



Application by Fosse Green Energy Limited for the Fosse Green Energy

The Examining Authority's first written questions and requests for information (ExQ2)

Issued on 27 February 2026

The following table sets out the Examining Authority's (ExA's) questions and requests for information and constitutes the ExA's second Written Questions (ExQ2).

Responses to the questions and requests for information included in ExQ2 must be submitted at Deadline 3 (20 March 2026), in line with the Examination Timetable included in Annex A of the ExA's Rule 8 letter issued on 14 January 2026 [[PD-010](#)]. If necessary, the Examination Timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of **9 December 2025** [[PD-008](#)]. Questions have been added to the issue-based framework as they have arisen from representations and to address the assessment of the application against relevant legislative provisions and policies.

Column 2 of the table indicates which interested parties (IPs) and affected persons (APs) each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 2 (indicating that it is from the second round of written questions) and then a question number. For example, the first question on Transport and Traffic issues is identified as TT.2.01. When you are answering a question, please start your answer by quoting the unique reference number.

Several of the ExA's questions refer to document page numbers. These relate to the actual document page number except where electronic page numbers are quoted, with the latter being the page count for a document being accessed and view online.

An editable version of this table in Microsoft Word is available on request from the case team: please contact FosseGreenEnergy@planninginspectorate.gov.uk and include ExQ2 – Fosse Green Energy in the subject line of your email.



Abbreviations used:

AC	Alternating current
ALC	Agricultural land classification
AP	Affected person
BESS	Battery energy storage system
BMV	Best and most versatile agricultural land
BNG	Biodiversity net gain
BoR	Book of Reference
CA	Compulsory Acquisition
CAH	Compulsory Acquisition Hearing
CTMP	Construction Traffic Management Plan
CLLP	Central Lincolnshire Local Plan of 2023
DAD	Design Approach Document
dDCO	Draft Development Consent Order
DC	Direct current
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority
FBSMP	Framework Battery Safety Management Plan
FCEMP	Framework Construction Environmental Management Plan
FCTMP	Framework Construction Traffic Management Plan



FLEMP	Framework Landscape and Ecological Management Plan
FOEMP	Framework Operational Environmental Management Plan
FPRoWMP	Framework Public Rights of Way Management Plan
FSMP	Framework Soil Management Plan
GHG	Greenhouse Gas
ha	Hectare
HE	Historic England
HGV	Heavy goods vehicle
IP	Interested Party
ISH	Issue Specific Hearing
LCC	Lincolnshire County Council
LEMP	Landscape and Ecology Management Plan
LGV	Light goods vehicle
LIR	Local Impact Report
m	Metre
MW	Megawatt
MWh	Megawatt hour
NE	Natural England
NESO	National Energy System Operator
NFCC	National Fire Chiefs Council
NGET	National Grid Electricity Transmission Plc
NKDC	North Kesteven District Council
NPS	National Policy Statement



NSIP	Nationally Significant Infrastructure Project
NTS	National transmission system
PA2008	The Planning Act 2008
Proposed Development	The proposed Fosse Green Energy (solar farm and battery electrical storage system)
PRoW	Public right of way
RR	Relevant Representation
s	Section within an act of Parliament
SoCG	Statement of Common Ground
USI1	Unaccompanied site inspection 1
SoS	Secretary of State
WFD	Water Framework Directive
WR	Written Representation

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010154-000223-Fosse%20Green%20Energy%20Exam%20Library.pdf>

The Examination Library will be updated as the Examination progresses.



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Question Number	Question to:	Question
General and Cross-topic questions (GC)		
GC.2.01	National Grid Electricity Transmission PLC (NGET)	<p>Explanation for the selection of a site east of Navenby for the proposed NGET substation</p> <p>Explain what factors have fed into your identification of a site east of Navenby as the location for siting your proposed new substation. In responding to this question NGET should identify any existing infrastructure, including any available capacity to receive electricity from any new generating stations in the area that may have influenced the choice of a site east of Navenby as a location for a proposed new substation which it is intended the proposed Fosse Green energy project would connect to.</p>
GC.2.02	Applicant	<p>Extent of proposed Order Limits</p> <p>The ExA is mindful of the answers/information provided by the applicant in response to questions it raised during the first round of examination hearings and included in ExQ1 with respect to the extent of the proposed Order Limits. In that regard the ExA is particularly mindful of the information provided by the applicant in: [REP2-029] in responding to ExQ1 GC.1.05 [PD-011]; Appendix A (final land take required for works forming the proposed development) in [REP1-045]; and Appendix D (Biodiversity net gain technical note) in [REP1-046].</p> <p>Notwithstanding the provision of those answers/that information it remains unclear to the ExA: 1) why the proposed Order Limits are comparatively so extensive; and 2) how much land within the proposed Order Limits, following the proposed development's construction, would be needed to operate and maintain a generating station with associated capable for a project with a grid export limit of 240 megawatts (MW). By way of comparison the ExA notes that the nearby proposed Springwell solar farm has been designed to serve a grid export limit of 800MW (alternating current) and has been promoted on the basis of Order Limits of 1,280 hectares (ha) (assumed to include an allowance for flexibility prior to the detailed design being finalised) [Table 10-1 in REP2-033]. It appears to the ExA that the proposed Springwell solar farm would have a potential generating output around 3.33 times greater than Fosse Green, whilst being promoted in a geographically similar area with Order Limits that would be a little less in extent.</p>

Question Number	Question to:	Question
		<p>Given the foregoing background, explain why the Order Limits for the proposed development are intended to be slightly more extensive than those of the proposed Springwell solar farm, whilst having a grid export limit of 240MW which would be around 30% of that for the proposed Springwell project.</p>
GC.2.03	Applicant Environment Agency	<p>Waste Management – battery storage</p> <p>At Deadline 1, updates were made to the Framework Battery Safety Management Plan (FBSMP) [REP1-042] and Framework Operational Environmental Management Plan (FOEMP) [REP1-033, further updated at Deadline 2 as REP2-015] to address the potential for on-site storage of waste batteries, as described on pages 35 and 36 of [REP1-047].</p> <p>a) As MW-D1 of the Framework Decommissioning Environmental Management Plan (FDEMP) [REP2-017] also includes a reference to the storage of waste batteries, should a similar amendment be made to the FDEMP?</p> <p>b) If waste and/or damaged batteries could be stored onsite rather than being removed immediately, would that require any additional consents not already referenced in the draft Development Consent Order (dDCO) [REP2-005] or the Consents and Agreements Position Statement [REP1-011]?</p>
GC.2.04	Lincolnshire County Council (LCC)	<p>Waste management</p> <p>Confirm whether the applicant’s response to your Local Impact Report (LIR) [REP2-031] and ExQ1 GC.1.16 [REP2-029] addresses your concerns about the consideration given to waste arisings and capacity, and if not, explain why.</p>
GC.2.05	Applicant LCC	<p>Waste management</p> <p>In responding to LCC’s concerns in its LIR [REP1-053] about a lack of information on waste arisings, the applicant states that a separate site waste management plan for the operational phase is not proposed since waste management would be covered in the annual planned maintenance schedule secured via the FOEMP.</p> <p>Comment on whether this should be made more explicit in paragraph 2.3.4 of the FOEMP [REP2-015].</p>

Question Number	Question to:	Question
GC.2.06	Applicant	<p>Minerals safeguarding</p> <p>The National Planning Policy Framework states that mineral planning authorities should maintain a landbank of at least 7 years for sand and gravel and 10 years for crushed rock. LCC’s response to ExQ1 GC.1.18 [REP2-043] identifies that as at the end of 2024, the County had a sand and gravel landbank of 8.01 years and a crushed rock landbank of 9.06 years, and that additional resources will need to be identified during the life of the proposed development. There are existing sand and gravel operations close to the site.</p> <p>As suggested by LCC, has the applicant contacted the site operators to discuss their future plans in order to determine whether the proposed development would constrain any future extensions to the sites? If not, explain whether it is something which the applicant would undertake.</p>
GC.2.07	Applicant	<p>Cumulative effects</p> <p>LCC in its LIR [paragraph 19.17 in REP1-053] considers that cumulative amenity impacts could occur for local communities from consecutive construction periods, not only those that overlap. In response, the applicant states that the temporal overlap of cumulative schemes with the proposed development, including the overlap of construction phases was an important consideration during the assessment of cumulative effects [REP2-031].</p> <p>However, the ExA considers the applicant’s response has not fully addressed the point being made by LCC, which the ExA interprets as being the effects over an extended period of time from several schemes in a locality with construction periods that follow on from each other, as opposed to construction periods that overlap with each other. An example could be the construction of the A46 Hykeham relief road, followed by the A46 Newark Bypass followed by the proposed development, the impacts of which could affect similar communities over a number of years.</p> <p>How has the applicant’s assessment considered that type of cumulative effect?</p>

Question Number	Question to:	Question
GC.2.08	Applicant	<p>Interrelationships with other nationally significant infrastructure projects and major development schemes</p> <p>The applicant in responding to the written representations submitted by various interested parties in [REP2-030] has referred to joint interrelationship reports having been submitted in connection with the consideration of other nationally significant infrastructure project (NSIP) applications in Lincolnshire, including for the proposed Springwell solar farm. The ExA is aware that other ExAs have requested the submission of interrelationship reports in areas where multiple solar farm NSIPs are being promoted nearby to one another and which have different project delivery timelines as a way of establishing how the delivery timelines may overlap and what inter project coordination measures have been or might be put in place. The ExA is further aware that the initially submitted interrelationship reports have been revised during the course of examinations as more information about each project reported upon becomes available within the public domain.</p> <p>Given the proximity of the proposed development with the proposed Springwell solar farm and having regard to the fact that an interrelationship report was available during the examination of the application for that NSIP, the ExA considers the applicant should prepare and submit an interrelationships report comparable with that submitted in connection with the examination of the proposed Springwell solar farm.</p>
GC.2.09	Applicant	<p>Consistency between the Design Approach Document (DAD) and the various submitted framework management plans and terminology used</p> <p>a) North Kesteven District Council (NKDC) in making comments relating to ExQ1 GC.1.10 in [REP2-045] has highlighted an inconsistency between the separation distance between the proposed battery energy storage system (BESS) and offsite residential structures quoted as design commitment BA1 in Appendix A of the DAD [APP-186] and the distance quoted in the FBSMP [REP1-042].</p> <p>Section 6 of the DAD explains that good design post consent would collectively be secured in any made DCO for the proposed development via, amongst other things, the design commitments included in the DAD [APP-186] and the provisions of the various management plans to be approved in their final forms pursuant to the relevant requirements included in the dDCO [REP2-005]. It is therefore important that there is consistency between the DAD's design commitments and all of the management plans. The</p>

Question Number	Question to:	Question
		<p>applicant must therefore undertake a review of the DAD and all of the submitted framework management plans and ensure there is consistency between those documents and make any amendments to all of those documents to address any inconsistencies. An amended DAD and any framework management documents that require amendment to address any inconsistencies with the DAD must be submitted no later than examination Deadline 6</p> <p>b) Many of the framework management plans refer to ‘the applicant’. Should references to the applicant in such documents be changed to ‘the undertaker’, given the applicant may not necessarily be the undertaker, to ensure consistency with the dDCO? If so, any framework management plans and other documents that require amendment to address this point must be submitted no later than examination Deadline 6.</p>

Climate Change (CC)		
CC.2.01	Applicant	<p>Assessment of baseline greenhouse gas (GHG) emissions for the proposed Order Limits</p> <p>In paragraph 6.4.32 of Chapter 6 (Climate Change) of the Environmental Statement (ES) [REP1-017] it is stated <i>“The latest IEMA guidance on assessing GHG emissions (Ref 6-22) states that where there are no physical developments or activity taking place directly on the identified site, it may not be possible to report on current baseline emissions. As this is the case for the DCO Site, a baseline of zero GHG emissions is reported, again in line with IEMA guidance”</i>.</p> <p>In paragraph 6.4.36 of [REP1-017] it is further stated <i>“... Also, current land use within the DCO Site has minor levels of associated GHG emissions as the land use is largely agricultural. Baseline agricultural GHG emissions are dependent on soil and vegetation present, fuel use for the operation of vehicles and machinery, and other inputs such as fertiliser and pesticide use. Due to the minimal use of the land and as a worst case scenario, current baseline emissions are considered zero.”</i></p> <p>Explain why you consider it is correct to assess the proposed Order Limits as having a baseline of zero GHG emissions, given that much of the land within the Order Limits is currently being actively farmed and as part of that land use activity there will be some generation of GHG emissions.</p>

Question Number	Question to:	Question
CC.2.02	Applicant	<p>Generating output for the proposed development</p> <p>In paragraph 6.4.67 of Chapter 6 of the ES [REP1-017] it is estimated for the lifetime of the proposed development it would generate 19,438,499 megawatt hours (MWh) of renewable generation. Clarify whether the figure of 19,438,499MWh of electricity generation is for direct current prior to inversion or grid exportable alternating current.</p>
CC.2.03	Applicant	<p>Assessment of GHG emissions offset (carbon savings) compared with other forms of electricity generation</p> <p>The ExA notes the applicant response in [REP2-029] to ExQ1 CC.1.01 (assessment of GHG emissions offset), most particularly the view that <i>“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 ...”</i>. In replying to ExQ1 CC.1.01 the applicant has placed some reliance on the assessment of this matter undertaken by various ExAs in making recommendations to the Secretary of State (SoS), including for example Gate Burton Energy Park. The ExA notes that the recommendation report for Gate Buton Energy Park was submitted on 4 April 2024, which predates the publication of the Clean Power 2030 Action Plan (December 2024) and the making of numerous DCOs for renewal energy generating stations (offshore wind farms and solar farms). The ExA further notes that under the terms of the extant grid connection agreement the proposed development’s date of connection has been scheduled for 30 May 2033 (paragraph 2.1.2 in [APP-200]).</p> <p>Taking account of the previously mentioned factors the ExA considers it would be reasonable to expect that the carbon intensity for electricity generated in the United Kingdom by 30 May 2033 will be appreciably lower than the 2025 grid average density relied upon by the applicant in Chapter 6 (Climate Change) of the ES, with the carbon intensity in 2025 considered to be unrepresentative.</p> <p>Accordingly, the applicant is requested to undertake an assessment for GHG emissions offsetting based on the anticipated carbon intensity for electricity generation in May 2033.</p>

Question Number	Question to:	Question
CC.2.04	Applicant	<p>Sulphur Hexafluoride</p> <p>Table 6-3 in ES Chapter 6: Climate Change [REP1-017] summarises the key anticipated GHG emissions sources associated with the proposed development. This includes the potential for there to be emissions of sulphur hexafluoride.</p> <p>Having regard to the guidance relating to sulphur hexafluoride stated in paragraphs 2.9.59 to 2.9.64 of National Policy Statement (NPS) EN-5 (2023), explain fully why consideration is being given to the use of this GHG and why alternatives might be unsuitable.</p>
CC.2.05	Applicant	<p>Resilience</p> <p>Explain how the impacts of climate change on the proposed development have been taken into account and how the proposed development has been developed to respond to the challenges of climate change, for example an increase in frequency of extreme weather events.</p>
CC.2.06	Applicant	<p>In-combination climate change impact (ICCI) assessment</p> <p>Paragraph 6.6.4 in ES Chapter 6: Climate Change [REP1-017] explains that the ICCI assessment considers the ways in which projected climate change will influence the significance of the impact of the proposed development on receptors in the surrounding environment.</p> <p>Should anything be inferred by the fact that ES Chapter 12: Socio-Economics and Land Use is not referenced in paragraph 6.6.21 of ES Chapter 6 where it lists ES chapters that did not identify any significant ICCIs as part of their assessment?</p>
CC.2.07	Applicant	<p>ICCI assessment</p> <p>Appendix 6C [APP-123] identifies and describes the results of the ICCI assessment. The climate hazard identified in [APP-123] for socio-economics and land use is increased precipitation. Would an increase in mean temperature and increased number of dry days affect soil health? If so, should these be included as climate hazards in [APP-123] and how would this affect the assessment?</p>

Question Number	Question to:	Question
CC.2.08	Applicant	<p>Consistency</p> <p>With respect to the climate change risk assessment, confirm the consistency of the assessment presented in paragraphs 6.7.3 and 6.7.4 in Chapter 6 of the ES [REP1-017] with the conclusions on significant residual effects presented in paragraph 6.8.3 and Table 6-25.</p>

Development Consent Order (dDCO)

Note All references to the numbering of Articles and Schedules (including Requirements) refer to those used in the version of the dDCO submitted at Deadline 2 [REP2-005]

ARTICLES

DCO.2.01	Applicant	<p>Article 2 – interpretation (“maintain”) and Article 5 - power to maintain authorised development</p> <p>NKDC in its response to ExQ1 DCO.1.04 [REP2-045] has raised concerns about the potential for the undertaking of “<i>wholesale replacement</i>” of elements of the proposed development, having regard to the indicative design life for “key equipment” outlined in Table 2 in the FOEMP [REP2-015]. For example, the indicative design life for solar panels installed as part of the proposed development is identified as being between 25 and 40 years in Table 2 of the FOEMP and that solar panel lifespan suggests they would need to be replaced at least once and during a relatively short period of time.</p> <p>The ExA notes the applicant’s response to ExQ1 DCO.1.04 in [REP2-029], including the intention as part of the FOEMP [REP2-015] that a maintenance schedule would be submitted to the relevant planning authority annually setting out the maintenance arrangements for the year ahead. To assist interested parties’ and the ExA’s understanding of the equipment replacement arrangements for the proposed development, the applicant should submit an indicative set of maintenance schedules for each of operational years 25 to 40. (For any years when it is anticipated the maintenance activities for any of operational years between 25 to 40 would be very similar the applicant should highlight those instances rather than submit detailed schedules for those years.)</p>
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Question Number	Question to:	Question
DCO.2.02	LCC	<p>Article 10 - power to alter layout, etc. of streets</p> <p>In response to ExQ1 DCO.1.08 [REP2-029], the applicant considers that a limit on the generality of the power is afforded by paragraph 4 which provides that the general power provided for under paragraph 2 may not be exercised without the prior consent of the street authority. Such consent to be in a form reasonably required by the street authority.</p> <p>If paragraph 4 would not enable LCC to secure the technical details it requires, submit suggested wording that would cover the provisions being sought in relation to the approval of technical details.</p>
DCO.2.03	Applicant LCC	<p>Article 16 - traffic regulation measures</p> <p>In response to ExQ1 DCO.1.11 in [REP2-029], the applicant considers that the general power in paragraph 2 is necessary in the interests of public safety and the power is appropriately regulated by paragraph 4, 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.</p> <p>a) Applicant - Comment on the suggestion by LCC in [REP2-043] that temporary traffic regulation orders and measures to enable safe working on the public highway can be agreed with the contractor through its Permitting Scheme rather than through the general power sought in paragraph 2.</p> <p>b) LCC - Comment on whether paragraph 4 would provide an acceptable control mechanism to ensure that traffic regulation measures that may be undertaken under paragraph 2 would allow for the safe operation of the highway.</p>
DCO.2.04	Applicant	<p>Article 38 (Planning permission, etc)</p> <p>The ExA notes the applicant's reply to ExQ1 DCO.1.28 in [REP2-029], including the cited precedents relating to the inclusion of articles equivalent to Article 38 in the submitted dDCO. However, notwithstanding the Supreme Court's ruling in Hillside Parks Ltd v Snowdonia National Park Authority 2022</p>

Question Number	Question to:	Question
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UKSC [30], the SoS in their recent decision making has consistently considered it unnecessary that an article of proposed Article 38's nature be included in made DCOs.

Given the SoS's recent approach to this matter, were they minded to make a DCO for the proposed development the ExA considers it likely that proposed Article 38 would not be included in the resulting made DCO. The applicant should therefore reconsider the need for Article 38's inclusion in any made DCO for the proposed development and:

- either delete Article 38 from the next version of the dDCO to be submitted; or
- justify precisely why, in the context of the proposed development, Article 38's inclusion in any made DCO for the proposed development would be necessary, identifying any developments benefiting from extant planning permissions granted under the Town and Country Planning Act 1990 (as amended) or potential developments that might benefit from any such planning permissions, which it is considered would fall within proposed Article 38's ambit.

Should the applicant be minded to delete Article 38 from the dDCO, the ExA would recommend that its text be deleted but its number be retained and marked as an 'unused number' and left as such until the final version of the dDCO is submitted. That would maintain consistency in article numbering while discussions about the dDCO's content are being undertaken during the examination. Should the applicant continue to be of the view that Article 38 would be necessary then the response to this question should also be incorporated into the Explanatory Memorandum (EM) [REP2-007] when that document is next updated and submitted.

Question Number	Question to:	Question
DCO.2.05	LCC	<p>Article 39 (Felling or lopping of trees and removal of hedgerows)</p> <p>On page 93 of LCC’s LIR [REP1-053], there is a suggestion to include an annual maintenance schedule which would detail any tree removals and whether replacements are planned.</p> <p>Given the wording in paragraphs 2.3.3 and 2.3.4 of the FOEMP [REP2-015] which describe the submission of a planned maintenance schedule and what it must include, explain what additional wording you consider should be added to address this matter and in what document.</p>
DCO.2.06	Applicant	<p>Article 40 (Trees subject to tree preservation orders)</p> <p>Submit a copy of the tree preservation order referred to in Article 40(1).</p>
DCO.2.07	Applicant IPs who fall within the definition of ‘consenting authority’ under Article 46(7)	<p>Article 46 (Procedure in relation to certain approvals etc.)</p> <p>a) Applicant – Article 46 seeks to explain the procedure for seeking approvals for matters other than those subject to the requirements included in Schedule 2, with the procedure for discharging requirements being stated in Schedule 15. The ExA considers the drafting of Article 46 is unnecessarily complicated and could be simplified through amending paragraph (1) to make it clear that Article 46 concerns approvals other than requirements, which would be subject to the approval procedure set out in Schedule 15 and then: deleting paragraph (3); amending paragraphs (4) and (6) to remove the references to Schedule 15; and amend paragraph (7) as necessary.</p> <p>b) In their LIRs, NKDC and LCC consider that a time period of ten weeks would be more consistent with the timeframe for the discharge of requirements in Schedule 15.</p> <ol style="list-style-type: none"> 1. Applicant - Explain the rationale for the different timescales. 2. Other IPs - Confirm whether or not your organisation is content with the eight-week period for determinations under Article 46 and if not explain why that is the case.

Question Number	Question to:	Question
REQUIREMENTS (SCHEDULE 2)		
DCO.2.08	Applicant	<p>Potential for authorised works being undertaken in advance of NGET’s proposed Navenby substation being granted planning permission</p> <p>a) The ExA notes the applicant’s response to ExQ1 DCO.1.29 in [REP2-029]. That response gave a partial answer to ExQ1 DCO.1.29, however, it did not address the request that the applicant “... <i>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</i>”.</p> <p>In asking this question the ExA was expecting the applicant to outline the matters that it would take into account and the steps involved in reaching a final investment decision about whether or not to proceed with the implementation of the proposed development should it be consented by the SoS. The applicant should provide a response to the part of ExQ1 DCO.1.29 not given in [REP2-029].</p> <p>b) In the light of the concerns that have been raised by NKDC and LCC about the potential for preliminary works (tree, hedgerow and other vegetation clearance) to be undertaken on an abortive basis if NGET’s proposed Navenby substation was not to be granted planning permission, of the £340 million estimated capital cost for the proposed development [paragraph 1.3.1 in AS-014] how much of the budget has been allocated for the undertaking of preliminary works?</p>
DCO.2.09	Applicant NKDC LCC Environment Agency Historic England Natural England	<p>Permitted Preliminary Works</p> <p>In responding to ExQ1 DCO.1.03 [REP2-029], the applicant has stated that the permitted preliminary works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts.</p> <p>However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2-013] does not appear to</p>

Question Number	Question to:	Question
		<p>expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> 1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO 2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007] 3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis <p>Comment on the acceptability or otherwise of the identified options, providing the reasons for your position. Your comments should also include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted preliminary works which should be excluded on a specific basis.</p>
DCO.2.10	Applicant NKDC LCC	<p>Management Plan requirements using substantially in accordance phraseology</p> <ol style="list-style-type: none"> a) Applicant - in relation to the inclusion of “<i>substantially in accordance</i>” phraseology in Requirements 7, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20 the ExA notes the applicant’s reply to ExQ1 DCO.1.16 in [REP2-029]. Notwithstanding the design flexibility sought by the applicant, the ExA considers that the substantially in accordance phraseology lacks precision and in that regard the ExA finds support for its view following the SoS’s recent making of the DCOs for the Stonestreet Green solar farm and the Outer Dowsing and Five Estuaries offshore wind farms and their comparable requirements which do not include substantially in their wording. Accordingly, the ExA considers “substantially” should be deleted from the wording of the relevant requirements and the applicant should incorporate that change in the next version of the dDCO that it submits. b) NKDC and LCC – do you have any observations to make about whether “substantially in accordance” should or should not be used or whether suitable alternative wording should be used in Requirements 7, 8, 10, 12, 13, 14, 15, 17, 18, 19 and 20 of the dDCO?

Question Number	Question to:	Question
DCO.2.11	Applicant	<p>Requirement 6 (Detailed design)</p> <p>a) The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development is to be commenced until for that part details of (a) ... (h) have been submitted to and approved by the relevant planning authority ...”</p> <p>b) The ExA is mindful of the applicant’s reply to ExQ1 DCO.1.19 in [REP2-029] with respect to the relevant planning authority being advised under paragraph (6) as to whether the authorised development would involve the implementation of proposed Work No.2 (centralised BESS) or Work No.3 (distributed BESS). Whilst the ExA agrees there would be a need for the relevant planning authority to be notified of the undertaker’s decision as to which type of BESS would be installed, it does not consider it necessary for the undertaker to provide an explanation of its choice. That is because any made DCO for the proposed development would authorise the installation of one or other of the proposed BESS types. The ExA therefore considers that wording of sub-paragraph (6) should be simplified so that the relevant planning authority would simply be notified that authorised development would be implemented with either Work No.2 or No.3.</p>
DCO.2.12	Applicant	<p>Requirement 8 (Landscape and ecological management plan)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development, including any preliminary vegetation clearance works for that part, is to be commenced until a landscape and ecological management plan for that part has been submitted to and approved by the relevant planning authority ...”.</p>
DCO.2.13	Applicant	<p>Requirement 8 – consultees</p> <p>National Highways in [REP2-052] maintains its request to be included as a consultee on Requirement 8, which appears to relate mainly to ensuring that a suitable monitoring programme is included. Confirm whether you are agreeable to making that change and if not explain why that is the case?</p>

Question Number	Question to:	Question
DCO.2.14	Applicant	<p>Requirement 9 (Fencing and other means of enclosure)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development, including any preliminary works for that part comprising the provision of temporary means of enclosure for that part, is to be commenced until written details ...”</p>
DCO.2.15	National Highways	<p>Requirement 9 (Fencing and other means of enclosure)</p> <p>In [REP2-052] you have advised further information is required on the proposed fencing and other means of enclosure before you can confirm your position with respect to Requirement 9.</p> <p>On pages 35 and 36 of its post hearing summaries in [REP2-032], the applicant signposts the fencing details and identifies that the FCEMP was updated at Deadline 1 to confirm that any fencing would be located behind existing hedgerows adjoining the A46.</p> <p>a) Does the information provided in [REP2-032] address your concerns about fencing and other means of enclosure?</p> <p>b) If not, would you want the applicant to submit further details during the examination (and if so what) or would being added as a consultee to Requirement 9 address any remaining concerns about fencing and other means of enclosure you have?</p>
DCO.2.16	Applicant	<p>Requirement 10 (Surface and foul water)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development is to be commenced until written details of ...”</p>

Question Number	Question to:	Question
DCO.2.17	Applicant	<p>Requirement 11 (Archaeology)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “The authorised development must not be commenced until written details of ...”</p>
DCO.2.18	Applicant	<p>Requirement 12 (Construction environmental management plan)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development is to be commenced until a construction environmental management plan for that part has been submitted to and approved by the relevant planning authority ...”</p>
DCO.2.19	Applicant	<p>Requirement 13 (Operational environmental management plan) and section 6 of the FOEMP [REP2-015]</p> <p>Paragraph 6.1.4 of the FOEMP states <i>“The Applicant agrees to keep the relevant planning authorities updated following the Period of Extended Outage until the re-commencement of operation. The above does not apply if it was a force majeure event¹, the outage occurred as a result of National Grid undertaking any activities to the transmission network, <u>the relevant planning authority agree otherwise (acting reasonably), including where the relevant planning authority agree otherwise following decommissioning commencing pursuant to an approved decommissioning environmental management plan</u>”</i> (Highlighting added by the ExA). Explain what the highlighted text in the preceding quotation would mean in practice.</p>
DCO.2.20	Applicant	<p>Requirement 14 (Construction traffic management plan)</p> <p>The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development is to be commenced until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority ...”</p>

Question Number	Question to:	Question
DCO.2.21	Applicant LCC National Highways	<p>Requirement 14 (Construction traffic management plan)</p> <p>National Highways has confirmed in [REP2-052] that it is seeking an approval role for the Construction Traffic Management Plan (CTMP) rather than a consultee role.</p> <p>a) Suggest wording for Requirement 14 where National Highways would be the discharging authority for the A46 in consultation with LCC (insofar as the A46 has interfaces with the local highway network) and where LCC would be the discharging authority for the local highway network in consultation with National Highways where there is an interface with the A46.</p> <p>b) Applicant - if National Highways is added to Requirement 14 as a discharging authority, amendments should be made to Schedule 15 to accommodate National Highways role as a discharging authority.</p>
DCO.2.22	Applicant	<p>Requirement 15 (Soil management plan)</p> <p>The ExA notes the applicant's reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar "No part of the authorised development is to be commenced until a soil management plan for that part has been submitted to and approved by the relevant planning authority ..."</p>
DCO.2.23	Applicant	<p>Requirement 16 (Operational noise)</p> <p>The ExA notes the applicant's reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar "No part of the authorised development is to be brought into operational use until an operational noise assessment for that part of the authorised development has been submitted to and approved by the relevant planning authority. The operational noise assessment or assessments to be submitted for the approval of the relevant planning authority must demonstrate how the design of the authorised development has incorporated mitigation to ensure that the operational noise rating levels set out in Table 11-21 of Chapter 11 of the environmental statement have been compiled with. ..."</p>

Question Number	Question to:	Question
DCO.2.24	Applicant LCC NKDC	<p>Requirement 17 (Permissive paths)</p> <p>The ExA notes the applicant's response to ExQ1 DCO.1.22, nevertheless it considers any made DCO for the proposed development should 'on its face' make it clear that the proposed permissive paths would be available for 364 days a year unless maintenance works, emergencies or unforeseen circumstances necessitate the temporary closure of a permissive route, with the reason for any temporary closures to be notified in writing to the relevant planning authority. The ExA considers that reliance on the single reference to the availability of the permissive paths in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (FLEMP) [REP2-021] would be too tenuous because:1) the final version of the Landscape and Ecological Management Plan (LEMP) submitted for approval pursuant to Requirement 8 would only have to be "<i>substantially in accordance</i>" with the FLEMP and the FLEMP therefore remains subject to change; and 2) within Requirement 17 there is no cross reference to the provisions of Requirement 8 and the enforcing local planning authority, potentially decades into the future, would be expected to be familiar with any controls for permissive paths included in the finally approved version of the LEMP.</p> <p>Accordingly, the ExA considers the applicant should amend the wording for requirement 17 to make it clear that the proposed permissive paths would be available for use for 364 days a year unless any temporary closures would be required to undertake maintenance works or be necessitated by emergencies or other unforeseen circumstances. Such an approach would be consistent with how the delivery of the proposed biodiversity net gain (BNG) commitments would be secured, with those commitments being written on the face of any made having regard to the proposed drafting for Requirement 8.</p>
DCO.2.25	Applicant	<p>Requirement 18 (Public rights of way)</p> <p>The ExA notes the applicant's reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar "No part of the authorised development is to be commenced until a public rights of way management plan for that part has been submitted to and approved by the relevant planning authority ..."</p>

Question Number	Question to:	Question
DCO.2.26	Applicant	<p>Requirement 19 (Employment, skills and supply chain)</p> <p>The ExA notes the applicant's reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar "No part of the authorised development is to be commenced until an employment, skills and supply chain plan in relation to that part has been submitted to and approved by the relevant planning authority ..."</p>
DCO.2.27	Applicant NKDC LCC	<p>Requirement 20 (Decommissioning) and the duration of the proposed development</p> <p>Having regard to the provisions of paragraph 2.10.66 of NPS EN-3 (time limited consents) and in the interests of precision should a requirement be added to the dDCO that expressly states that the proposed development must cease not later than 60 years following the date of final commissioning or should Requirement 20(1) be amended to that effect? The ExA considers that paragraph 2.10.66 of NPS EN-3 in referring to time limited consents/temporary permissions is promoting the type of conditions imposed on developments involving mineral extraction or waste landfilling.</p> <p>The applicant, NKDC and LCC, on a without prejudice basis, should each submit suggested wording either for a standalone temporary permission type requirement or provide amended wording for Requirement 20(1) that would fulfil the same role as a standalone requirement and suggest any consequent amendments to the remainder of Requirement 20.</p>
DCO.2.28	Applicant	<p>Requirement 20 and funding for decommissioning</p> <p>The ExA notes the applicant's answer to ExQ1 GC.1.15 in [REP2-029], most particularly the view that the provisions of proposed Requirement 20 would be sufficient to secure the undertaking of decommissioning works following the cessation of the operation of the proposed development. What would the costs of decommissioning be and explain what internal arrangements would be put in place by the applicant and/or undertaker to ensure that the funding required to undertake decommissioning works would be available when the proposed development ceased to be operational?</p>

Question Number	Question to:	Question
OTHER SCHEDULES		
DCO.2.29	Applicant Network Rail	<p>Network Rail protective provisions infrastructure for inclusion in Schedule 14</p> <p>a) Both – clarify, including by reference to a plan or plans, precisely what Network Rail operational infrastructure and/or non-operational land assets it is considered would be affected by the proposed development.</p> <p>b) Network Rail – explain why you consider that any Network Rail operational infrastructure and/or land assets would need to be made the subject of protective provisions.</p>
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p>Schedule 15 – deemed approval provisions</p> <p>a) Applicant: Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a ‘Rochdale Envelope’ approach which, as paragraph 3.3.2 of ES Chapter 3 [REP1-015] advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p>b) All: Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).</p>

Question Number	Question to:	Question
DCO.2.31	Applicant LCC NKDC	<p>Schedule 15 - fees</p> <p>Comment on whether there should be a provision to ensure that fees would be increased in line with the consumer price index or other similar index over the lifetime of the proposed development.</p>
DCO.2.32	Environment Agency LCC	<p>Schedule 15 – time periods</p> <p>Paragraph 2(5) of schedule 15 was amended at Deadline 1 in [REP1-007] to include a reference to giving consultees no less than 15 working days to respond to the relevant planning authority. This amendment was made to address the Environment Agency’s EA03 issue in [RR-089] and [REP1-071].</p> <p>However, LCC in [REP2-043] considers that addition to be unnecessary on the basis that timescales to respond are already referenced within the schedule at paragraphs 2(1) and 3(3) and the addition of a further timescale could create confusion, particularly when if timescales were running concurrently.</p> <p>a) Environment Agency: Explain why a specific consultation period is required in addition to the timescale stated in paragraph 2(1), which gives the relevant planning authority 10 weeks to make a decision on the discharge of a requirement.</p> <p>b) LCC: Explain in what way there could be confusion with the various timescales as they appear to relate to different matters.</p>
Ecology and Nature Conservation (ENC)		
ENC.2.01	Applicant NKDC LCC	<p>BNG - methodology</p> <p>In responding to ExQ1, the applicant, NKDC and LCC refer to a meeting having been held to discuss the BNG methodology, with indications those discussions are ongoing.</p> <p>Provide a summary update on your respective positions, including any remaining areas of disagreement.</p>
ENC.2.02	Applicant	<p>BNG</p> <p>In the Written Summaries of Oral Submissions for ISH1 [REP1-046], the applicant states that BNG has been calculated “<i>holistically</i>” across the entire order limits. How has the amount of habitat that is a net gain</p>

Question Number	Question to:	Question
		<p>therefore been determined, given the need to provide mitigation for the proposed development's effects identified in ES Chapter 8: Ecology and Nature Conservation [REP1-019]?</p>
ENC.2.03	Applicant	<p>Bird mitigation</p> <p>Table 8-13 in ES Chapter 8 [REP1-019] identifies that areas have been incorporated into the design of the proposed development to offset the impact of loss of arable farmland for breeding skylark, lapwing and other ground nesting birds. Those areas are identified as a minimum of 64ha of permanent grassland and 181ha of managed arable in [REP1-019] and in other application documents such as the FLEMP [REP2-021] and the applicant's response to ExQ1 [REP2-029].</p> <p>Explain, with any tabulation that may assist, how the figures of 64ha of permanent grassland and 181ha of managed arable for ground nesting birds mitigation have been derived, including identifying the amount of existing arable farmland used by ground nesting birds that would be impacted by the proposed development. Identify any guidance that has been used to quantify the amount of mitigation identified as being necessary and how the application of any such guidance has been used to calculate the proposed mitigation land areas.</p>
ENC.2.04	Applicant	<p>Bird mitigation</p> <p>Paragraphs 8.12.22 to 8.12.12.25 of ES Chapter 8 [REP1-019] describe the management measures proposed for the bird mitigation areas (64ha of permanent grassland and 181ha of retained arable). This includes: creating skylark plots; annually leaving a field as fallow with no skylark plots to encourage nesting lapwing; the use of wide grassland margins alongside undeveloped corners of fields; and an avoidance of</p>

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		<p>passages for mammals in the perimeter security fencing in areas where existing woodlands and mature hedgerows may provide attraction to predators.</p> <p>Paragraph 8.12.26 of ES Chapter 8 concludes that the measures would reduce the magnitude of habitat loss for ground nesting birds to low, resulting in a minor adverse, and not significant, effect.</p> <p>Paragraph D.1.21 of the applicant’s Written Summaries of Oral Submissions for ISH1 [REP1-046] explains that the “<i>Bird Mitigation Area – Managed Arable</i>” may be rotated with retained arable or grassland’ providing the principles in paragraph 5.2.19 and 5.2.20 of the FLEMP [REP2-021] are met. This rotation is also referenced in paragraph 5.2.18 of the FLEMP.</p> <p>a) Explain how any field rotation would be managed and monitored to ensure that not only field size was appropriate but that the other management measures described in paragraphs 8.12.22 to 8.12.12.25 of ES Chapter 8 would be incorporated.</p> <p>b) Has the approach of rotating bird mitigation areas for skylark, lapwing and other ground nesting birds been used on other schemes and if so, how successful was it?</p> <p>c) How will this rotational approach also ensure that the 30% net gain for permanent grassland is achieved?</p>
ENC.2.05	Applicant	<p>Tree planting</p> <p>In its response to ExQ1, the Forestry Commission has identified benefits associated with additional woodland planting, especially adjacent to the ancient woodland [REP2-050]. Lincolnshire Wildlife Trust makes a similar point [REP2-055].</p> <p>Explain the rationale for a grassland buffer around the ancient woodland.</p>
ENC.2.06	Applicant NKDC LCC	<p>Mitigation - Navenby Green Man Road Verges Local Wildlife Site (LWS)</p> <p>In responding to ExQ1 ENC.1.10 [REP2-029], the applicant identifies ECO-C1 part b of the FCEMP [REP2-013] and the methods for re-instating species-rich grassland outlined in the FLEMP [from paragraph</p>

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		<p>5.3.36 in REP2-021] as adequately covering all necessary features to avoid and mitigate impacts for the LWS.</p> <p>Paragraph 8.12.7 of ES Chapter 8 [REP1-019] refers to ensuring the removal, storage, management and watering of turves from the LWS until they can be replaced in the verge. Reference is also made to how verge topsoil and subsoil would be stored. However, Table 8-13 in ES Chapter 8 (summary of embedded avoidance and mitigation measures) and ECO-C1 part b of the FCEMP [REP2-013] only refer to removing, storing and reinstating soil. The FCEMP and the FLEMP do not therefore appear to address the safeguarding of turves for reuse, which paragraph 8.12.7 indicates is needed to limit the potential impacts for the LWS.</p> <p>Paragraph 8.12.8 of ES Chapter 8 states that it may be possible to supplement the re-instated areas with seed collected from more diverse areas of the LWS, while Table 8-13 of ES Chapter 8 and ECO-C1 part b of the FCEMP refer only to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. The section on species rich grassland within the FLEMP includes a reference at paragraph 5.3.40 to obtaining seed from a local source for the purpose of maintaining continuity with local species-rich grassland where practicable.</p> <p>Comment on whether the FCEMP should more closely reflect the mitigation measures identified in in ES Chapter 8 relating to turves and soil storage and whether it should include a specific reference to the collection of seed from within the LWS.</p>
ENC.2.07	Lincolnshire Wildlife Trust	<p>Navenby Green Man Road Verges LWS</p> <p>Explain what more detail you require on where and how the LWS would be impacted in addition to what is presented in Tables 8-13 and 8-14 and paragraphs 8.12.5 to 8.12. 9 in ES Chapter 8 [REP1-019].</p>
ENC.2.08	Applicant Lincolnshire Wildlife Trust	<p>Grass Verges LWSs</p> <p>In its Deadline 2 response [REP2-055], Lincolnshire Wildlife Trust requests evidence in the form of a detailed map showing the proposed development’s relationship with other grass verge LWSs, namely</p>

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		<p>Boothby Graffoe Road Verge; High Dike, Coleby Mill to Harmston Verges; Gorse Lane; and Navenby Heath Road Verges.</p> <p>The assessment in Table 8-14 in [REP1-019] concludes that there would be no potential for an effect to occur on Navenby Heath Road Verges, Gorse Lane, High Dike and Coleby Mill to Harmston Verges. Table 8-9 in [REP1-019] identifies that the Boothby Graffoe Road Verge is around 595m from the site.</p> <p>a) Applicant - Confirm whether the plan requested by Lincolnshire Wildlife Trust can be provided. b) Lincolnshire Wildlife Trust - Would the provision of this plan together with the information presented in [REP1-019] provide sufficient evidence for you to conclude whether there would or would not be any impacts on the LWSs?</p>
ENC.2.09	NKDC	<p>Suggested BNG monitoring section 106 (s106) planning obligation</p> <p>Further to the applicant’s comments about there being no need for a BNG monitoring fee in response your LIR [REP2-031], provide a detailed justification for the suggested s106 planning obligation to secure funding for undertaking BNG monitoring. In replying to this question, explain whether: 1) the suggested planning obligation would meet the conditions for entering into obligations; and 2) the proposed development would be unacceptable in the absence of the obligation sought.</p>

Farming and Soils (FS)		
FS.2.01	Applicant	<p>Agricultural land sensitivity</p> <p>Provide examples of other solar NSIP schemes where grade 3a land was not assigned a ‘high’ sensitivity in the assessment presented in their ES.</p>
FS.2.02	Applicant LCC	<p>Temporary and permanent loss of agricultural land</p> <p>Paragraph 12.7.44 of ES Chapter 12: Socio-Economics and Land Use [AS-016] advises that the only areas of agricultural land that would be permanently taken out of agricultural production would be areas of planting and habitat creation introduced as part of the proposed development. The applicant considers that</p>

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		<p>areas that would be used by, for example, the BESS, substation, and access tracks, would not be classed as permanently lost. Paragraph 15.20 of LCC's LIR [REP1-053] suggests that is in contrast with how applicants for other NSIP solar projects have approached the matter of built infrastructure.</p> <p>Give examples of NSIP solar projects where land to be used for BESS, substations, access tracks and other similar equipment/development has been treated as resulting in a permanent loss of agricultural land for assessment purposes.</p>
FS.2.03	Applicant	<p>Retention of agricultural land during operation</p> <p>Different figures have been quoted in various documents for the area (ha) proposed for <i>“bird mitigation areas – managed arable”</i> and <i>“species rich grassland or retained arable – outside solar pv areas”</i>. For example:</p> <ul style="list-style-type: none"> • species rich grassland or retained arable - <ul style="list-style-type: none"> ○ 156.34ha in paragraph D.1.19 of Written Summaries of Oral Submissions ISH1 [REP1-046] ○ 308ha on page 59 of Applicant's Response to Relevant Representations [REP1-047] ○ 308ha on page 22 of the FLEMP [REP2-021] ○ 308ha on page 119 of Applicant's Response to Written Representations [REP2-030] • bird mitigation areas – managed arable <ul style="list-style-type: none"> ○ 181ha on page 126 of ES Chapter 8 [REP1-019] ○ 156.67ha on page 59 of [REP1-047] ○ 181ha in paragraph 5.2.18 of the FLEMP [REP2-021] ○ 156.7ha on page 119 of [REP2-030]

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		<p>Consequently, for consistency and clarity, provide a table setting out the total area proposed, the area’s agricultural land classification, and whether the area would remain available for agricultural use during the operational phase for the following:</p> <ul style="list-style-type: none"> • Species rich grassland – outside solar pv areas • Species rich grassland or retained arable – outside solar pv areas • Bird mitigation areas – managed arable • Bird mitigation areas – permanent grassland
FS.2.04	Applicant	<p>Use of best and most versatile (BMV) land</p> <p>The plan in Appendix A of the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] illustrates that areas of solar pv arrays would be on BMV land while nearby “<i>bird mitigation areas – managed arable</i>” would not be.</p> <p>Having regard to the statement in paragraph 2.10.29 of NPS EN-3 relating to avoiding the use of BMV agricultural land where possible, together with the fact that bird mitigation areas – managed arable would appear to be available for farming during the life of the proposed development, explain why that is the case.</p>
FS.2.05	Applicant	<p>Framework Soil Management Plan – offsite uses</p> <p>In responding to ExQ1 FS.1.13 [REP2-029], the applicant confirms that removal of soils is not expected or planned, although does give as examples the prior extraction of minerals or if contamination was found, both of which the applicant considers to be unlikely.</p> <p>Within this context, and given the importance of topsoil for site restoration, the ExA considers that the applicant should amend the wording of paragraph 6.7.1 of the Framework Soil Management Plan (FSMP) to remove “<i>commercial topsoil sale</i>” [REP1-037].</p>

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FS.2.06	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan – aftercare</p> <p>In responding to ExQ1 FS.1.15 [REP1-029], the applicant suggests that the host authorities and Natural England would agree whether aftercare intervention is required following the review of each monitoring report. Comment on whether that should be stated in the FSMP.</p>
FS.2.07	Applicant	<p>Framework Soil Management Plan – aftercare</p> <p>Natural England advises that aftercare must also apply to areas that would be returned to an agricultural use following construction, such as in the cable corridor, as well as those areas being returned to agricultural use following decommissioning [REP2-053].</p> <p>Given that would apply to the “<i>Principal Site</i>”, comment on whether the specialist soils consultant should be included in section 6.9 of the FSMP [REP1-037] in addition to the landscape consultant.</p>
FS.2.08	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan – monitoring</p> <p>In responding to ExQ1 FS.1.17 [REP2-029], the applicant sets out information on the aims for monitoring and what it would cover.</p> <p>Comment on whether the level of detail currently provided in the FSMP [REP1-037] and the approval mechanism in Requirement 15 would be sufficient to secure appropriate monitoring or whether more detail, such as that described by the applicant on page 77 of [REP2-029], should be included in the FSMP.</p>
FS.2.09	Applicant	<p>Farm holdings</p> <p>Paragraph 12.7.52 of ES Chapter 12 [AS-016] states that “<i>It has been confirmed by all landowners that there is expected to be no job losses resulting from the removal of agricultural land.</i>” Extracts from email correspondence with landowners was submitted by the applicant in response to ExQ1 FS.1.19 [Appendix D in REP2-029]. The introductory sentence to Appendix D identifies that the email extracts are “<i>responses</i></p>

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from landowners **who replied** to the applicant on whether they would reduce employment due to Fosse Green Energy” (ExA emphasis).

Confirm whether all relevant landowners replied to the applicant on this matter. If not, explain the implications for the assessment on farm holdings.

Historic Environment (HE)

HE.2.01

The ExA has no specific written questions relating to the historic environment to ask at this time.

However, the ExA notes that:

- a) In relation to effects for designated heritage assets up to 5 kilometres (km) from the Order Limits for the proposed “*principal site*”, the applicant intends to submit a technical note as an examination document providing summary details of the designated heritage assets in the area up to 5km from the principal site in response to concerns raised by NKDC and LCC [electronic page 128 in REP2-030]; and
- b) With respect to the consideration of buried archaeology, the extant Framework Written Scheme of Investigation [AS-001] is being updated and the updated version is to be submitted as an examination document [electronic pages 42 and 154 in REP2-030].

The ExA considers the **technical note relating to designated above ground heritage assets** should be made available to NKDC and LCC as soon as possible and should be submitted as an examination document by **no later than Deadline 3A**. Following the submission of the technical note the ExA may find it necessary to ask questions about its contents and/or undertake unaccompanied site inspections, hence the reason for why it must be submitted no later than Deadline 3A. The ExA is similarly of the view that the **updated Framework Written Scheme of Investigation** must be submitted as an examination document **no later than Deadline 3A** to assist with addressing the extensive submissions that LCC and the applicant have already made to date relating to effects for buried archaeology.

Question Number	Question to:	Question
Land Rights (LR) - Compulsory Acquisition (CA) and Temporary Possession (TP)		

LR.2.01

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 the Planning Act 2008 (PA2008)

The ExA notes the Council's reply to ExQ1 LR.1.03 in [REP2-045] advising of its intention to provide a full reply at Deadline 3. With respect to the applicant's seeking of compulsory acquisition (CA) powers and the very particular implications there would be for applicant should any of the land it is seeking CA powers over be special category land for the purposes of s131 and/or s132 of the PA2008, the Council must submit a full response to ExQ1 **no later than Deadline 3**. Notwithstanding the requirement to respond to this question by no later than Deadline 3, should the Council reach the view as part of its investigations that any of the land subject to the CA powers sought by the applicant constitutes special category land for the purposes of s131 and/or s132 that information should be communicated to the applicant as soon as possible in advance of Deadline 3.

Question Number	Question to:	Question
LR.2.02	Applicant	<p data-bbox="622 292 2107 328">Proposals for providing BNG and meeting the conditions for the CA of land under s122 of PA2008</p> <p data-bbox="622 336 2107 520">The ExA notes the applicant’s reply to ExQ1 LR.1.04 in [REP2-029], including: 1) confirmation that its proposals do not include the CA of land expressly for the purpose of BNG provision, with that provision forming part of the multi faceted Work No. 9 (works to create, enhance, and maintain green infrastructure and environmental mitigation); and 2) not precluding proposed BNG units being traded with other developers unable to meet their own on site BNG unit provision.</p> <p data-bbox="622 576 2130 943">Given the applicant’s various submissions to date concerning BNG provision, the ExA considers in relation to proposed Work No. 9, it has not been demonstrated that of all of the land identified on the Works Plans [AS-105] for Work No. 9 would be required: either for the proposed development; or to facilitate/be incidental to the proposed development and thus meet the conditions stated in s122(2)(a) and (b) of PA2008. That is because land subject to proposed Work No. 9 could be made available to other developers to address their developments’ need to provide BNG units, with the result that some of the land for which CA powers are sought would not necessarily be required to deliver the proposed development. Accordingly, the ExA further considers that the applicant has not demonstrated in relation to the land subject to proposed Work No. 9 “... <i>that there is a compelling case in the public interest for the land to be acquired compulsorily</i>” to meet the condition stated in s122(3).</p> <p data-bbox="622 999 2107 1176">The ExA therefore considers there is a need for the applicant to: 1) undertake a review of the CA powers sought in connection with the delivery of proposed Work No. 9 to demonstrate that the CA powers sought would be no more than necessary to meet the conditions stated in s122 of PA2008; and make any amendments to the Land Plans [AS-104], the Works Plans [AS-105] and other submitted application documents, as necessary, and submit any amended plans or documents.</p>

Question Number	Question to:	Question
Landscape and Visual (LV)		
LV.2.01	Applicant	<p>Plans showing the locations for viewpoints and photomontages</p> <p>The ExA notes the applicant’s response to ExQ1 LV.1.01 (Plans showing the locations for viewpoints and photomontages), most particularly the reliance placed on ES Figure 10-7 Zone of Theoretical Visibility – Barrier Earth, with Viewpoint Locations (Rev B) [AS-059] as the means for identifying the locations for the viewpoints and photomontages used in the submitted assessment of the proposed development’s landscape and visual amenity effects. However, ES Figure 10-7 [AS-059] is affected by limited contextual mapping information relating to road/street and property naming that the ExA referred to in item 1(a) in its procedural decision letter dated 22 August 2025 [PD-005]. That, taken together with the scale of ES Figure 10-7 (1:60,000), makes it difficult to identify the precise locations for some of the viewpoints and photomontages without recourse to other submitted figures.</p> <p>The ExA therefore considers the answer to ExQ1 LV.1.01 to be unsatisfactory. Accordingly, the applicant should submit a plan (or plans) appropriately scaled with adequate contextual information to enable the locations for the viewpoints and photomontage to be clearly identified.</p>
LV.2.02	Applicant	<p>Effectiveness of the proposed roadside screen planting</p> <p>In responding to ExQ1 LV.1.05 in [REP2-029] you have stated <i>“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”</i>. Identify the roadside locations where you consider proposed roadside hedgerow planting managed to a height of between 1.5 and 2.0 metres might be ineffective.</p>

Question Number	Question to:	Question
LV.2.03	Applicant NKDC LCC	<p>Perception of solar panels in the landscape</p> <p>In paragraph 3.3 of Appendix 7-D of the ES (Detailed Heritage Asset Setting Assessment) [APP-127] when referring to solar panels it is stated that within the landscape they are perceived differently by different individuals “...Some will perceive them as unwanted, industrial and urbanising; others will see them as important, sensitive, rural and even agricultural. When solar farms were first introduced to our landscapes, they would have seemed alien. However, the prevalence of these features within the countryside, a function of nearly 20 years of construction and operation, requires recognition that solar farms have become a more commonplace landscape character type, much in the same way we acknowledge golf courses or greenhouses / polytunnels. Furthermore, it has been recognised that beyond a certain distance, solar arrays lose definition and assume a ‘washed-over’ appearance. As a result, solar farms are perceived as blocks of faded colour within an established agricultural landscape. ...”</p> <p>a) Applicant - identify the evidential basis underpinning the above mentioned quotation in [APP-127] and comment on whether historic and/or visual perceptions relating to existing solar farms in the countryside should be applied to a solar farm of the scale associated with the proposed development, given that to date only one NSIP scale solar farm (Cleve Hill) has been constructed and become operational.</p> <p>b) NKDC and LCC – do you agree with the views expressed by the applicant: 1) that as solar farms in the countryside have become more commonplace they are being perceived like golf courses or greenhouses/polytunnels; and 2) that with distance solar farms have a washed over appearance and are being perceived as blocks of faded over colour within established agricultural landscapes. If you disagree with either one or other or both of those propositions explain why that is the case.</p>

Question Number	Question to:	Question
LV.2.04	Applicant	<p>Views experienced by recreational users of public rights of way (PRoW)</p> <p>With respect to the assessment of visual susceptibility for recreational users of PRoW in Tables 31 to 36 and 38 to 44 in Appendix 10-F of the ES (Visual Assessment) [AS-120] the phrase “...where appreciation of the view is unlikely to be the primary interest ...” has repeatedly been used. Explain what is meant by that repeatedly used phrase and what is the primary interest for the users of the PRoWs that are being referred to in Tables 31 to 36 and 38 to 44 in [AS-120]?</p>
LV.2.05	NKDC LCC	<p>Significance of identified negative landscape and visual impacts</p> <p>In your respective LIRs, [REP1-056] and [REP1-053], you have each concluded that the proposed development would have “<i>negative landscape and visual impacts</i>”. Do you consider those negative landscape and visual impacts would or would not amount to a reason for consent being withheld for the proposed development? Your response to this question should include any necessary elaboration.</p>
LV.2.06		<p>Sequential effects</p> <p>The cumulative impact assessment covers an area in the vicinity of the site. While sequential impacts are referred to in paragraph 10.10.5 of ES Chapter 10: Landscape and Visual Amenity [AS-117], there does not appear to be a sequential visual assessment. What consideration was given to sequential effects that might be experienced by visual receptors travelling through a landscape that might be affected by the presence of a number of NSIP scale solar farms?</p>
LV.2.07	NKDC	<p>Glint and glare</p> <p>Confirm whether the applicant’s response in [REP2-031] to section 22 of the Council’s LIR addresses the concerns about the reliance placed on landscaping to provide mitigation for glint and glare effects, and if not, explain why.</p>

Question Number	Question to:	Question
Population Effects (PE)		
PE.2.01	Applicant	<p data-bbox="622 344 943 379">Health and wellbeing</p> <p data-bbox="622 387 2112 499">The applicant’s comments about the approach established at the environmental impact assessment (EIA) scoping stage with respect to incorporating human health matters within relevant ES chapters in its response to relevant representations (RRs) (for example, page 136 of [REP1-047]) are noted.</p> <p data-bbox="622 552 2134 735"><i>Page 34 of the Scoping Opinion [electronic page 38 in APP-119] advises “The ES should ensure sufficient clarification and cross referencing is present. Consideration should be given to direct and indirect impacts on human health receptors. The assessment should be informed by relevant guidance such as the Institute of Environmental Management and Assessment (IEMA) 2022 guidance ‘Determining Significance for Human Health in Environmental Impact Assessment’”.</i></p> <p data-bbox="622 788 2134 975">None of the ES chapters identified in paragraph 5.1.11 of ES Chapter 5: Environmental Impact Assessment Methodology [APP-030] appear to make reference to the advice about human health included in the scoping opinion. Health is specifically mentioned in the ES chapters covering Noise and Vibration [APP-036], Traffic and Transport [APP-038] and Other Environmental Topics [APP-039] but does not seem to be explicitly referenced in Water Environment [REP1-021] or Landscape and Visual Amenity [AS-117].</p> <p data-bbox="622 1027 2089 1137">In this context, explain how the ES provides sufficient clarification and cross referencing with respect to: human health matters; the consideration given to direct and indirect impacts on human health receptors; and the account taken of relevant guidance.</p>

Question Number	Question to:	Question
PE.2.02	Applicant	<p>Mental health</p> <p>In its response to RRs (page 139 of [REP1-047]) the applicant recognises that elements of the proposed development would have the potential to affect mental health. The response goes on to state that, to address such concerns and support the long-term wellbeing of the community, including mental health, the proposed development has been iteratively and holistically designed to minimise impacts on health and wellbeing through undertaking a comprehensive and robust EIA and consultation process to identify and implement beneficial design opportunities.</p> <p>a) Explain what design opportunities were identified and implemented to mitigate adverse effects on mental health.</p> <p>b) Provide evidence that demonstrates that these design opportunities would mitigate adverse effects on mental health.</p>
PE.2.03	Applicant	<p>NPS EN-1 (2023) – health and wellbeing</p> <p>With reference to paragraph 4.4.6 of NPS EN-1 (2023), explain what consideration has been given to promoting local improvements to encourage health and wellbeing, including potential impacts on vulnerable groups within society and impacts on those with protected characteristics under the Equality Act 2010.</p>
PE.2.04	UK Health Security Agency LCC	<p>Effects on human health – electromagnetic fields</p> <p>An assessment of electromagnetic fields is presented in section 14.8 of ES Chapter 14: Other Environmental Topics [APP-039]. The applicant provided further information in response to RRs (for example pages 71, 140, 291, 335 in [REP1-047]) and LCC’s LIR [REP2-031].</p> <p>Confirm whether the explanation provided by the applicant satisfactorily addresses your concerns and if not explain why that is the case.</p>

Question Number	Question to:	Question
PE.2.05	NKDC LCC	<p>Suggested skills and education section 106 (s106) planning obligation</p> <p>Further to the applicant's comments about there being no need for a skills and an education planning obligation, for example in response to ExQ1 GC.1.19 [REP2-029] and in the responses to the submitted LIRs [included in REP2-031], provide a detailed justification for the suggested making of an annual contribution of £50,000 (index linked) per year for the lifetime of the proposed development. In replying to this question, the Councils should explain whether: 1) the suggested planning obligation would meet the conditions for entering into obligations; and 2) the proposed development would be unacceptable in the absence of the obligation sought.</p>
PE.2.06	LCC	<p>Socio-economic assessment of construction effects – temporary workforce</p> <p>Confirm whether the applicant's response to your LIR [REP2-031] and ExQ1 PE.1.04 and PE.1.05 [REP2-029] addresses your concerns about how the <i>"impact of a changing influx of workers"</i> has been considered and if not, explain why that is the case.</p>

Transport and Traffic (TT)

TT.2.01	LCC	<p>Applicant's response to ExQ1 LV.1.05 (Effectiveness of the proposed roadside screen planting)</p> <p>The applicant in responding to ExQ1 LV.1.05 in [REP2-029] has commented <i>"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."</i></p> <p>Is the applicant correct in understanding that where a hedge is not owned by the council and could be demonstrated to be safe, the applicant could request the council not to trim hedges or trim them less.</p>
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Question Number	Question to:	Question
TT.2.02	Applicant LCC	<p>Use of PRowS affected by the proposed development</p> <p>a) Both - provide any counts or survey data that may have been undertaken/gathered relating to the use of PRowS within or adjoining the proposed Order Limits subject to Work Numbers 1, 2, 3 and 4. (The applicant and LCC should agree amongst themselves as to who is best placed to submit any available data).</p> <p>b) Applicant – if no count or survey data has been gathered or is available, explain how the sensitivity of and magnitude of effects for PRow users (receptors) have been quantified and assessed as part of compiling the submitted ES.</p> <p>c) Applicant - if no count or survey data is available, counts should be undertaken and the timescales for undertaking those counts and reporting on their results within the examination should be submitted.</p>

Question Number	Question to:	Question
TT.2.03	NKDC	<p data-bbox="622 292 1120 328">Status of “Stepping Out Routes”</p> <p data-bbox="622 336 2136 555"><i>The applicant in responding to the council’s LIR [REP1-056] has commented “It should also be noted that, as shown on the plan submitted by the Council within its Response to Issue Specific Hearing Action Point 6 - Stepping Out Walks [REP1-136] whilst the routes of the Stepping Out Walks do partially follow PRow and existing permissive paths, they also utilise land which is neither designated as PRow nor permissive paths. Therefore, the Stepping Out Walks are reliant on the use of private land over which the public has no rights of access” [electronic page 49 in REP2-031].</i></p> <p data-bbox="622 612 2123 903">a) Explain how public access to Stepping Out Routes, which in their entirety or in part, are neither a designated PRow nor a recognised permissive route, is protected under the Stepping Out Routes initiative. In particular, for Stepping Out Routes that include any privately owned land, explain what stops the owner(s) of that land from precluding access to it by members of the public in pursuance of their use of a route?</p> <p data-bbox="622 836 2051 903">b) Should Stepping Out Routes or parts thereof that are neither designated PRows nor recognised permissive routes be considered as genuinely publicly accessible routes?</p>

Question Number	Question to:	Question
TT.2.04	Applicant	<p>Identification of permissive paths</p> <p>Paragraph 12.5.34 in ES Chapter 12 [AS-016] identifies that there are seven existing permissive paths within the proposed Order Limits, namely: 15BCDE, 15BCD1, 17E42A, 15BCD0, 15BCCF, 15BC81 and 15BCC0.</p> <p>In responding to the LIRs [pages 43 and 44 in REP2-031], the applicant states that Figure 3-3: Proposed Permissive Paths [AS-024] identifies “<i>Retained Permissive Paths</i>” (i.e. those already in place) and “<i>Proposed Permissive Paths</i>”. However, based on the key in Figure 3-3, the existing permissive paths and proposed permissive paths to the east of Witham St Hughes seem to cover much of the same lengths. The majority of the lengths with the notation Retained Permissive Paths in Figure 3-3 are identified as “<i>new permissive path</i>” on the Streets, Rights of Way and Access Plans [REP2-004] and on Figure 7.15-1 (sheet 5) of the FLEMP [REP2-021].</p> <p>Clarify the location and status of existing and proposed/new permissive paths within the proposed Order Limits and amend any application plans and other documents where there are any inconsistencies between the status of permissive paths that wholly or partially exist and those that are proposed.</p>
TT.2.05	Applicant LCC National Highways	<p>Framework Construction Traffic Management Plan (FCTMP) – conditions surveys</p> <p>a) Applicant and LCC - While noting the responses to ExQ1 TT.1.17, comment on whether the wording in paragraph 7.3.2 of the FCTMP [REP2-023] is sufficiently clear to identify who would be responsible for any necessary reinstatement work.</p> <p>b) Applicant - Explain the decision-making process for determining whether a separate road condition survey “<i>may</i>” be carried out for the abnormal indivisible load route for the transformer to the Principal Site, as set out in paragraph 7.3.4 in the FCTMP [REP2-023]. LCC and National Highways: Do you consider the proposed wording to be adequate?</p>

Question Number	Question to:	Question
TT.2.06	Applicant LCC NKDC	<p>Framework Public Rights of Way Management Plan (FPRoWMP)</p> <p>Paragraph 12.8 of LCC’s LIR [REP1-053] sets out several comments on the FPRoWMP [REP2-019], with the applicant’s responses provided on page 127 in [REP2-031].</p> <ul style="list-style-type: none"> a) LCC - Confirm whether the applicant’s responses address the matters you have identified. b) All - Given the commitment in paragraph 3.2.3 (item f) of the FPRoWMP that the default would be for construction traffic to give-way to other users, should paragraph 3.2.3 (item a) in the FPRoWMP commit now to not having crossing gates across PRowWs? c) Applicant - Where components of the proposed development are proposed on both sides of a PRowW, the minimum offset of 10m from the centreline either side of the PRowW would apply. The applicant’s response on page 127 in [REP2-031] and design commitment PR1 in the Design Approach Document [APP-186] also identify that sections of wider offsets would be integrated to vary the extent of views experienced across the Principal Site “<i>where practicable</i>”. How would the decision be made on “where practicable”?
TT.2.07	Applicant	<p>Public rights of way – assessment of effects</p> <p>In responding to NKDC’s LIR in [REP2-031], the applicant points to the assessment of effects in ES Chapters 12 [AS-016] and 13 [APP-038]. The assessment in those chapters appears to focus on closures and diversions and associated mitigation. While ES Chapter 10 [AS-117] also considers PRowWs, this does not extend to the range of factors identified by NKDC in paragraph 17.22 of its LIR [REP1-056], namely amenity, recreation, health, and economic benefits, nor is it clear whether these wider factors have informed the definition of “<i>importance</i>” in Table 12-7 of ES Chapter 12.</p> <p>Comment on the “holistic approach” to assessing effects sought by NKDC.</p>

Question Number	Question to:	Question
TT.2.08	Applicant	<p>Public rights of way – maintenance</p> <p>Explain what measures would be in place to ensure that any damage/defects caused to PRowWs from the construction, operation, maintenance and decommissioning of the proposed development would be addressed and how they would be secured. For example, from vehicles using routes, or more muddy surfaces caused by the enclosure of paths as indicated by LCC in its LIR [REP1-053].</p>
TT.2.09	NKDC	<p>Public rights of way – mitigation and compensation</p> <p>A number of mitigation/compensation measures are identified in paragraph 17.22 of the council’s LIR [REP1-056]. Explain whether you consider that the proposed development would or would not be unacceptable without such measures.</p>

Water Environment, including Hydrology and Flood Risk (WE)

WE.2.01	Applicant Environment Agency LCC	<p>Sequential Test</p> <p>The Flood Risk Assessment [APP-146] identifies that three solar panel fields would be at least partly within Flood Zone 2 (field 45) and the climate change extent of Flood Zone 3 (fields 54 and 57). Paragraph 6.3.71 of the Planning Statement [AS-098] identifies that this has arisen because of the need to balance areas for solar generation with the provision of environmental mitigation and there being no reasonably available locations within the site itself in order for the proposed development to maximise the delivery of low carbon renewable energy.</p> <p>a) Applicant - How critical are the areas of solar panels within the higher flood risk areas to the proposed development? If the areas of higher flood risk were not used for the siting of solar arrays, what implications would that have for the generating capacity for the proposed development? In responding to this question, the applicant should identify what the reductions in installed MW capacity and</p>
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Question Number	Question to:	Question
		<p>generated output in MWh there would be if fields 45, 54 and 57 were not used for electricity generation purposes.</p> <p>b) Environment Agency and LCC – Are you satisfied that, based on the submitted evidence, the proposed development would remain safe from current and future flood risk for the lifetime of the development, without increasing flood risk elsewhere?</p>
WE.2.02	Applicant	<p>Assessment of effects – groundwater quality</p> <p>Paragraph 9.7.48 of the ES Chapter 9: Water Environment was updated at Deadline 1 [REP1-021] to reflect the most recent guidance on good practice for assessing impacts on ground water quality, as identified in the Environment Agency’s RR [RR-089]. However, that is still caveated with “<i>if and where necessary</i>”.</p> <p>Explain the situations where the guidance would not be followed and the decision-making process for determining “if and where necessary”.</p>