development of the ES **[REP1-015]** is incorrect. The correct figure for the Cable Corridor is 32 HGV movements (i.e. 16 arrivals, 16 departures), as per the Framework CTMP **[REP1-043]** (ref. Table 2). It should be noted that 32 HGV movements has been used in the assessments carried out in Chapter 13: Traffic and Transport of the ES **[APP-038]**. b) Table 13-23 in Chapter 13: Traffic and Transport of the ES **[APP-038]** only shows the vehicle movements associated with the Principal Site. Tables 3 and 4 in the Framework CTMP **[REP1-043]** set out movements associated with the Principal Site and the Cable Corridor respectively. HGVs and LGVs serving the Cable Corridor

		and 24 two-way LGV movements and 32 two-way HGV movements to the Cable Corridor. However, paragraph 3.4.19 in **[APP-028]** identifies a peak of 100 two-way HGV movements to the Principal Site and 16 two-way HGV movements to the Cable Corridor. a) Confirm the HGV figure for the proposed the Cable Corridor used in the traffic and transport assessment. b) Paragraph 5.4.19 of the FCTMP **[AS-102]** states that HGV and LGV movements within the proposed cable corridor have been included as part of the assessment for the proposed development. Clarify whether account been taken of the HGVs and LGVs serving the cable corridor in Table 13-23 in **[APP-038]**, because it is unclear when what is shown in Table 13-23 is compared with Tables 3 and 4 in the FCTMP. c) If needed, explain any consequent adjustments to the assessment and make any changes to the wording of **[APP-038]** or **[AS-102]**, as necessary, and resubmit either **[APP-038]** or **[AS-102]**.	travel directly to that destination and so are not included in Table 13-23 of Chapter 13: Traffic and Transport of the ES **[APP-038]** or Table 3 of the Framework CTMP **[REP1-043]**. It is noted that there is a minor discrepancy between Table 13-23 of Chapter 13: Traffic and Transport of the ES **[APP-038]** and Table 3 of the Framework CTMP **[REP1-043]** because Table 13-23 includes shuttle buses between the Principal Site and the Cable Corridor, whereas Table 3 does not. It should be noted that, although Table 13-26 is titled 'Construction Traffic Impact (2032) – *Principal Site* – Development Peak Hours', Cable Corridor HGV and LGV trips are included in the link and junction assessment and are shown in this table. c) In line with the response above, there is no need to update Chapter 13: Traffic and Transport of the ES **[APP-038]** or the Framework CTMP **[REP1-043]** as a result, whereby the assessments presented are correct.
TT.1.05	Applicant	**Assessment assumptions and limitations - traffic routing** Paragraph 13.4.67 in the ES Chapter: Traffic and Transport **[APP-038]** states that although the proposed development would be located close to several villages/settlements including Thorpe on the Hill, Haddington and Bassingham, only a small proportion of trips are expected to either originate from or pass through those villages during the construction, operation, or the decommissioning phases. Any such trips would be expected to be local construction worker trips and not HGV trips or trips directly associated with the proposed development's construction. a) Explain the above advice in **[APP-038]** in the context of Figure 13-4 (HGV Routing) in **[AS-072]** which shows the principal site HGV routing as passing through Haddington. b) Explain what is meant by *"where practicable"* in paragraph 13.4.68 in **[APP-038]** where it refers to the FCTMP restricting HGVs to routes which avoid the previously mentioned villages when travelling to/from the proposed construction compounds.	a) Figure 13-4: Heavy Goods Vehicle (HGV) Routing of the ES **[AS-072]** is correct as the Principal Site HGV routing passes through Haddington. The reference in 13.4.67 of Chapter: Traffic and Transport of the ES **[APP-038]** is incorrect in respect of no HGVs passing through Haddington – during the peak construction period it is expected that 84 daily HGV movements (42 in each direction) would pass through Haddington. However, it should be noted that this does not affect the conclusions of the assessment presented in the chapter, whereby the assessment of the potential effects relating to additional construction traffic is carried out within Section 13.7 of Chapter 13: Traffic and Transport of the ES **[APP-038]**, and concludes that the Proposed Development is not expected to result in any likely significant effects (including the links and junctions associated with Haddington) with the proposed embedded mitigation in place, such as the measures set out in Section 7.3 of the Framework CTMP **[REP1-043]**. This is agreed by LCC who state in paragraph 11.18 of their Local Impact Report **[REP1-053]** (that "*Subject to the necessary mitigations being secured and implemented, the Council concludes that traffic and transport impacts of this development during all phases of the development would be neutral.*" b) As noted in paragraph 7.3.9 of the Framework CTMP **[REP1-043]** HGVs will be required to comply with the proposed routing strategy as per Figure 13-4: Heavy Goods Vehicle (HGV) Routing of the ES **[AS-072]**, which does not route HGVs through Bassingham and Thorpe on the Hill. However, as noted in paragraph 7.3.10 of the Framework CTMP **[REP1-043]**, in the case of exceptional circumstances where the proposed routing to the Proposed Development is compromised due to an incident or road closure for example, then it is considered acceptable for HGVs to be redirected via an alternative route if required. Given that this will only be required in exceptional circumstances, it is anticipated that such routing would only be for limited periods of time and therefore not result in any significant impact on these villages. It

			should be noted that paragraph 7.3.16 of the Framework CTMP **[REP1-043]** sets out that a Communications Strategy will be developed by the Applicant post-consent to ensure that the measures contained within the detailed CTMP are communicated to the workforce. Furthermore, regular meetings will be held with contractors to discuss HGV management and to address any issues associated with travel to / from the Proposed Development as well as to relay information including any restrictions and requirements which should be followed. The Framework CTMP is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences.
TT.1.06	Applicant LCC	**Future baseline** Paragraph 13.5.42 in ES Chapter: Traffic and Transport **[APP-038]** explains the future baseline year as being 2032. a) **Applicant** - clarify whether it is traffic growth only that has been projected, with no consideration built in about future road improvements which may be in place. b) **LCC** - comment on whether the data and assumptions to establish the 2032 baseline used in the assessment are reasonable and if not explain why that is the case.	a) Correct – traffic growth only has been applied. No consideration has been given to future road improvements. Any future road improvements/ schemes/ developments of relevance have been considered in the Cumulative Assessment (Section 13.10) of Chapter 13: Traffic and Transport of the ES **[APP-038]**. LCC, in their Local Impact Report, conclude that "*the Highway Authority does not consider that the development would result any significant issues at key junctions in the area in combination with other developments".*
TT.1.07	Applicant	**Assessment of likely impacts and effects – construction staff** Paragraph 13.7.2 in ES Chapter 13: Traffic and Transport **[APP-038]** explains that staff arrivals have been assumed to take place between 07:00-08:00 and staff departures have been assumed to take place between18:00-19:00 (Monday to Friday). Table 13-23 of **[APP-038]** describes the peak daily number of HGVs, LGVs, shuttle buses, and construction staff required for the Principal Site during the peak construction phase (2032) split by hour of the day. a) Would the workforce arrival and departure times vary in the winter due to shorter daylight hours compared with the summer? b) If so, would that have any implications for the assessment and conclusions included in **[APP-038]**?	a) It is not considered that workforce arrival and departure times will vary depending on season. The core working hours of the Proposed Development are set out in Section 2.3 of the Framework CEMP **[REP1-031]** as 07:00 to 19:00 (Monday to Friday), which is relevant across the entire year. This means that staff will arrive between 06:00 and 07:00 and leave between 19:00 and 20:00 on those days. Furthermore, the Framework CEMP **[REP1-031]** (ref. paragraph 2.5.1) notes that in winter months, construction temporary site lighting, in the form of mobile lighting towers with a power output of 8 kilo volt-amperes (kVAs), may be required in areas. Paragraph 13.7.2 of Chapter 13: Traffic and Transport of the ES **[APP-038]** shows different arrival and departure times (07:00-08:00 and 18:00-19:00) following a request from LCC to assess the shoulder peaks, where the network is busier, as a robust/ worst-case assessment. However, as detailed above, the working hours are secured by the Framework CEMP **[REP1-031]** and these are to be the hours throughout the year. The Framework CEMP is be developed into a detailed CEMP, substantially in accordance with the Framework Plan, secured under Requirement 12 of the Draft DCO **[REP1-007]**. b) Not applicable.
TT.1.08	Applicant	**Assessment of likely impacts and effects – construction staff** Paragraph 13.7.3 in ES Chapter: Traffic and Transport **[APP-038]** explains that the construction staff vehicle split has been based on the same assumptions used for Gate Burton Energy Park.	Gate Burton Energy Park **[EN010131]** and the Proposed Development are both nationally significant infrastructure schemes, in a similar rural location in the same region and located a similar distance from Lincoln. The reference to Gate Burton Energy Park in Chapter 13: Traffic and Transport of the ES **[APP-038]** is in relation to staff mode share trips. In this context they are both considered major schemes of

		Explain how the features of Gate Burton Energy Park compare to those of Fosse Green in this context.	comparative size and are sufficiently large to warrant provision of shuttle buses for a significant proportion of staff.
TT.1.09	Applicant	**Assessment of likely impacts and effects – construction staff** Tables 13-21 and 13-22 of ES Chapter 13: Traffic and Transport **[APP-038]** identify the modal split for construction staff as 55% (330 staff) by shuttle bus (non-local staff), 35% (208 staff) as car driver (local staff), 10% (62 staff) as car passenger. However, paragraph 5.4.7 of the Framework CTMP **[AS-102]** identifies that construction staff travelling by private vehicle would result in 160 staff vehicles (320 daily movements), based on a 1.3 vehicle occupancy rate. The forecast peak daily and hourly construction trips set out in table 13-23 of ES Chapter 13: Traffic and Transport **[APP-038]** include 208 one-way staff trips. a) Explain how the occupancy figure of 1.3 in paragraph 5.4.7 of the Framework CTMP **[AS-102]** has been derived. b) Explain the relationship between the 160 staff vehicles (320 daily movements) in paragraph 5.4.7 of **[AS-102]** and the forecast peak daily and hourly construction trips of 208 for staff presented in table 1323 of **[APP-038]**.	a) Mode share and occupancy have been drawn across from the Gate Burton Energy Park **[EN010131]** DCO. This equates to 45% (270 workers), split by 35% (208 staff as drivers) and 10% (62 staff as passengers), arriving by car, with an occupancy of 1.3, equating to 208 vehicles. b) The correct number of staff vehicles is 208 as per Table 13-22 of Chapter 13: Traffic and Transport of the ES **[APP-038]**. This is the larger figure of the two and has been used within the assessment. This discrepancy has been corrected in the Framework CTMP and will be submitted to the Examination at the next available deadline.
TT.1.10	Applicant	**Assessment of likely impacts and effects – construction traffic** Table 13-26 of ES Chapter 13: Traffic and Transport **[APP-038]** identifies the increase in traffic flows for the various highway links included in the assessment before the screening exercise identified in paragraph 13.4.22 was undertaken (that is, receptors which record hourly traffic flow increases of less than 30 vehicles per hour as a result of the proposed development have been screened out of the assessment). a) Clarify why the increase in construction traffic for link 4 during the 12 hour period is identified as 43 in Table 13-26 in **[APP-038]** and in Appendix 13-D: Receptor Traffic Flow Tables **[APP-166]** but Table 14-3 in ES Chapter 14: Other Environmental Topics **[APP-039]** shows 106 HGVs on link 4 from the proposed development. b) If the figure for link 4 is 106 HGVs, explain whether this would have any impact on the screening exercise described in paragraph 13.4.22 in **[APP-038]** as it applies to link 4 and therefore the assessment of effects. Provide a plan identifying the links and junctions referred to in **[APP-038]**.	a) The figure of 43 in Chapter 13: Traffic and Transport of the ES **[APP-038]** and Appendix 13-D: Receptor Traffic Flow Tables of the ES **[APP-166]** is correct for the purposes of the traffic and transport assessment. Table 14-3 of Chapter 14: Other Environmental Topics of the ES **[APP-039]** shows a 24hr AADT HDV flow of 106 vehicles/day on Link L4 and this is the value used in the air quality assessment. This number is an error (based on a previous design iteration) and should have been amended to 43. This inconsistency does not materially change the conclusions of the air quality assessment, whereby no likely significant air quality effects are established. It is also a lowering of traffic flows along this road link, further reducing the predicted effect on air quality at this location. b) There is no effect on Chapter 13: Traffic and Transport of the ES **[APP-038]**. The flows are correct in this chapter. Please find the figure requested illustrating the links and junctions referred to in Chapter 13: Traffic and Transport of the ES **[APP-038]** at Figure WQ1-1 of Appendix A.
TT.1.11	Applicant NKDC	**Assessment of likely impacts and effects – construction traffic**	It is considered impractical and inappropriate to secure link flows within the Draft DCO **[REP1-007]** as these links are public highway links used by general traffic not

	LCC	Table 13-26 in ES Chapter 13: Traffic and Transport **[APP-038]** identifies the forecasted construction traffic movements on each link within the study area, which has formed the basis of the assessment of effects. To ensure that effects do not arise that have not been assessed in the ES, comment on whether the movement figures stated in Table 13-26 should be secured by including a requirement within the dDCO.	associated with the Proposed Development, as well as Proposed Development traffic. As noted in paragraph 7.3.9 of the Framework CTMP **[REP1-043]**, HGVs will be required to comply with the proposed routing strategy as per Figure 13-4: Heavy Goods Vehicle (HGV) Routing of the ES **[AS-072]**. Paragraph 7.3.6 of the Framework CTMP **[REP1-043]** 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. Furthermore, paragraph 7.3.16 of the Framework CTMP **[REP1-043]** sets out that a Communications Strategy will be developed by the Applicant post-consent to ensure that the measures contained within the detailed CTMP are communicated to the workforce. Furthermore, regular meetings will be held with contractors to discuss HGV management and to address any issues associated with travel to / from the Proposed Development as well as to relay information including any restrictions and requirements which should be followed. The Framework CTMP is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee. It is these mitigation measures, which are themselves secured under the Requirements at Schedule 2 to the Draft DCO **[REP1-007]** that ensure no likely significant effects will result from the Proposed Development and as such, a further requirement is not necessary.
TT.1.12	Applicant LCC	**Assessment of likely impacts and effects – construction traffic** Figures 13-4 **[AS-072]** and 13-5 **[AS-073]** show HGV and abnormal indivisible load routing as passing through Harmston. In relevant representation **[RR-037]** reference is made to there being a weight limit in Harmston coming into effect in 2025. a) **LCC** – provide further detail about the weight restriction referred to in **[RR-037]**. b) If a weight restriction is confirmed, what would be the implications for the routing of HGVs and abnormal indivisible loads?	It should be noted that Relevant Representation RR-037 primarily relates to the Interested Party's objection to the 'Coleby BESS' scheme, whereby in the 'Traffic Movement' section the full sentence states: "*Nat Power's plan promises that HGVs will not access the site through Coleby, their suggested access route being through Harmston, however this will no longer be viable due to HGV restrictions in Harmston coming into place later this year*." LCC have not made the Applicant aware of a potential weight limit to come into effect in Harmston this year during the consultation and assessment work. Alternative routes or exemptions would need to be considered and discussed/agreed with LCC if this restriction is confirmed. However, it is noted that LCC, in their Local Impact Report **[REP1-053]** (ref. paragraph 11.14), state that "*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*". LCC do not raise concern with regards to any potential future weight limit in Harmston which may affect the proposed HGV routing.

TT.1.13	Applicant	**Assessment of likely impacts and effects – traffic flows** Paragraph 3.4.40 in ES Chapter 3: The Proposed Development **[APP-028]** identifies that solid waste materials generated during construction would be transported off site, with an estimate of 2 two-way HGV movements a day being generated. Sections 6.6 and 6.7 of the Framework Soil Management Plan **[AS-100]** indicates that there may be a need for the export or import of soil materials. a) Confirm whether the traffic flows used in the assessment described in section 13.7 in ES Chapter 13: Traffic and Transport **[APP-038]** include vehicles that would be required for the movement of waste or other materials. b) If not, how would these vehicle movements affect the assessment included in **[APP-038]**?	a) The traffic flows used in the assessment undertaken in Chapter 13: Traffic and Transport of the ES **[APP-038]** include all anticipated movements associated with construction, including those associated with the movement of waste or other materials, including soil export/import. b) Not applicable.
TT.1.14	LCC	**Assessment of likely impacts and effects – decommissioning** Are the assumptions/statements about decommissioning set out in ES Chapter 13: Traffic and Transport **[APP-038]** considered to be reasonable? If not, explain why that is considered to be the case.	**N/A**
TT.1.15	Applicant NKDC LCC	**Construction traffic routes** The proposed HGV and abnormal indivisible load routings are shown on Figures 13-4 and 13-5 **[AS-072] [AS-073]**. a) **LCC** – would the proposed routes be acceptable, if not explain why that is considered to be the case? b) To ensure that effects would not arise that have not been assessed in the ES, should the HGV and abnormal indivisible load routings be secured via a requirement within the dDCO?	b) As noted in paragraph 7.3.9 of the Framework CTMP **[REP1-043]**, HGVs will be required to comply with the proposed routing strategy as per Figure 13-4: Heavy Goods Vehicle (HGV) Routing of the ES **[AS-072]**. As noted in paragraph 5.7.3 of the Framework CTMP **[REP1-043]**, abnormal vehicles will be required to follow the abnormal vehicle routing strategy set out in Figure 13-5: Abnormal Indivisible Load (AIL) Routing of the ES **[AS-073]**. As noted in this paragraph, it has not been possible to carry out an in-depth assessment of the AIL routing as the port of entry (point of origin) is not yet known. Therefore, this 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. It should be noted that the assessment of the AIL routing is not expected to change any of the conclusions set out within the Chapter 13: Traffic and Transport of the ES **[APP-038]**. The Proposed Development is not expected to require a significant number of AILs and the peak construction assessment focuses explicitly on the movements of construction worker trips and materials (HGV and LGV). The measures secured above are considered sufficient to ensure the routing set out in these figures for HGVs and AILs is adhered to as part of the detailed CTMP. The Framework CTMP is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee. As such, it is considered that these measures are already secured via requirements within the Draft DCO **[REP1-007]**.

TT.1.16	Applicant NKDC LCC National Highways	**Abnormal Indivisible Loads** a) **Councils and National Highways** - is there sufficient detail on the abnormal indivisible loads in the application documents, such as ES Chapter 13: Traffic and Transport **[APP-038]**, the FCTMP **[AS-102]** and the FCEMP **[APP-189]** to understand what would be required and the effects? If not, what other information do you consider would be necessary? b) Are there any implications arising from the fact that only a preliminary vehicle swept path assessment has been undertaken for the routes to the Principal Site and the Cable Corridor access points so far (paragraph 5.7.3 in **[AS-102]**)?	a) It is noted that LCC, in their Local Impact Report **[REP1-053]** (ref. paragraph 11.14), state that "*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 **[REP1-043]**, which includes management details pertaining to AIL (e.g. within Section 6), is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee. It is noted that NKDC, in their Local Impact Report **[REP1-056]** (ref. paragraph 19.14) state: "*The Council generally defers to Lincolnshire County Council as the local highway authority on matters of traffic and transport. However, it is noted that in their Relevant Representation, Lincolnshire County Council expressed general agreement with the methodology and assessment of traffic impacts set out in the ES; and indicated that the impacts on the road network would be acceptable, subject to the delivery of the mitigation measures proposed. On that basis the Council therefore concludes that the proposed development would have a neutral impact on access and traffic.*" Furthermore, it is noted that the matter of abnormal loads is under discussion with National Highways as part of the SoCG between the Applicant and National Highways. The Applicant will continue discussions on this matter to ensure that the final and signed SoCG with National Highways is available to 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]**. The Applicant will continue to work collaboratively with National Highways, LCC and NKDC in matters relating to abnormal loads. b) As noted above at TT.1.15, paragraph 5.7.3 of the Framework CTMP **[REP1-043]** notes that it has not been possible to carry out an in-depth assessment of the AIL routing as the port of entry (point of origin) is not yet known. This is typical for schemes of this nature whereby detailed swept path analysis for AILs is typically done at a later stage (i.e. detailed design stage) by a specialist company and once exact details such as the size/ type of AIL and port of entry, etc are known. The Framework CTMP **[REP1-043]** secures this requirement (ref. paragraph 5.7.3). It should also be noted that the assessment of the AIL routing is not expected to change any of the conclusions set out within the Chapter 13: Traffic and Transport of the ES **[APP-038]**. The Proposed Development is not expected to require a significant number of AILs and the peak construction assessment focuses explicitly on the movements of construction worker trips and materials (HGV and LGV). The Framework CTMP **[REP1-043]** is be developed into a

			detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**.
TT.1.17	Applicant LCC	**Framework CTMP – conditions surveys** Paragraphs 7.3.2 to 7.3.4 in the Framework CTMP **[AS-102]** set out that a road condition survey would be carried out pre-construction, during construction and post-construction, to identify any defects that arise to highways assets/verges during the construction phase for the proposed development and during decommissioning. How would the undertaking of any necessary repairs be secured?	The Framework CTMP **[REP1-043]** (ref. paragraph 7.3.2) notes: "*A road condition survey will be carried out pre-construction, during construction and post-construction, to identify any defects that arise to highways assets/ verges during the construction phase of the Proposed Development for re-instatement*." The Framework CTMP **[REP1-043]** is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. It is this 're-instatement' that would ensure that the road surface is of a reasonable condition as part of the detailed CTMP commitment post-construction, if required.
TT.1.18	Applicant	**Framework CTMP – wheel washing** Paragraph 7.3.17 in the Framework CTMP **[AS102]** states that wheel washing facilities would be provided at every access (where possible) to minimise mud from being trafficked onto the highway. a) Where a wheel washing facility would not possible at an access, what measures would be put in place to ensure that no debris would be deposited on the pubic highway? b) How would the wheel wash water be managed to avoid a deterioration of water quality?	a) The wording "*every access (where possible)*" is in reference to non-construction accesses (e.g. those to be used for operational or emergency access) not considered to require wheel washes due to their minimal use, whereas all construction accesses will have wheel washing facilities or facilities to minimise mud from being trafficked onto the highway. To clarify this, paragraph 7.3.17 of the Framework CTMP has been updated (to be submitted to the Examination at the next available examination deadline) to say: "*wheel washing facilities would be provided at every construction access to minimise mud from being trafficked onto the highway*". b) This will be a matter for the individual contractors undertaking the wheel washing and will depend on what type of wheel washing facility is used. As set out in measure WAT-C3 (item h) of the Framework CEMP **[REP1-031]**, further details of how the wheel wash water would be isolated, treated and disposed of would be outlined within the detailed CEMP. Furthermore, paragraph 2.1.1 (item c) of the Framework CEMP **[REP1-031]** sets out the responsibilities of the Environment Manager, who will be responsible for the overall management of environmental aspects on site, ensuring environmental legislation and good industry practices are complied with, and environmental mitigation and monitoring measures are implemented. The Environment Manager will oversee environmental monitoring onsite and carry out regular environmental site inspections, reporting and responding to any incidents or non-compliance. This would include monitoring of the wheel wash facilities. This issue is considered and assessed in Chapter 9: Water Environment of the ES **[REP1-021]**, whereby following the implementation of standard and embedded mitigation as outlined in Section 9.6 (including the disposal of wheel washing water) there are no likely significant effects resulting from the construction, operation or decommissioning of this Proposed Development, and as such no deterioration in water quality.
TT.1.19	LCC NKDC	**Framework Public Rights of Way Management Plan** Is there sufficient clarity in the Framework Public Rights of Way Management Plan (FPRoWMP) **[APP-195]** to provide an understanding of what is proposed for the affected PRoWs? If not, what other details would be necessary?	**N/A**

TT.1.20	Applicant	**Construction access** Other than for indivisible loads, accesses C-011 and C-012 would not be used by HGVs. Instead, HGVs associated with these two access points would travel to access C-008, where their loads would be transferred onto LGVs for onward delivery (paragraph 13.4.10 in ES Chapter: Traffic and Transport **[APP-038]**). Explain how the LGVs that would come from access C-008 and the 28 singular HGV deliveries of transformers identified in paragraph 13.4.10 in **[APP-038]** would be routed to accesses C-011 and C-012.	LGVs will use Moor Lane and Bassingham Road to Clay Lane and then use Clay Lane to access C-011 and C-012. The majority of HGVs will not access C-011 and C-012; their loads will be broken down at C-008 and transported onwards by LGVs as above. This is not possible for the singular transformer deliveries, which equate to 28 deliveries over the total construction period as these cannot be transported by LGV and must be transported by HGV to C-011 (as set out in paragraphs 6.3.9 and 7.3.9 of the Framework CTMP **[REP1-043]**). These will also use Moor Lane and Bassingham Road to Clay Lane and then use Clay Lane to access C-011. Paragraphs 6.3.9 and 7.3.9 of the Framework CTMP have been updated to clarify this (to be submitted to the Examination at the next available examination deadline). Paragraph 6.3.9 of the Framework CTMP **[REP1-043]** states that banksmen will be in place to control HGV movements at the accesses to ensure these movements are carried out safely. Similarly, traffic management will be employed as necessary along the section of Clay Lane used by these 28 HGV movements as appropriate.
TT.1.21	Applicant	**Construction access** Table 13-25 in ES Chapter: Traffic and Transport **[APP-038]** shows the assumed trip distribution of vehicles to each construction access within the proposed Principal Site. Table 13-25 identifies 0% HGVs for access C-011. However, paragraph 13.4.10 in **[APP-038]** states that there would be 28 singular HGV trips to access C-011. Explain the difference in the figures and correct **[APP-038]** as necessary.	The percentages in Table 13-25 of Chapter 13: Traffic and Transport of the ES **[APP-038]** represent the general day-to-day distribution of trips. The 28 singular HGV trips to access C-011 (associated with transformer deliveries, as discussed at TT.1.20 above) are spread out over the entire construction period and so, on average, equate to less than 1 per day. As such, it is not considered that Chapter 13: Traffic and Transport of the ES **[APP-038]** requires updating, and remains valid.
TT.1.22	Applicant	**Operational access** Paragraph 13.4.12 in ES Chapter: Traffic and Transport **[APP-038]** identifies that the Cable Corridor access points would be reinstated to their original land use upon completion of the construction works. Explain how access would be gained to undertake any routine and reactive maintenance along the Cable Corridor.	Routine maintenance is not required for the Cable Corridor, whereby existing field access locations would be utilised where required for any reactive maintenance.
TT.1.23	Applicant	**Consistency** Confirm the access names in Table 13-6 in ES Chapter: Traffic and Transport **[APP-038]** and paragraph 5.2.2 of the FCTMP **[AS-102]** with those in Annex B of the **[AS-102]**.	The access references are consistent across these documents. Whilst there are differences in the naming convention used within these documents, the access references themselves are consistent and these should take precedent.
TT.1.24	Applicant	**Glint and glare** Where screening is relied upon to mitigate the effects of glint and glare for receptors, such as those points along the A46 as noted in National Highways relevant representation **[RR-201]**, explain the following: a) What measures would be adopted to ensure that appropriate screening would be in place to mitigate the effects of glint and glare in the short term	a. With regards to potential glint and glare impacts to road receptors on the A46 (as noted in the Applicant's Response to Relevant Representations **[REP1-047]**, ref. RR-201 section 5), Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]** presents (i) the theoretical worst-case results based on bare earth (without existing vegetation) and (ii) the impacts taking into account the exiting vegetation. Road Receptors 13–16 located along the A46 were considered to have the

		until any necessary new or additional planting would be of the required height and density? b) How would such mitigation be managed in the long term, given that paragraph 5.3.22 of the FLEMP **[AS-101]** identifies that on-going management measures would cover a period of five years postconstruction?	potential to have High glint and glare impacts in the 'base earth' model run (Table 18 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). This model run assumes 100% sunlight and no vegetation or obstacles, and therefore represents an absolute (and unrealistic) worst-case scenario, as per paragraph 4.42 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**. A visibility assessment was then conducted to determine the real-world impacts upon Road Receptors 13-16 (paragraph 6.195 and Appendix Q of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). 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. At the time of preparing the report this imagery was slightly outdated (from November 2021). Nevertheless, with consideration of this 2021 imagery, impacts at Road Receptors 13-16 were found to be None after some proposed minimal hedgerow infilling and by allowing the hedges to grow out (see paragraph 7.1 of Appendix 14-D: Glint and Glare Assessment of the ES **[REP1-027]**). This was then secured in the Framework LEMP **[REP1-039]**, e.g. ref. paragraphs 4.1.20, 5.2.3 and 5.2.10, with regards to the gapping up of existing hedgerows and allowing hedges to grow to the appropriate minimum height. Since the report, 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 have increased. These images show that the hedgerows have grown significantly along the A46 since 2021. Therefore, mitigation in the form of hedgerow infilling and growth is no longer needed along this section of the A46 to screen potential glint and glare impacts. The conclusion above remains valid, but without the need for hedgerow infilling or growth. 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 is 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. It should be noted that the above matter regarding glint and glare and the A46 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 it 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 that the final and signed SoCG with National Highways is available to 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]**.

			At other locations, where landscape screening is required to mitigate potential glint and glare impacts, the Applicant will liaise with landowners to allow existing hedges to grow (starting after any consent). New vegetation proposed in the Framework LEMP **[REP1-039]** will be planted as soon as practical, but it is not considered that this needs to be ahead of construction and may become an obstacle to some construction works if it is planted too early. At detailed design stage the glint and glare model will be re-run with the specific model type (Fixed South Facing or Single Access Tracker), and with an up-to-date panel model considering any advances in technology at the time, to best represent reflectivity so that the required mitigation can be reviewed and implemented as relevant. The mitigation measures presented as required in the Glint and Glare Assessment of the ES **[REP1-027]** are a combination of both layouts, and therefore the impacts will inevitably reduce in extent once the preferred layout is identified at detailed design. In addition, the modelling was based on blue coloured, polycrystalline panels, which major manufacturers stopped producing 2 or 3 years ago, and therefore has likely overestimated the impact from glint and glare (by about x2). It is expected that the overall impacts will therefore decrease at detailed design stage due to having more defined parameters in the model. Combined with a likely 3 or 4 years of growing seasons between any future consent and the start of construction in 2031, it is the Applicant's expectation that by working with landowners to allow hedges to grow-out during this period, there will not be a need for any mitigation planting for glint and glare and therefore no need for any temporary measures. b. Paragraph 5.3.22 of the Framework LEMP **[REP1-039]** relates to the plan for the establishment and maintenance of new hedgerows and trees, which will be submitted as part of the detailed LEMP. The reference to 'five years', in Paragraph 5.3.21, refers to the time period that the plan for this establishment and maintenance of vegetation planting covers. The maintenance (and any new planting) plan for the remainder of operation would be provided following periodic monitoring of the vegetation (as part of the monitoring report). As secured by the Framework LEMP **[REP1-039]**, a post-construction monitoring programme (which will be formalised, agreed and included within the detailed LEMP) comprising walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. As noted in the Framework LEMP **[REP1-039]** (ref. paragraph 7.1.11) 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. The Framework LEMP **[REP1-039]** is be developed into a detailed LEMP, substantially in accordance with the Framework Plan, secured under Requirement 8 of the Draft DCO **[REP1-007]**.

TT.1.25	Applicant	**Assessment of likely impacts and effects – construction staff** Paragraph 5.4.8 in the FCTMP **[AS-102]** states that in relation to the shuttle bus service provision, if additional demand was identified by the monitoring to be carried out as part of the detailed CTMP then additional shuttle services would be provided. What corrective action would be taken if demand for the shuttle bus service was found to be less than the assumed 55% of construction staff and there were potentially more construction workers' vehicles on the roads in the area than has been assessed in the Environmental Statement?	The provisions in the Framework CTMP **[REP1-043]** (e.g. as set out in Section 7.4) encourage workers to travel by sustainable transport (e.g. shuttle bus) and measures (communication/ timetabling/ signage to shuttle bus pick up locations) will be developed in the detailed CTMP to make shuttle bus as attractive as possible. In addition, car parking at the Principal Site will be limited (see paragraphs 7.4.2 – 7.4.5 of the Framework CTMP **[REP1-043]**), whereby the usage of the car park will be monitored and controlled (ref. paragraph 7.4.2). Given that the assessment presented in Chapter 13: Traffic and Transport of the ES **[APP-038]** builds in a level of flexibility to enable a worst-case assessment, it is considered that even if the uptake of shuttle bus services were lower than 55% of construction staff (albeit this is not considered likely by the Applicant), this would not be material to the assessment and the conclusions would remain the same with regards to there being no anticipated likely significant traffic and transport effects.
TT.1.26	National Highways LCC Applicant	**Cumulative effects** a) **National Highways** - The A46 Newark Bypass has been excluded from further consideration in Appendix 15-A **[APP-177]** (Long list of cumulative developments) because it is due to be complete in 2028. Is the timescale for the A46 Newark Bypass reasonable given the statement in paragraph 1.2 (b) of **[RR-201]** that National Highways will be working with the Department for Transport to identify delivery timescales over the coming months? b) **LCC** - The A46 Hykeham relief road has been excluded from the applicant's cumulative assessment in **[APP-038]** on the basis that its construction period would be prior to the peak construction period for the proposed development (operational from 2026 – point l, page 114 in **[APP-038]**). Does the applicant's assumption about the time of the A46 Hykeham relief road remain correct? c) **Applicant** - If there were to be changes to the timescales concerning the delivery of the A46 highway schemes, how do you consider the regular reviews of and updates to the CTMP suggested by National Highways could be accommodated to manage the cumulative construction traffic effects?	a. The Applicant notes that this matter is under discussion with National Highways as part of the SoCG between the Applicant and National Highways. The Applicant will work with National Highways (and LCC) with respect to the A46 Newark Bypass (and the A46 Hykeham Relief Road) in the development of the detailed CTMP to coordinate with the delivery of these projects. National Highways noted on 19 January 2026 that they continue to work with the DfT to identify the most efficient and cost-efficient delivery timescales for the A46 Newark Bypass. National Highways noted that they will provide further updates on the delivery timings for Proposed Development following the publication of the Road Investment Strategy 3 in due course. The Applicant will continue discussions to ensure that the final and signed SoCG with National Highways is available to 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]**. b. As set out in Appendix 15-A: Long List of Cumulative Developments of the ES **[APP-177]**, the A46 Hykeham Relief Road scheme (ID95) was progressed to the cumulative schemes shortlist in Section 13.10 of Chapter 13: Traffic and Transport of the ES **[APP-038]**, where its potential for a likely significant cumulative effect was considered. However, Proposed Development is expected to be operational from 2026 and therefore will form part of the future baseline highway network by 2032. On this basis, no cumulative assessment of this scheme was undertaken in Chapter 13: Traffic and Transport of the ES **[APP-038]** in this regard; an approach which was approved by National Highways with respect to the assessment of the National Highways section of the A46 within the study area. As noted above, the Applicant will work with LCC with respect to the A46 Hykeham Relief Road in the development of the detailed CTMP to coordinate the delivery of projects.

			c. As noted above, the Applicant will work with National Highways and LCC with respect to the A46 Newark Bypass and A46 Hykeham Relief Road in the development of the detailed CTMP to coordinate with the delivery of these projects. As stated at paragraph 7.5.2 of the Framework CTMP **[REP1-043]**, the Transport Co-ordinator, who takes responsibility for implementing the CTMP, is required to liaise as appropriate with local transport and traffic groups, local planning authorities and local highway authorities and National Highways. This requirement for liaison will accommodate the collaborative coordination of potential cumulative traffic effects. The Framework CTMP is be developed into a detailed CTMP, substantially in accordance with the Framework Plan, secured under Requirement 14 of the Draft DCO **[REP1-007]**. The detailed CTMP will be required to be approved by the relevant authorities before construction commences, with National Highways a prescribed consultee.
TT.1.27	LCC National Highways	**Highways alterations** Would the dDCO, the FCTMP **[AS-102]** and the FCEMP **[APP-189]** adequately secure a mechanism for the approval of the details for the proposed accesses and the other proposed highway alterations identified in the Streets, Rights of Way and Access Plans **[AS-007]**? If not, what amendments to the dDCO, FCTMP and the FCEMP would be necessary to establish an adequate approval mechanism?	**N/A**
TT.1.28	NKDC LCC Applicant	**Permissive paths** a) **Applicant** - Explain the reason behind the proposal to provide 9.5km of additional permissive paths rather than permanent additional paths. b) **Councils** – Provide comments about the applicant's proposals for providing permissive paths.	**a)** As set out in Section 6 of the Framework LEMP **[REP1-039]**, new permissive paths have been designed to supplement the existing PRoW network, linking existing routes and creating new connections. Permissive paths in this instance are favoured by the Applicant as, whilst they will be made available to the public for up to 364 days a year during operation of the Proposed Development, the Applicant reserves the right to periodically exclude the public to ensure that the way does not become a highway or to carry out repair and maintenance (which in practice is likely to be infrequent) (ref. paragraph 6.1.2 of the Framework LEMP **[REP1-039]**). Furthermore, permissive paths are favoured given that at the end of the Proposed Development's operation the land will be in private ownership, whereby the permitted public use will cease and the land returned to the current owners and available for its current use (although the landowners would choose how the land is to be used and managed) in line with Requirement 20 of Schedule 2 to the Draft DCO **[REP1-007]**.

2.11 Water Environment, including Hydrology and Flood Risk questions

Table 0-11: Applicant's Responses to the Examining Authority's Water Environment, including Hydrology and Flood Risk quest

Water Environment, including Hydrology and Flood Risk (WE)			
WE.1.01	Applicant Environment Agency LCC	**Compliance with the Water Framework Directive (WFD)** NPS EN-1 (2023) states at paragraph 5.16.14 *"The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State* ***must refuse development consent [ExA emphasis]*** *where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential."* a) Comment on the relationship of the proposed development to any relevant River Basin Management Plan and the requirements of the WFD. b) Comment on whether there would likely be any deterioration of a water body or that any water body would not achieve a *"good status"* or *"good potential"* as a consequence of the proposed development, and whether Regulation 19 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 would be met?	The Applicant's responses are set out below relative to each itemised query. **a)** The Proposed Development is located in the Anglian River Basin Management Plan (RBMP) and Humber RBMP areas. Water bodies within these RBMPs are shown in the **Waterbodies in a River Basin Management Plan [AS-110]**. **Appendix 9-B: Water Framework Directive Assessment of the ES [APP-145]** assesses whether the Proposed Development would cause deterioration of a water body or its failure to achieve good status or good potential in order to meet the requirements of the Water Framework Directive (WFD). The assessment concludes that the Proposed Development would not prevent the achievement of the wider WFD objectives in the Anglian RBMP or Humber RBMP and is not predicted to have an impact on any other water body within the Humber or Anglian River Basin District or an impact on mitigation measures developed to achieve Good status. The requirements of the WFD are therefore met. **b) Appendix 9-B: Water Framework Directive Assessment** of the ES **[APP-145]** concludes within Section 9 that there would be no deterioration of a water body or prevention of future improvement to achieve "good status" or "good potential" of any water body as a consequence of the Proposed Development. As no potential for deterioration was identified the requirements for derogation (Regulation 19) are not required.
WE.1.02	Applicant Environment Agency Natural England NKDC LCC	**Drilling fluids** The FCEMP **[APP-189]** under WAT-C6 identifies mitigation measures for managing drilling muds and wastewater. a) Has sufficient detail been provided in the FCEMP **[APP-189]** to understand what action would be taken in the event of there being a drilling fluid leak? If not, what additional details should be submitted by the applicant? b) Notwithstanding the identified mitigation measures, would it be possible that in the event of a substantial breakout, for some drilling fluid not be contained? In such a scenario, what would be the residual impact for the environment?	The Applicant's responses are set out below relative to each itemised query. a) The **Framework CEMP [REP1-031]** includes for a site-specific hydraulic fracture risk assessment in relation to drilling, which would be developed prior to construction following further investigation of specific ground conditions at the crossing locations where drilling is required. It would include mitigation developed in line with best construction practice alongside measures to manage drilling muds and wastewater so that this would not be spilt or leaked into the environment. The **Framework CEMP [REP1-031]** also secures the need for a Water Management Plan (WMP). As noted in ES **Chapter 9: Water Environment [REP1-021]**, the WMP will be produced post-consent and offers greater detail regarding the mitigation to be implemented to protect the water environment from adverse effects during construction. This includes protocols for pollution incident response, such as drilling fluid leaks. On this basis it is considered that the **Framework CEMP [REP1-031]** contains or secures

			sufficient measures to firstly prevent drilling fluid leaks, and secondly to respond to an incident should it occur. b) It is not possible to wholly preclude the possibility of drilling fluid breakout. However, the mitigation measures within the **Framework CEMP [REP1-031]**, which secures the WMP, would ensure that any incident would be rapidly and effectively dealt with through the incident response procedures that would be outlined within it. Taking into account this mitigation, then the residual impact on the River Witham and River Brant (both high importance receptors) would remain temporary and negligible, resulting in a slight adverse impact (not significant).
WE.1.03	Applicant	**Swales** a) Paragraphs 9.4.63 and 9.6.68 in ES Chapter 9: Water Environment **[APP-034]** appear to suggest that the swales around the BESS (or groups of BESS) and substation areas would just collect water, which would then be tested to determine the next course of action. However, elsewhere in **[APP-034]** such as paragraphs 9.6.56 and 9.7.76 and paragraph 4.1.7 of the Framework Surface Water Drainage Strategy **[APP-147]**, it appears that the swales would collect and treat surface water before discharge. Clarify what the intended role for the proposed swales would be. If treatment is intended, explain what that would involve. b) Confirm whether the penstock valves would be automatically activated in the event of a BESS fire. If not, provide an explanation of the procedure for manually closing the valves and how risks of accidental release would be managed, as requested by the Environment Agency in its relevant representation **[RR-089]**. c) Paragraph 9.6.58 in ES Chapter 9: Water Environment **[APP-034]** states that swales around the proposed BESS areas and onsite substation area would be lined with an impermeable membrane or similar impermeable barrier to prevent any pollution from entering the ground. However, paragraph 4.5.5 in the Framework Battery Safety Management Plan **[APP-198]** proposes that runoff from the battery storage area would be contained by local bunding and attenuated within gravel subgrade of the lined permeable sustainable drainage system and attenuation swale features. Clarify which approach would be used. If gravel would be used, provide details on how the accumulation of silt and pollutants at the base of the gravel would be managed following a BESS fire event. d) The FOEMP **[APP-190]** should be updated to include measures for the ongoing maintenance and testing of the penstock valves.	The Applicant's responses are set out below relative to each itemised query. **a)** The proposed swales around the BESS compounds and substation areas are intended to perform effectively two functions, depending on operating conditions, i.e. normal routine operation and an unplanned event during an unlikely high risk event such as a BESS fire. It is widely recognised that sustainable drainage systems (SuDS) such as swales can provide treatment for surface water runoff. This is summarised within CIRIA C753 The SuDS Manual (2015), which outlines the 'treatment' that a variety of SuDS can provide regarding surface water runoff, provided they are appropriately designed and maintained. To determine whether a surface water drainage treatment train is sufficient, the Simple Index Approach is applied, as outlined in The SuDS Manual. The methodology for the Simple Index Approach assessment is provided in **Chapter 9: Water Environment** of the ES **[REP1-021]**, Paragraph 9.4.25 to 9.4.28. The assessment itself is undertaken in **Appendix 9-D: Framework Surface Water Drainage Strategy (Section 4.6) [REP1-025]** and summarised within **Chapter 9: Water Environment [REP1-021].** Although the swale is lined, it will have planting within in, in the soil layer above the liner, to treat runoff. The assessment indicates that the swale provides adequate treatment in terms of water quality. The Simple Index Approach is the industry standard approach for ensuring that sufficient treatment has been incorporated into a drainage design. Under normal rainfall and site operating conditions, the swales are designed to function as sustainable drainage features that both collect and treat surface water runoff prior to discharge. Their primary role is consistent with the descriptions provided in ES **Chapter 9: Water Environment [REP1-021]** (including Paragraphs 9.6.56 and 9.7.76) and the Framework Surface Water Drainage Strategy **[REP1-025].** The swales will provide water quality treatment through the following mechanisms: • **Hydraulic attenuation and sedimentation:** Reduced flow velocities within the shallow, vegetated swales allow suspended solids to settle. • **Filtration through vegetation and soils**: Grasses and planted vegetation physically filter particulates and associated contaminants from runoff.

			• **Biological uptake and transformation**: Vegetation and the underlying soil media promote uptake of nutrients and facilitate biodegradation of low-level hydrocarbons or other diffuse pollutants typically associated with site runoff. The **Framework OEMP [REP1-033]** includes the requirement for regular inspection and maintenance of the SuDS to ensure performance is maintained as expected throughout the operation phase, as set out in WAT-05 of Table 6 Water Environment. It should be noted that the Simple Index Approach does not apply to firefighting water, and its potential contaminants, as any fire water applied to BESS areas would be contained within the swale via a penstock. Any fire water that collects in the lined swales would be tested and if found to be contaminated, it would be pumped out by a suitable contractor for off-site disposal at a licenced waste facility. The swale will then be cleaned of all contaminants. If not contaminated, this would be released with agreement of the Environment Agency if a permit was required. In the unlikely case of a BESS fire event, Paragraphs 9.4.63 and 9.6.68 of ES **Chapter 9**: **Water Environment [REP1-021]** refer to the role of swales during non-routine events, such as a fire involving BESS infrastructure. In these circumstances, the swales provide a secondary containment and temporary storage function. This contingency function does not replace or negate the normal treatment role of the swales but represents an additional safeguard for rare, high-risk scenarios. **b)** The Applicant commits to the use of automated penstocks in the event of a BESS fire, such as through the use of on-site telemetry warning systems that can identify a fire which would lead to the automatic closing of the penstock valve. The Framework BSMP **[REP1-041]** was updated (submitted to the Examination at Deadline 1) to include 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 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."* **c)** The Framework BSMP **[REP1-041]** was updated (submitted to the Examination at Deadline 1) at paragraph 4.5.5 for clarity as follows: *"…where practical, at detailed design stage it is proposed that runoff from the battery storage area will be contained by local bunding and attenuated within ~~gravel subgrade of~~ the lined impermeable sustainable drainage system and attenuation swale (SuDS) features prior to being passed forward to the local land drainage network.* Regarding the use of gravel and soil in drainage features, for the centralised BESS and DC coupled options, fire water runoff from the BESS areas would be managed using lined SuDS features incorporating a gravel subgrade beneath the BESS component, which will then be drained into a lined swale feature, that incorporates a soil layer above the liner, with no gravel component in the swale, in accordance with what is set out in Section 4 of updated Framework SWDS **[REP1-025].**

			This approach is secured through Requirement 10, Schedule 2 of the Draft DCO **[REP1-007].** Regarding gravel contamination; in the event of a contamination incident, any areas of contaminated gravel within the BESS will be dug out and replaced, following any residual contamination from washing through of the gravel to remove contaminants. The Framework SWDS **[REP1-025]** was updated (submitted to the Examination at Deadline 1) to reflect the fact that there would be removal and replacement of contaminated soil, whereby paragraph 4.11.3 now reads: "The swale will then be cleaned of all contaminants including contaminated soils, and replaced with clean, inert soil and the swale re-planted." . **d)** The Applicant acknowledges the requirement for maintenance/testing of the penstock valves. The **Framework BSMP [REP1-041]** has been updated and was submitted to the Examination at Deadline 1. The Framework BSMP 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*." The **Framework BSMP [REP1-041]** is a secured DCO document, and as such will secure the requirement for ongoing maintenance of the penstock valve as above. The Framework BSMP is to be developed into a detailed BSMP, substantially in accordance with the Framework BSMP, secured under Requirement 7 of Schedule 2 to the **Draft DCO [REP1-007]**.
WE.1.04	Applicant	**Assessment of effects – groundwater quality** Paragraph 9.7.48 in ES Chapter 9: Water Environment **[APP-034]** should be updated to reflect the most recent guidance on good practice for assessing impacts on ground water quality, as identified in the Environment Agency's relevant representation **[RR-089]**.	Paragraph 9.7.48 of the **Chapter 9: Water Environment** of the ES **[REP1-021]** has been updated for clarity and was submitted to the Examination at Deadline 1. Paragraph 9.7.48 now reads: *"Nonetheless, prior to construction works commencing, a targeted scheme of Ground Investigation and testing followed by a Quantitative Risk Assessment will be completed. This will be in accordance, if and where necessary, with BS10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites: Code of Practice (Ref 9-98), BS 5930:2015+A1:2020 Code of Practice for Ground Investigations, and the Environment Agency's Land contamination risk management (LCRM) (Ref 9-97)."*
WE.1.05	Applicant Environment Agency LCC	**Assessment of effects - water run-off, operational phase** Paragraph 9.7.74 in ES Chapter 9: Water Environment **[APP-34]** states that in order to limit the potential for channelisation from rainfall dripping off the end of the solar panels, the areas between, under and surrounding the solar panels would be planted with native grassland and wildflower mix. That planting would intercept and absorb rainfall running off the solar panels,	**a)** The Applicant has primarily referred to studies undertaken by Cook and McCuen[9], the Building Research Establishment[10], and more recent research conducted by Pennsylvania State University in 2024[11]. This is discussed in ES **Appendix 9-C: Flood Risk Assessment [REP1-023]**, and the research summarised within **Annex H** of ES **Appendix 9-C: Flood Risk Assessment [REP1-023]**. These sources collectively support the view that solar panels have a minimal impact on field runoff when compared to existing conditions. It is important to note that the

[9] Cook, D. D., & McCuen, R. H. (2013). Hydrologic Response of Solar Farms. Journal of Hydrologic Engineering, 18(5), 538-543.
[10] BRE (2014) Agricultural Good Practice Guidance for Solar Farms. Ed J Scurlock
[11] Pennsylvania State University, 2024

		preventing it from concentrating and potentially forming channels in the ground. a) What evidence is there demonstrating that this approach would adequately manage run-off from the proposed solar panels? b) Should monitoring of water run-off from the solar panels take place during the operational phase, with the potential for mitigation to be provided in the event that it was required? If so, how could any such mitigation be secured through any made DCO for the proposed development?	hydraulic model developed by Cook and McCuen was not specifically designed for small-scale solar farms but rather for solar panels in general. The model estimates an increase in peak runoff of approximately 0.31% (around 0.0013 m³/s), with the research concluding that this represents a non-significant impact when appropriate boundary features and vegetation management are in place. These values provide a basis for comparing pre- and post-development conditions across various types of solar farms. With regards compaction of soil, the Welsh Government Report:2020/21 Soil Policy Evidence Programme[12], identifies that rivulets and compaction are, in general, due to poor soil management. Additionally, research from Pennsylvania University in 2023 found that the presence of well-established vegetation, including plant cover beneath and between the solar panels, prevented any significant changes in runoff characteristics. The Building Research Establishment (BRE) National Solar Centre guidance document Agricultural Good Practice Guidance for Solar Farms[2] supports the idea that solar farms, particularly those with vegetation maintained underneath the panels, have minimal impacts on runoff. Additionally, the research paper "Impact of solar panels on runoff generation process," authored by G. Biamamonte, L. Gristina, and S. Palermo[13]primarily examines the impacts of runoff on bare earth soil with little to no grass coverage. The study concludes that to prevent erosion and compaction, a grass cover beneath the panels and in the interspace between panels is highly recommended. **b);** Vegetation management has been secured through the **Framework LEMP [REP1-039]**. In order to limit potential increases in runoff, the Proposed Development would provide planting in the areas between, under and surrounding the solar PV panels with native grassland and wildflower mix. The planting will absorb and slow runoff from the solar PV fields, mimicking the existing regime. Furthermore, similar soil compaction and runoff effects can also be observed in freshly ploughed fields where grass coverage is absent, leading to increased susceptibility to erosion and compaction. With regard to monitoring during the operational phase, Section 6.9 (Soil Maintenance (Aftercare Requirements)) of the Framework SMP **[REP1-037]** includes monitoring of soils during operation to check for compaction and/or hydrology issues, and that any channelisation of water or issues caused by rainwater would be picked up as part of that monitoring and rectified where it is damaging or restricting veg growth or soil health. The Framework SMP is to be developed into a detailed SMP, substantially in accordance with the framework plan, as secured by Requirement 15 f the Draft DCO **[REP1-007]**.

[12] Welsh Government (2020) Soil policy evidence programme 2020/21

[13] Baiamonte, G, Gristina, L, Palermo, S (2023) Impact of solar panels on runoff generation process

WE.1.06	Applicant	**Assessment of effects – water demand** Paragraphs 9.7.53 and 9.7.104 in ES Chapter 9: Water Environment **[APP-034]** conclude that as it has been confirmed through the Water Resources Assessment submitted to Anglian Water that the proposed development's supply requirements during construction and operation (and maintenance) can be delivered without compromising water resources in the Anglian Water area and that there would be a negligible impact on water resources, giving a slight adverse effect. a) Provide a copy of the Water Resources Assessment. b) Identify the sources of water demand during the construction, operational (and maintenance) and decommissioning phases and explain where the water supply would be sourced, if that information is not included in the Water Resources Assessment. c) The Potential Main Issues for Examination document **[APP-193]** identifies that Anglian Water confirms that the rate of water can be supported within a Water Resource Zone (WE4). However, it goes onto identify that no local network capacity assessment has been carried out and the applicant has been advised to submit a pre-planning enquiry prior to any DCO approval, a point reiterated by Anglian Water in its relevant representation **[RR-024]**. Clarify whether that alters the conclusion of a slight adverse effect with respect to water demand as set out in paragraph 9.7.53 in **[APP-034]**.	The Applicant's responses are set out below relative to each itemised query: a) The Water Resources Assessment (WRA) developed for Anglian Water has been submitted to the Examination at Deadline 1 and has also been issued to the Environment Agency. The Environment Agency responded with comments on the WRA, noting that until the Applicant can confirm that Anglian Water can supply sufficient water to meet all construction demands, the Environment Agency does not have confidence that a sustainable and practical water supply is available to the Proposed Development. The Applicant subsequently discussed the quantities estimated for Horizontal Directional Drilling (HDD) in relation to the Proposed Development with Anglian Water, whereby Anglian Water confirmed that the required water supply during construction (including HDD quantities) and operation of the Proposed Development can be supplied. This confirmation from Anglian Water was sent to the Environment Agency, who subsequently responded on 15 January 2026 to confirm that the Environment Agency is satisfied that this additional information resolves any uncertainty. Further discussion with the Environment Agency on this topic will be considered and responded to as part of the SoCG, where the SoCG 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]**. b) The WRA includes best estimates of water use at the time of the DCO Application submission. It includes requirements for water for domestic purposes during construction and operation, as well as non-domestic purposes. During construction, water would be needed for Horizontal Directional Drilling (HDD), wheel washers, dust suppression and possible concrete preparation (should this take place on site). Water is also needed for domestic use for construction workers. This would be sourced from the Anglian Water supply, as well as from rainwater harvesting on site. The latter is not taken into account in the Water Resource Assessment in order that a worst-case water supply volume from Anglian Water has been considered. Anglian Water has confirmed that they can supply the required volume during construction. During operation, water would be required for panel cleaning, with a cycle of cleaning every two years, as well as to fill storage tanks for fire-fighting water. There would also be a need for potable water for 4 permanent staff members, and up to 20 in attendance during periods of maintenance or cleaning cycles. This would be sourced from the Anglian Water supply. Anglian Water has confirmed that they can supply the required volume during operation. Decommissioning requirements are not included in the WRA at this point in time but would be expected to be less than that required during construction. Rainwater harvesting would again be used, with any additional water supply to be agreed with Anglian Water subject to availability at that point in time. c) The Applicant has submitted the required pre-planning enquiry as raised by Anglian Water. This enquiry allows Anglian Water to determine the scale of any

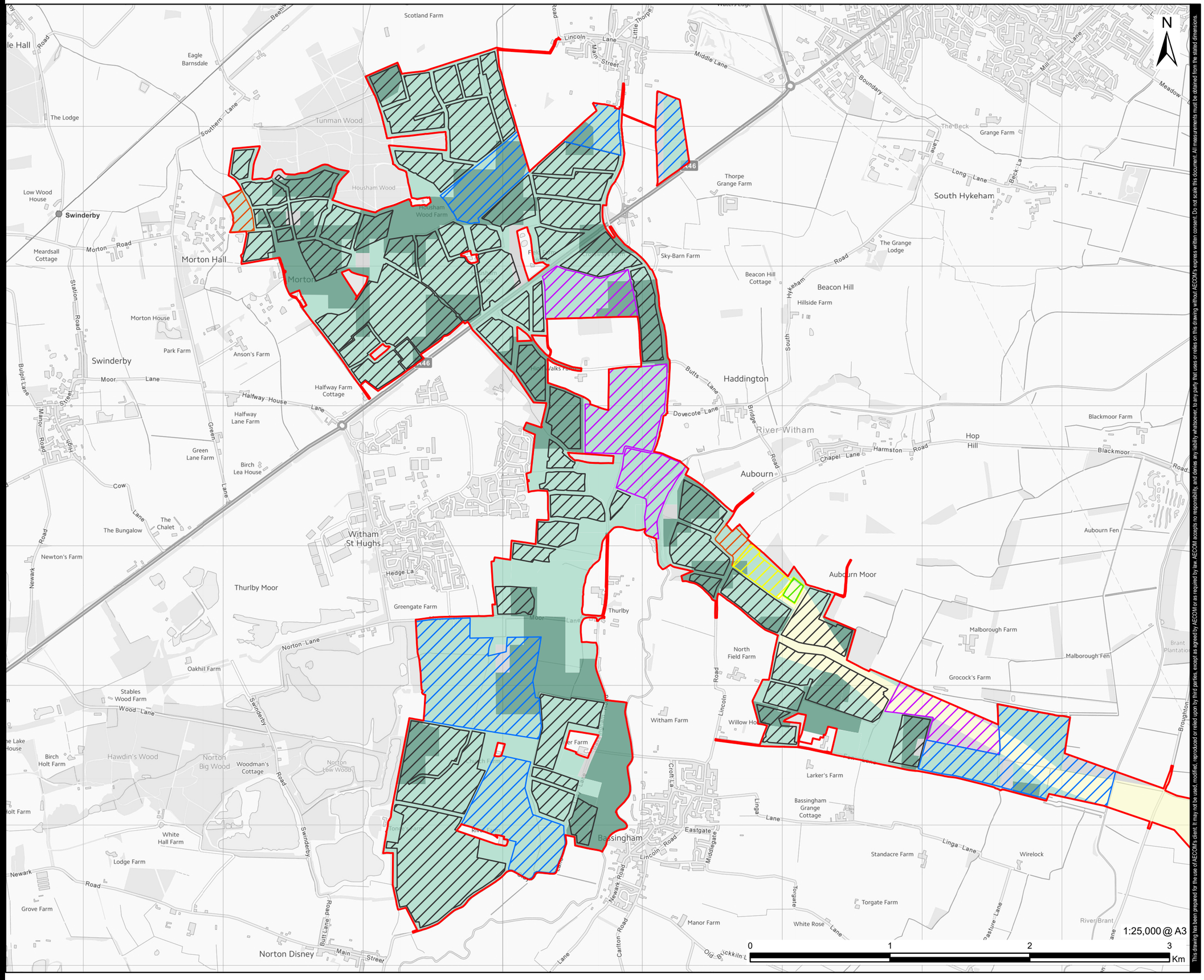
			offsite infrastructure upgrade required to facilitate the supply, as well as costs that are payable by the applicant. It does not alter the water volume requirement which has been confirmed, and so the conclusion of the assessment with regard to water demand is unchanged.
WE.1.07	Applicant	**Water storage capacity - BESS** Paragraph 4.3.3 of the Framework BESS Safety Management Plan **[APP-198]** identifies that each indicative BESS area design would contain a minimum of two firefighting water storage units of no less than 230,000 litres in capacity, capable of delivering 1900 litres per minute for **4 hours** (ExA emphasis) (exceeding National Fire Chiefs Council's (NFCC) guidance). Paragraph 9.6.70 in ES Chapter: Water Environment **[APP-034]** states that NFCC guidance ("Grid Scale Battery Energy Storage System planning – Guidance for Fire and Rescue Services", 2022, has been used to determine the volume storage of fire water runoff. The NFCC guidance states firefighting supplies "*should be capable of delivering no less than 1,900 litres per minute for at least **2 hours***" (ExA emphasis). On top of this supply requirement, a 30% additional capacity has been applied for storage in the swale. Clarify whether the different figures referred to in the two documents would have any implications for the volume of storage needed for fire water runoff.	Please note that the reference to 4 hours was incorrect – paragraph 4.3.3 of the **Framework FBSMP [REP1-041]** has been updated to correct this and was submitted at Deadline 1 of the Examination and now states the following: *"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 1900 litres per minute for 2 hours in line with NFCC guidance. The Applicant will align with the minimum requirements in the NFCC guidance at the time of detailed design, which may include greater onsite storage for example should this be required by the revised guidance or LFRS*." Additionally, should future capacity be increased following revised guidance, subject to detailed design, there is sufficient space within the Order limits and around the BESS sites to accommodate additional fire water retention within Swales. Paragraph 1.2.8 of the Framework Battery Safety Management Plan (FBSMP) **[REP1-041]** states: "*The BESS has been designed in accordance with the UK and internationally recognised good practice guidance available at the time*." It is noted that, for the centralised BESS option, the currently proposed attenuation would accommodate additional fire water, as the surface water runoff volume attenuation for the 1 in 100 year storm event, plus 40% climate change, is a significantly higher volume than the fire water runoff requirements. The updated **Framework BSMP [AS-119]** has been issued at Deadline 1 to ensure consistency across all chapters and drawings.
WE.1.08	Environment Agency	**Foul water** In your relevant **[RR-089]** you have requested that more detail is provided on the foul water disposal strategy. Paragraph 7.1.4 of the Flood Risk Assessment **[APP-146]** states that drainage would be dealt with via a septic tank arrangement or similar sealed system. Paragraph 4.12.2 of the Framework Surface Water Drainage Strategy **[APP-147]** states that during the operational phase, foul water flows would be dealt with via a sealed cesspit. Clarify what further information you expect you require to consider this matter further.	**N/A**
WE.1.09	Applicant	**Per-and poly fluoroalkyl substances**	With regards to the query (ID: EA21) raised by the Environment Agency in its Relevant Representation **[RR-089]**, the supplier and make of solar PV panels that

		Comment on the query (ID: EA21) raised by the Environment Agency in its relevant representation **[RR-089]** regarding per-and poly fluoroalkyl substances.	will be used for the Proposed Development has not yet been chosen – this approach is common for developments of this kind, as solar PV technologies are constantly evolving, and new efficiencies are developed regularly. However, it can be confirmed by the Applicant that any PV cells to be used will be PFAS-free. To ensure this measure is secured, the Design Commitments (Table A-1) set out in Appendix A of the **Design Approach Document [APP-186]** have been updated to include a section for 'Technical Commitments' which includes: *"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.
WE.1.10	Applicant	**Flood risk** Provide a table identifying which flood zone category each part of the proposed development would be situated in.	A Table is provided within Appendix C as requested.
WE.1.11	Applicant	**Flood Risk Assessment** Clarify the location of the three fields identified as 45, 54 and 57 in plates 10, 11 and 12 of the Flood Risk Assessment **[APP-146]** in the context of the wider Order Limits.	Annex C of the **Framework Surface Water Drainage Strategy [REP1-025]** was submitted at Deadline 1 to ensure consistency across all chapters and drawings, which identifies the field numbers in relation to the Proposed Development layout and Order Limits, including the fields as shown in Plates 10, 11 and 12 within the Flood Risk Assessment **[REP1-023].** Field 45 is located to the west of Bassingham Road and to the East of the River Witham in the south eastern extent of the Principal Site. Field 54 is located to the south of Fox Covert, east of Bassingham/Lincoln Road in the south eastern extent of the Principal Site. Field 57 is located to the north of Fen Lane in the south eastern extent of the Principal Site, it is the south eastern most field containing solar PV within the Principal Site.
WE.1.12	Applicant	**Consistency** Confirm the consistency of: a) the cable trench widths given in ES Chapter 3: The Proposed Development **[APP-028]** and ES Chapter 9: Water Environment **[APP-034]**, as queried by the Environment Agency in its relevant representation **[RR-089]** b) the solar array fields where infiltration swales would be required identified in paragraph 9.6.59 in **[APP-034]** with the drainage strategy general arrangement in Annex C of the Framework Surface Water Strategy **[APP-147]** c) the location of solar array fields in the drainage strategy general arrangement in Annex C of **[APP-147]**, in particular fields 7 and 31, with the layout shown on Figure 3-2A and Figure 3-2B in **[AS-023]** d) the edge swales to capture excess runoff and reduce existing surface water risk along The Avenue in Morton identified in WA3 of the Design	With regards to point a): Paragraph 3.3.42 of **Chapter 3: The Proposed Development** of the ES **[REP1-015]** refers to the "typical" trench width for onsite cabling (i.e., the trench width typically implemented across similar schemes for onsite cabling), whereby the width of the trench will be dependent upon factors such as method of installation, ground conditions and number of cables laid in parallel (as noted in the paragraph). Table 3-5 of **Chapter 3: The Proposed Development** of the ES **[REP1-015]** relates to the design parameters for the onsite cabling – as noted in paragraph 3.2.5 of **Chapter 3: The Proposed Development** of the ES **[REP1-015]**, the use of 'design parameters' is adopted to present a likely worst-case assessment of potential environmental effects of elements of the Proposed Development that require flexibility, hence the difference in quoted widths (i.e. a typical width and a maximum width). The use of design parameters allows a reasonable worst-case assessment to be undertaken within the ES technical assessments in line with the Rochdale Envelope approach, as discussed in Section 5.3 of **Chapter 5: Environmental Impact Assessment Methodology** of the ES

		Approach Document **[APP-186]**, paragraph 4.5.5 in the Flood Risk Assessment **[APP-146]** and paragraph 9.6.60 in **[APP-034]**, with the location of solar array fields in the drainage strategy general arrangement in Annex C of **[APP-147]**.	**[APP-030]**. As such, the assessment has been undertaken assuming the maximum width stated as opposed to the 'typical' width. Paragraph 9.6.19 of **Chapter 9: Water Environment** of the ES **[REP1-021]** provides an overview of the typical cabling widths, replicating the text in **Chapter 3: The Proposed Development** of the ES **[REP1-015]** for context for the reader. Paragraph 9.6.50(d) of Chapter 9: Water Environment of the ES **[REP1-021]** then reflects the design parameters – i.e., the trench width for onsite cabling that has been assumed for assessment purposes. It should be noted that the design parameters regarding onsite cabling reported in **Chapter 3: The Proposed Development** of the ES **[REP1-015]** are also set out in the **Proposed Development Parameters [REP1-029]** document (ref. Page 15). Compliance with the Proposed Design Parameters is secured in Requirement 6(2) of Schedule 2 to the Draft DCO **[REP1-007]**. Similarly, paragraph 3.3.55 of **Chapter 3: The Proposed Development** of the ES **[REP1-015]** refers to the "approximate" 3m wide trench width for the 400kV Grid Connection Cable (i.e., the trench width typically implemented across similar schemes for 400kV cabling). Paragraph 9.6.18 of Chapter 9: Water Environment of the ES **[REP1-021]** replicates this text in **Chapter 3: The Proposed Development** of the ES **[REP1-015]** for context for the reader regarding the approximate width of the Grid Connection Cable trench. The reference to "trench of up to 4.5m wide" in paragraph 3.3.54 of **Chapter 3: The Proposed Development** of the ES **[REP1-015]** then relates to the maximum trench width assumed for the 400kV Grid Connection Cable. This trench width for the 400kV Grid Connection Cable has been assumed in the assessment presented in **Chapter 9: Water Environment** of the ES **[REP1-021]**. **Chapter 9: Water Environment** of the ES **[REP1-021]** has been updated and has been submitted at Deadline 1 of the Examination to clarify this assumption. Chapter 9: Water Environment of the ES **[REP1-021]** paragraph 9.6.50(d) now states: "*Grid connection cable - for open trench excavation, up to 3m below ground level subject to design and ground conditions, with a minimum cover of 0.9m for the cable and a trench width of up to 4.5m. For horizontal directional drilling, a minimum 5m depth under the River Brant would be required, with final depth subject to design and ground conditions. Jointing bays will be required up to 1,000m apart to join sections of cable together. The dimensions of the jointing bay would be up to 21m in length by 3m in width by 2.5m in depth*." **Chapter 3: The Proposed Development** of the ES **[REP1-015]**, Table 3-7 has also been updated (submitted to the Examination at Deadline 1) to clarify this design parameter. The applicable design parameter now notes: "*For open trench excavation, up to 3m below ground level subject to design and ground conditions, with a minimum cover of 0.9m for the cable and a trench width of up to 4.5m*." It should be noted that these clarifications do not affect the assessments or conclusions presented in the ES, whereby, as noted above, the ES technical assessments have been undertaken in line with the Rochdale Envelope approach,

			as discussed in **Chapter 5: Environmental Impact Assessment Methodology** of the ES **[APP-030]**. With regards points b), c) and d); the text within paragraph 9.6.59 in Chapter 9: Water Environment of the ES **[REP1-021]**, paragraph 4.5.5 in Appendix 9-C: Flood Risk Assessment **[REP1-023]** and paragraph 9.6.60 in Chapter 9: Water Environment **[REP1-021]** is correct in all references to the solar PV field numbers. For completeness, paragraph 4.1.10 in the Framework Surface Water Drainage Strategy report **[REP1-025]** also notes the correct field numbers, which are also discussed throughout the Framework Surface Water Drainage Strategy report **[REP1-025]**. The Applicant notes that Annex C of the Framework Surface Water Drainage Strategy **[REP1-025]** shows a slightly earlier iteration of the proposed solar layout. This Annex will be updated to align with the correct layout and will be submitted into the Examination at Deadline 3. Subsequent updates to the Flood Risk Assessment **[REP1-023]** are to be discussed with the Environment Agency and LCC, prior to submission to the Examination at Deadline 3. The amendments to Annex C of the Framework Surface Water Drainage Strategy **[REP1-025]** and the Flood Risk Assessment **[REP1-023]** will not affect the conclusions of the assessments undertaken, whereby these remain valid; this will be demonstrated at Deadline 3.

Appendix A Figures



Fosse Green Energy

PROJECT

Fosse Green Energy

CLIENT

Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
Sunley House
4 Bedford Park
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[redacted]

LEGEND

- DCO Site Boundary
- Cable Route Corridor
- Solar PV Area
- On-Site Substation
- BESS Compound
- Bird Mitigation Area - Permanent Grassland
- Bird Mitigation Area - Managed Arable
- Proposed Species Rich Grassland

Agricultural Land Classification

- Grade 3a - Best and Most Versatile Land
- Grade 3b
- No Data/ Not Accessible/ Not Agricultural

NOTES

LEGISLATION

Regulation 5(2)(a) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

ISSUE PURPOSE

Examination Submission

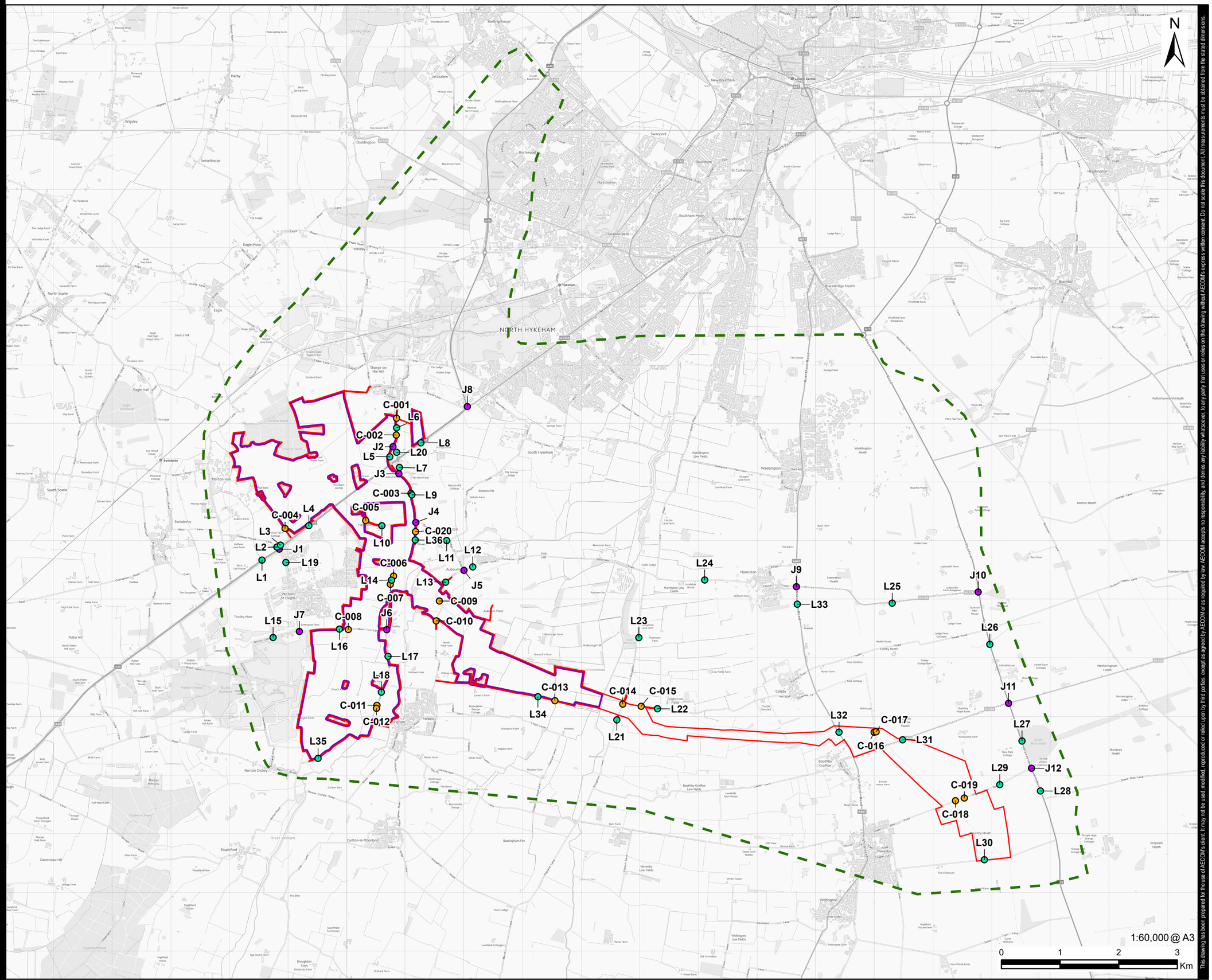
FIGURE TITLE

Shared Uses of Proposed Development Components and Agricultural Land

FIGURE NUMBER	REV.
WQ1-3	01

DOCUMENT REFERENCE

EN010154/EXAM/9.8



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LEGEND

- DCO Site Bounday
- Principal Site
- Transport Study Area
- Construction Access Point

Traffic Receptor

- Junction
- Link

NOTES

LEGISLATION

Regulation 5(2)(a) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

ISSUE PURPOSE

Examination Submission

FIGURE TITLE

Transport Receptors

FIGURE NUMBER	REV.
WQ1-1	01

DOCUMENT REFERENCE

EN010154/EXAM/9.8

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LEGEND

CENTRALISED BESS COMPOUND (WORK NO. 2)

0 62.5 125 m

1:2500

NOTES

1. 200m OFFSET IS SECURED IN THE FRAMEWORK BATTERY SAFETY MANAGEMENT PLAN [REP1-041] AND APPENDIX A: DESIGN COMMITMENTS OF THE DESIGN APPROACH DOCUMENT [APP-186].

LEGISLATION

Regulation 5(2)(a) Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

ISSUE PURPOSE

Examination Submission

PROJECT NUMBER

60700987

FIGURE TITLE

Centralised BESS Separation Distances

FIGURE NUMBER	REV.
Figure WQ1-2	01

DOCUMENT REFERENCE

EN010154/EXAM/9.8

Appendix B Worldwide BESS Fire and Failure Incidents

Response to ExA's Request for information on Historical BESS Fires

The ExA raised concerns in Question GC.1.09 of The Examining Authority's first written questions and request for information (ExQ1) [PD-011] about the operational safety of the proposed BESS, particularly with regard to the potential for thermal runaway to cause fires. The ExA requests that the Applicant identify instances of BESS having caught fire worldwide, advising on where those incidents have occurred and giving the reason(s) for those incidents

The Applicant is aware that safety standards differ widely country-to-country and therefore considers the safety history of BESS in the UK to be most relevant to the Proposed Development. Nevertheless, both UK and worldwide BESS fires are discussed here.

The Renewable Energy Database[1] managed by Department for Energy Security and Net Zero (DESNZ) logs the energy generation and storage facilities in the UK. It shows that as of end of Oct 2025 (the latest data set available at the time of writing):

- There are 136 BESS facilities currently operational in the UK.
- The total capacity of the operational BESS in the UK is currently 3,269MW (3.3GW). This is 13 times more capacity than the BESS proposed as part of the Proposed Development.
- The operational BESS facilities range from having begun operation in 2006 up to the present day, with most sites becoming operational in the last few years. It shows 92 BESS facilities (68% of the currently operational BESS facilities) were constructed before any BESS safety standards were introduced in the UK.

From these 136 BESS facilities, there have been 3 BESS fires in the UK to date. These are discussed below.

One of these 3 fires (Statera's 300 MW battery energy storage site at East Tilbury in Thurrock, Essex) occurred during construction rather than operation and has not yet released a safety report, and therefore it is not possible to comment on the cause of the fire. Firefighters managed the fire over 24 hours, and a water curtain was used to prevent propagation.

The 2 operational BESS fires in the UK comprise:

[1] Renewable Energy Planning Database: quarterly extract - GOV.UK

Orsted's Carnegie Road BESS, Liverpool in September 2020. This was a 20MW BESS scheme in Liverpool, well reported for its planning failures because it was installed without the knowledge of the local fire and rescue service (LFRS) and in a relatively urban location close to sensitive receptors, with inadequate safety controls. This BESS experienced an explosion which led to the container door being found 6m away and debris spreading 22m from the container. The post fire safety report identified it did not have adequate explosion prevention measures or fire suppression systems, and it used an air cooled pouch cell BESS system which presents a high fire risk. The LFRS and National Fire Chiefs Council (NFCC) concluded that this technology is not appropriate for the UK. An automatic fire suppression system was fitted but failed to actuate, allowing the fire to develop.

Cirencester Hybrid Solar Farm in March 2025. The 23 MW solar and 10 MW of BESS entered operation in 2022 using an air cooled pouch cell BESS system, which as noted above, is no longer acceptable technology to NFCC and the LFRS. At the time, air-cooled battery containers were widely used, before liquid-cooled designs became common, and have a lower cooling efficiency and uneven heat dissipation which can create thermal hotspots within the container, increasing the risk of thermal events. The container spacing was less than 3m (the minimum spacing now allowed by NFCC guidelines), which enabled the fire to spread to a second container. The overall fire event lasted 7 hours.

Critically, both the Carnegie Road BESS and Cirencester Hybrid Solar Farm BESS were built prior to the NFCC 2022 safety guidelines[2] and NFPA 855 (2023)[3]. They were therefore both non-compliant with NFPA 855 and UL 9540 fire standards. In other words, the detection system, overall design, and safety controls would not meet current safety standards enforced by the NFCC and LFRS. Lessons learnt from the Carnegie Road BESS fire led to the development of the 2022 NFCC 'Grid Scale Battery Energy Storage System planning – Guidance for FRS'[2].

The Applicant notes that 92 of the 136 currently operational BESS facilities in the UK were constructed prior to the NFCC safety guidelines being published in November 2022 (or indeed any UK safety guidelines in the UK on BESS safety), and therefore further fires at these other sites cannot be ruled out, which may affect the public's perception of BESS safety.

The Proposed Development has taken into account and complies with the NFCC 2022 safety guidelines, NFPA 855, and UL 9540A, and is therefore designed to a higher standard than the Carnegie Road BESS and Cirencester Hybrid Solar Farm BESS. The Draft Development Consent Order [REP1-007] secures this via Requirement 7, which states that Work No. 2 or Work No. 3 (which comprise the centralised and distributed BESS) must not commence until a Battery Safety Management Plan (BSMP) has been submitted to and approved by the relevant planning authority. It states that the BSMP must be substantially in accordance with theFramework BSMP, and the relevant planning authority must consult with Lincolnshire Fire and Rescue and the Environment Agency before determining an application for approval of the battery safety management plan. By virtue of

[2] https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf
[3] https://www.nfpa.org/codes-and-standards/nfpa-855-standard-development/855

Requirement 7 of Schedule 2 to the draft DCO **[REP1-007]**, the BSMP must be implemented as approved. This document ensures the Proposed Development BESS incorporates multi-layers of safety through battery management systems that are incorporated into each battery, rack, and container. The battery cells are remotely monitored 24/7 so if a cell start to fail or generate gases, it is shut down and disconnected from the rest of the system and the ventilation system initiates. This is monitored by an off-site control room who are monitoring 24/7 changes across every cell. The system also allows advance warning to the LFRS of any issues and overheating which have the potential to cause a fire.

In terms of the ExA's question regarding worldwide fires, there have been other BESS fires outside the UK. The Applicant considers these to be less relevant due to the safety standards being lower than the UK in some countries, other than the lessons learnt from these fires has raised the general safety standard in the industry and led to the development of the aforementioned safety standards.

According to StorageWiki (a wiki-style hub for energy storage research at the Electric Power Research Institute (EPRI[4])) there was 8 reported BESS failures in 2024 worldwide (2025 data not available yet)and 107 BESS fires worldwide since EPRI records began in 2011. The EPRI reports that the failure/fire rate dropped by 98% for operational BESS over the 7 year period from 2018 to 2024 as the lessons learned from early failures were incorporated into the latest designs and best practices. Modern BESS solutions incorporate smoke, temperature and gas detection systems, fire suppression systems and explosion prevention systems. It has become standard practice for BESS manufacturers to test their systems to UL9540A, and as a result newly built BESSs pose significantly lower risks of fire or explosion.

In conclusion, there have been 2 BESS fires associated with operational BESS facilities in the UK to date. Both facilities were designed and built prior to UK safety guidelines for BESS, and therefore neither facility met current NFCC safety guidelines. These fires would not have occurred if the principles and commitments in the Framework BSMP for the Proposed Development had been applied.

[4] BESS Failure Incident Database - EPRI Storage Wiki. https://storagewiki.epri.com/index.php/BESS_Failure_Incident_Database

Appendix C Proposed Development Interaction with Flood Zones

Table 1 Proposed Development Interaction with Flood Zones

Proposed Development Area	Proposed Operational Development Infrastructure Type	Flood Zone Associated	Commentary
Principal Site	Solar PV Panels	Flood Zone 3a Flood Zone 2 Flood Zone 1	PV Panels within Flood Zone 3a in Fields: 45, 54 and 57 Other than Field 45, 54 and 57, no other Fields within Flood Zone 2 All other PV panel Fields within Flood Zone 1
	BESS and Solar Station Compounds	Flood Zone 1	Low flood risk from all sources
	On-site substation	Flood Zone 1	Low flood risk from all sources
	Construction Compounds	Flood Zone 1	Low flood risk from all sources
Cable Corridor	Buried 400kV Cable	Flood Zone 3b Flood Zone 3a Flood Zone 2 Flood Zone 1	Associated with Witham Washlands Flood Storage Area Extents only. Associated with Witham Washlands Flood Storage Area Extents only Associated with Witham Washlands Flood Storage Area Extents only, Remainder of Cable Corridor in Flood Zone 1. Note: Cable is buried cable for entire route. No permanent above ground infrastructure, with no material change to baseline flood risk from the Proposed Development

Appendix D Landowner Emails in Response to FS 1.19

Responses from the landowners who replied to the Applicant on whether they would reduce employment due to Fosse Green Energy are presented below.

Landowner 1:

"We are currently employing no one. Our last 2 guys have just retired and the poor economics and confidence in Farming has forced us to, sadly, decide not to replace them.

We are currently looking and working with ***[Redacted]*** *to diversify within the Farmyards and certain land areas. Current ideas are certainly far more labour intensive than ever purely arable Farming would be.*

It is fair to say if FGE were to go ahead our finances and confidence would improve and reinvestment in our other opportunities would certainly start to materialise and accelerate.

We are certainly committed to the local area. As purely an estimate we can see ourselves directly employing 5 people and opportunities for other businesses and employment to work from our sites."

Landowner 2:

"*We have had a chat here about this today and we do not think that there would be any negative effects connected with our land on direct employment, compared with today. We think that it would have a neutral effect on employment as the man hours spent growing crops within our current rotation would probably be replaced with habitat management of the areas surrounding the site and in maintaining the site (i.e.: sheep enterprise to graze under panels).*"

Landowner 3:

"*In answer to you questions :*
1. While my tenant farmers will cease to farm my small farm they will both continue in the business and have other acreage that will keep them busy. In any case ***[redacted]*** *will continue to have a timber business as already agreed with me and will I hope get maintenance work from you on the farm.*
2 No negative employment effect that I can think of."

Landowner 4:

[Redacted][doesn't offer full time employment, it has two part time workers myself and [redacted] *who are obviously self employed. We do not employ anyone else and wouldn't be doing so in the near future, so there would be no change here."*

Land owner 5:

"It have very little affect, on us. Maybe be less work for us".

Landowner 6:

*"In terms of employment and socio economic effect, I cannot say for certain as currently **[redacted]** is under a tenant farmer. I presume **[redacted]** employs a few people who can drive tractors for him but I cannot say how many are involved with farming. He also runs a composting business*."