



Nationally Significant Infrastructure Project:

Fosse Green Energy Park

Response to The Examining Authority's written questions and request for information (ExQ2) issued on 27 February 2026.

Prepared by Lincolnshire County Council

March 2026

| Question no. | Question | LCC Response |
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| General and Cross-topic questions (GC) | | |
| GC.2.04 | <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> | <p>The documents give various forecasts for waste arisings at each stage of the project. Whilst the overall forecasts are at times unclear, partly because of being spread across numerous documents, our main concern is the current shortage of UK recycling capacity for PV panels. This is a particular issue given the number of similar projects proposed for our area.</p> |
| GC.2.05 | <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> | <p>We welcome the suggestion that the commitment to, and details of, the annual planned maintenance schedule should be made more explicit in the FOEMP.</p> <p>However, whilst the annual maintenance schedule will provide helpful information during the operational phase, what we are seeking is a clear forecast, before the DCO decision, of annual operational waste arisings. This will allow the waste management impacts to be considered in the decision-making process.</p> |
| Draft Development Consent Order (dDCO) | | |
| DCO.2.02 | <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>LCC suggest that prior consent is obtained through specific wording included in the CTMP (as proposed in LCC's LIR):</p> <p><i>"5.4. Delivery of Road Modifications</i> <i>5.4.1. Prior to any construction works being undertaken within the limits of highway adoption,</i></p> |

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| | <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> | <p><i>the detailed design of these works must be submitted to the Lincolnshire County Council for approval. These submissions will include:</i></p> <ul style="list-style-type: none"> • <i>A programme for the works, details of the construction method and traffic management requirements;</i> • <i>A detailed design pack of drawings and specifications detailing the works and any service / utility works that may need to be accommodated;</i> • <i>The necessary health and safety information required under the Construction, (Design & Maintenance) Regulations, or their equivalent at the point of submission;</i> <p><i>Details of the proposed contractor, including their insurance provisions;</i></p> <ul style="list-style-type: none"> • <i>If required by the local road authorities, a Road Safety Audit (RSA) to a combined Stage 1 and Stage 2 standard;</i> • <i>Details of any necessary road signage and road markings; and</i> • <i>Details of any proposed remediation proposals should the works not be permanent.</i> <p><i>5.4.2. The Applicant will reimburse the highway authorities for the technical approval process at the time the applications are made, in line with costs for similar Section 278 or Section 184 applications made under the Highways Act.</i></p> <p><i>5.4.3. The finalised CTMP will detail the exact process for these technical approvals.”</i></p> |
| DCO.2.03 | <p>Article 16 - traffic regulation measures 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</p> | <p>LCC is satisfied with the measures contained within paragraph 4. As this requires the developer to obtain the written consent of the traffic</p> |

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| | <p>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>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> | <p>authority, LCC considers this to be an acceptable control mechanism.</p> |
| DCO.2.05 | <p>Article 39 (Felling or lopping of trees and removal of hedgerows) 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> | <p>Within the Councils LIR it requested the inclusion of an annual maintenance schedule. Which would be submitted, detailing any tree removals and whether replacements are planned. This aligns with the approach taken for the Springwell and Tillbridge solar schemes, where a replacement schedule was incorporated within the oOEMP.</p> <p>Having reviewed the foEMP [REP2-053], specifically paragraphs 2.3.3 and 2.3.4, the applicant has included wording for an annual maintenance schedule which requires details surrounding tree removal and planned replacements in line with LCCs request. LCC is satisfied with this inclusion and the wording.</p> |
| DCO.2.07 | <p>Article 46 (Procedure in relation to certain approvals etc.) 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</p> | <p>As suggested within the Councils LIR, LCC would seek a 10-week determination timeframe, in line with the timescales for determining discharge of requirements in Schedule 15. LCC notes the applicants response to this point within REP2-031, but, would highlight that there are several made Orders which include a 10-week timeframe for articles regarding 'procedure in relation to</p> |

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| | <p>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. | <p>certain approvals etc' West Burton Solar Project, Gate Burton Energy Park and Cottam Solar Project for example.</p> |
| DCO.2.09 | <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 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 | <p>LCC would reiterate what was stated within Issue Specific Hearing 4 here. LCC considers the definition of “permitted preliminary works”, especially in light of the definition of “commence” in Article 2, is overly broad.</p> <p>LCC also considers preliminary works should be expressly addressed in the relevant framework plans. LCC continues to state its position seeking a requirement restricting commencement of development, including any preliminary works, unless and until the Navenby substation has been granted consent, for the reasons set out in its LIR [REP1-053].</p> <p>The Applicant stated that it was going review the interrelationship between the drafting and works intended to be carried out within ISH4. LCC welcomes that approach and will review and comment on the updated definition, or mechanism proposed, in due course.</p> |

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| | <p>exclude preliminary works on a specific basis</p> <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 | <p>Management Plan requirements using substantially in accordance phraseology</p> <p>a) Applicant - in relation to the inclusion of “substantially in accordance” 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.</p> <p>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?</p> | <p>LCC is content with the use of the phraseology “substantially in accordance” within a number of the requirements.</p> <p>LCC considers that the phraseology allows for sufficient flexibility at the discharge of requirement stage and would not be unduly restrictive. This would, for example, allow the Applicant to respond positively to issues arising during the detailed design phase (which would be precluded by requiring strict accordance with the framework plans).</p> <p>Equally, LCC considers that it would not provide undue flexibility given the need to substantially accord (<i>i.e.</i> just shy of strict accordance). LCC explained that strict accordance with the framework plans would prohibit any flexibility and therefore that it would not support such phraseology in the alternative.</p> <p>Equally, “in accordance with the principles” of the framework plans would, in LCC’s view, be ambiguous insofar as it may not be clear what the principles are of the relevant plans actually are; and in any event would be far more flexible</p> |

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| | | (perhaps unduly so) than the current phraseology. LCC supports the current drafting. |
| DCO.2.21 | <p>Requirement 14 (Construction traffic management plan) 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>LCC does not raise any issue with National Highways being the discharging authority for Requirement 14 with regard to the A46, in consultation with LCC.</p> <p>LCC should remain as the discharging authority for the Local Highway Network, in consultation with National Highways.</p> |
| DCO.2.24 | <p>Requirement 17 (Permissive paths) 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.</p> <p>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 "substantially in accordance" 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</p> | <p>LCC PRoW colleagues have stated 'We are not able to comment on permissive path arrangements in detail, however we can advise that the permitted nature of the path should be communicated to the users by signage, as a 1-day limitation may not be sufficient to protect against possible claims for public rights in the future'.</p> |

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| | <p>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.2.27 | <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> | <p>LCC are satisfied with the current proposed wording of Requirement 20. Other made DCO's read similarly in terms of timescale for cessation, for example, Cottam text under Req 21 reads '(1) <i>The date of decommissioning must be no later than 60 years following the date of final Commissioning</i>'. Gate Burton – Req 19 - (1) reads '<i>Decommissioning of the authorised development must commence no later than 60 years following the date of final commissioning of the authorised development</i>'.</p> <p>In order to provide further clarity to the date of final commissioning, LCC would request that this information be provided at the time of final commissioning. LCC consider this should be secured through the appropriate management plan, whether this be the CEMP or OEMP.</p> |
| DCO.2.30 | <p>Schedule 15 – deemed approval provisions</p> <p>b) All: Paragraph 2(2) provides that a deemed approval would be granted to</p> | <p>LCC has not suggested deemed refusal. LCC is satisfied with the DCO drafting as suggested by</p> |

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| | <p>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> | <p>the applicant. LCC considers the timescales to be appropriate to determine any discharge of requirement application and welcomes the inclusion of schedule 2(1)(c).</p> |
| DCO.2.31 | <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> | <p>Within its LIR (page 95) REP1-053 LCC has suggested an increase in the fees to those currently set out within Schedule 15. LCC considers that the fees should be in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 which were increased in April 2025. This approach is consistent with the Springwell Solar Farm dDCO.</p> <p>LCC would support the inclusion of a link to CPI due to the longevity of the proposed development.</p> |
| DCO.2.32 | <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]. However, LCC in [REP2-043] considers that addition to be unnecessary on</p> | <p>Part 3.3 of Schedule 15 refers to consultation with a Requirement Consultee – specifying that within 10 days of receipt of the application the Discharging authority must send consultation to required consultee(s) - and that they must inform the undertaker within 10 days thereafter, or in any</p> |

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| | <p>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> | <p>event within 20 days of receipt of application, that either they or the required consultee require further information (NB – LCC consider there may be a typographical error here: ‘...considers necessary <u>of...</u>’ should read “...considers necessary or...”).</p> <p>Under this construction, there already is a timeframe within which a required consultee has to respond to the Discharging Authority, and in turn for them to request further info from the undertaker. The suggested clause from the EA at 2(5) for 15 days is at odds with the timescale set out in 3(3).</p> |
| Ecology and Nature Conservation (ENC) | | |
| ENC.2.01 | <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. Provide a summary update on your respective positions, including any remaining areas of disagreement.</p> | <p>The Council confirms that a positive meeting was held on 22nd January 2026 and the Applicant agreed to provide updated documents to address the points raised by the Councils in LIRs and at ISH1. The Council is currently reviewing draft updated documents received from the Applicant.</p> |
| ENC.2.06 | <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 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</p> | <p>As stated in our response to ExQ1 ENC.1.10 (REP2-043) The Council considers that additional wording and clarification is required in ECO-C1 part b of the FCEMP (REP2-013) in order to ensure that it aligns with the stated intent of Para 8.12.7 and 8.12.8 of REP1-019.</p> <p>8.12.7 of REP1-019 makes specific reference to the removal, storage and watering of turves from the LWS whereas ECO-C1 part b only refers to soil</p> |

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| | <p>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> | <p>removal and reinstatement. The Council is of the opinion that both soil and turves should be removed and stored to ensure that re-instatement of impacted areas of the LWS is as effective as possible.</p> <p>8.12.8 of REP1-019 refers to the collection of seed from more diverse areas of the LWS whereas ECO-C1 part b simply refers to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. Whilst the Council agrees that it may be appropriate to use locally sourced seed to supplement any collected from the LWS, ECO-C1 part b should still include specific reference to the collection of seed from with the LWS as well.</p> |
| Farming and Soils (FS) | | |
| FS.2.02 | <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 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>One example is the Beacon Fen project, reference Chapter 14 (Soils and Agricultural Land) of the submitted ES [APP-065] – within that document there are several references to land taken up by the substation, the BESS, any construction compounds, transformer station and access roads as representing permanent loss. At paragraph 14.3.3, it states: <i>‘The Proposed Development will occupy agricultural land (arable) and will result in a change to its agricultural potential over the lifespan of the</i></p> |

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| | <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> | <p><i>project. Associated works such as the creation of access tracks, substation and Battery Energy Storage System (BESS) will have a more direct and potentially permanent impact on the agricultural potential of the land. These elements of the design involve soil stripping and soil sealing for the duration of the Proposed Development's lifetime. Whilst storing the stripped soils for the duration of the operational phases enables these areas to be restored to agricultural use following decommissioning, this assessment considers this 'permanent' development as a worst-case scenario, based on the definition of permanent land take and hard development in the IEMA (2022) guidance'. The reference here to 'hard development' from the Institute of Environmental Management and Assessment (IEMA) 2022 guidance (A New Perspective on Land and Soil in Environmental Assessment) can be found under section 6.2 (pp 28 of the Guidance), where it states that 'Land take for hard development is considered a permanent land used change...'</i></p> <p>On pp 19 of Chapter 14 of the Beacon Fen ES [APP-065] there is reference also to a similar approach being taken with respect to 'permanent' land take for the Gate Burton Energy Park. Whilst access to certain Gate Burton Examination Library documents on the PINS website was not possible at the time of writing, there is reference to this topic in the draft SoCG with Natural England [APP-202].</p> |
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| | | Land affected by access tracks, solar stations and the onsite substation for the Mallard Pass Solar Farm was also treated as 'permanent' loss due to sealing (reference Chapter 12 Land Use and Soils of the ES [APP-042]). |
| FS.2.06 | Framework Soil Management Plan – aftercare 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. | LCC considers that for completeness this should be included within the FSMP. |
| FS.2.08 | Framework Soil Management Plan – monitoring In responding to ExQ1 FS.1.17 [REP2-029], the applicant sets out information on the aims for monitoring and what it would cover. 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. | LCC considers any additional detail the applicant is willing to provide should be included within the FSMP. |
| Landscape and Visual (LV) | | |
| LV.2.03 | Perception of solar panels in the landscape 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 | It is true that solar panels will be perceived differently by different individuals, but LCC would question whether anyone would ever perceive them as rural or even agricultural. Rural – means characteristic of the countryside rather than the town; agricultural – means the practise of farming including cultivation of the soil for the growing of crops and the rearing of animal to provide food, wool and other products. Solar panels can be located in both urban and rural settings. |

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| | <p>'washed-over' appearance. As a result, solar farms are perceived as blocks of faded colour within an established agricultural landscape. ..."</p> <p>b) NKDC and LCC – do you agree with the views expressed by the applicant:</p> <p>1) that as solar farms in the countryside have become more commonplace they are being perceived like golf courses or greenhouses/polytunnels; and</p> <p>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> | <p>Arguably, it is preferable that they are located in urban environments where the balance of man-made features is more suited to their introduction. Solar panels do not relate to either the science or practise of farming. Farming is defined as 'the activity or business of growing crops and raising livestock'.</p> <p>b) 1) Solar panels may have been in use at a small and localised scale for the last 20 years, but the NSIP projects now proposed, will significantly increase their scale and distribution, with potential cumulative impacts, that will change the character of the landscape on a regional scale.</p> <p>This is a relatively new phenomenon and the long-term impacts of this change on the landscape and the communities that live within them, are not yet fully understood.</p> <p>The current LCAs do not mention Solar panels as a defining characteristic of the landscape in NK or Lincolnshire.</p> <p>Unlike Solar panels, golf courses retain a sense of openness and seasonal change.</p> <p>Poly tunnels and greenhouse are both connected to agriculture as they are used for growing crops. Poly tunnels are temporary</p> |
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| | | <p>structures that are often taken down and relocated. Greenhouses are also relatively temporary when compared with the life of solar panels (60 years).</p> <p>2) With distance solar panels can appear as a continuous colour over the surface of distant fields. In some lights, this can be perceived as similar to water. However, this illusion is dependent on the angle of the viewer relative to the solar farm. When viewed side on, even at distance, solar panels look like jagged rows of man-made structure in the landscape. Unlike, farmed fields, solar panels are unchanging and this block of 'faded' colour will remain the same year after year. In comparison, a farmed field will change through out the year from brown when fresh ploughed, to golden when cropped, and green when grassed for fallow. The 'faded' colour of solar panels, will not match these colours at any time, and will stand out in contrast to them throughout the year.</p> |
| LV.2.05 | <p>Significance of identified negative landscape and visual impacts In your respective LIRs, [REP1-056] and [REP1-053], you have each concluded that the proposed development would have "negative landscape and visual impacts". 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> | <p>We believe that the negative landscape and visual impacts identified and described in the LIRs would amount to a reason for consent being withheld for the development (specifically - on Landscape and Visual Impact grounds).</p> <p>Significant adverse effects on landscape character and the visual amenity are identified at</p> |

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| | | <p>all main phases of the scheme. Some of these effects are considered to be understated.</p> <p>Visual receptors adversely affected will include users of PRow with the development altering the perception of the landscape both locally and at a regional scale. The effects on these routes are considered to be underestimated with Stepping out Walks promoted by NKDC not included in the LVIA.</p> <p>The LVIA identifies that multiple residents of properties will experience significant adverse effects - even if the RVAT is not met.</p> <p>Cumulative impacts of the proposals with other large scale solar energy schemes are also underestimated.</p> <p>A key concern is the development's reliance on mitigation to reduce effects, combined with maintenance commitments that may not ensure mitigation planting will grow as anticipated.</p> <p>The development will remain on site for at least 60 years and the developer should see their commitment to the existing planting and the proposed mitigation planting in terms of this timescale. The LEMP should cover the whole operation period.</p> <p>A 3-5-year establishment / replacement and</p> |
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| | | <p>maintenance period (as presently muted) is inadequate and should be extended to at least 15 years (on which the findings of the LVIA are based) with a commitment to monitoring, replacement planting and maintenance during this period.</p> <p>Monitoring of planting should be carried out periodically with replacement of failed planting as required for the whole operation period. The LEMP should be updated every 5 years.</p> <p>Otherwise, it is very likely that the significance of effects claimed in the assessment are unreliable and the effects claimed underestimated.</p> |
| Population Effects (PE) | | |
| PE.2.04 | <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]. Confirm whether the explanation provided by the applicant satisfactorily addresses your concerns and if not explain why that is the case.</p> | <p>The assessment aligns with relevant guidelines such as those of the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, we consider that Extremely Low-Frequency Electromagnetic Fields (EMFs) should be referenced.</p> <p>We would like to emphasise the UK Health Security Agency (UKHSA) is the primary UK government body responsible for public health matters relating to electromagnetic fields (EMF) and not local Public Health services. If the Examining Authority wishes to seek an expert view on relative EMF emissions from different sources and their health impacts it should address this to the UK Health Security Agency (UKHSA).</p> |

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| | | <p>The assessment in Section 14.8 only covers physical health effects, and we feel that this section (or the wider Environmental Statement (ES)) should also cover the mental health effects arising from perceived risk from EMFs.</p> <p>Finally, LCC consider that the final paragraph of Section 14.8 on cumulative effects is underplayed. The methodology should be more robust in identifying all other potential electrical infrastructure, proposed and existing (e.g., Battery Energy Storage System(s) (BESS), substations, overhead pylons, and buried cables) and explain the cumulative effect of overlapping EMFs where these may occur within local communities.</p> <p>Overall, LCC consider that the conclusions reached in the methodology are insufficiently robust, as they are not grounded in an evidence-based, comprehensive Health Impact Assessment for the project.</p> |
| PE.2.05 | <p>Suggested skills and education section 106 (s106) planning obligation 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> | <p>LCC would draw the Examining Authority's attention to Paragraph 5.13.11 of EN-1 which states 'The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts'.</p> <p>Whilst the applicant is resistant to a S106</p> |

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| | | <p>agreement in relation to employment and skills funding, as stated within REP2-031, LCC would consider it necessary to secure the commitments proposed within the Framework Employment Skills and Supply Chain Plan (fESSCP).</p> <p>LCC welcomes the inclusion of Requirement 19 within the dDCO, but would note that the requirement only ensures the submission of a SSECP. This raises potential concern as the framework document uses phraseology such as, ‘could be pursued’ and ‘potential for’. Whilst LCC acknowledges that this is an outline document that would be refined and agreed through Requirement 19, LCC are of the view that a clear delivery mechanism with secured funding must be established, to ensure delivery of the initiatives as described within the fESSCP.</p> <p>Similar contributions have been secured as part of the Heckington Fen Solar Farm and Springwell Solar Farm.</p> |
| PE.2.06 | <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 “impact of a changing influx of workers” has been considered and if not, explain why that is the case.</p> | <p>LCC consider the applicants response in REP2-031 and REP2-029 address LCCs concerns in part. However, there still seems to be a lack of appreciation (with or without detailed workforce numbers) that even when booking out larger hotels in the larger settlements that this will have impacts. Such impacts are not just restricted to healthcare facilities.</p> <p>While some (e.g. hotel bookings themselves or increase in meal bookings at local eateries) are</p> |

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| | | <p>positive in a financial sense, there is high potential with temporary worker bookings interacting with events that provide annual attractions and thus maximum bookings and revenue in a regular basis, especially in Lincoln.</p> <p>Even though suggested hotels within Lincoln will be used, these have a focus on areas such as the Brayford, high weeknight numbers of workers could conflict with other users of the area/students. We consider that social cohesion issues may still arise, with high numbers of workers in one location, even if demand on facilities such as health care does not occur.</p> <p>This would be further compounded by any overlap in construction periods with other projects. While a brief analysis of accommodation vacancy rates has been undertaken and demonstrates the project can be accommodated, very little in the way of cumulative impact has been considered. It is wholly possible that up to 1000 temporary workers, or even more depending on project construction period overlaps, could be seeking weeknight accommodation in the area should construction overlap. It is very likely that such impact would result in maximum capacity being reached and demand not fulfilled. We still believe that the travel times utilised are overly optimistic and therefore flawed.</p> <p>Therefore, we do not agree with the total available accommodation within 30 mins and 60mins. This</p> |
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| | | <p>is likely to be significantly less especially within the 60-minute drive time, and compound impacts beyond those set out. The ES at chapter 12 acknowledges that it will utilise all the available room capacity within the 30-minute travel time used. Should any overlap occur the capacity within the 60-minute travel time boundary will also be significantly impacted. There are currently 25 NSIP applications within the DCO approval system, and a high likelihood of construction periods overlapping.</p> <p>Block bookings for temporary workers filling tourist accommodation will impact on other destinations, as workforce will not visit/spend in majority of other destinations and venues.</p> |
| Transport and Traffic (TT) | | |
| TT.2.01 | <p>Applicant's response to ExQ1 LV.1.05 (Effectiveness of the proposed roadside screen planting) The applicant in responding to ExQ1 LV.1.05 in [REP2-029] has commented "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."</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> | <p>LCC's understanding is that the applicant can request this from the Highway Authority. The outcome of such as request would be at the discretion of the Highway Authority on a case-by-case basis.</p> |

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| TT.2.02 | <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>Having consulted with our PRow colleagues, they have stated that LCC do not hold survey count data for the paths contained within the Order Limits.</p> |
| TT.2.05 | <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>The wording is not clear and should be amended to identify that the Developer will undertake the agreed reinstatement works.</p> |
| TT.2.06 | <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> <p>a) LCC - Confirm whether the applicant's responses address the matters you have identified.</p> <p>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 PRowS?</p> | <p>a) LCC are happy with the changes made.</p> <p>b) Crossing gates would be needed for the vehicles using the haul roads, we are opposed to new gates being installed that the public would have to operate. The haul roads would be gated off to stop the public using the haul road and prevent the risk of vehicles driving across the PRow without stopping first.</p> |
| Water Environment, including Hydrology and Flood Risk (WE) | | |
| WE.2.01 | <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>As referenced within the Councils LIR REP1-053 LCC note that certain fields fall within areas of higher flood risk. With regard to fields 45, 54 and 57, LCC would refer to paragraphs 13.29 - 13.30 and 13.39 of its LIR.</p> <p>LCC accept the position that the development would not increase risk of flooding elsewhere and have nothing further to add.</p> |

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| | <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> | |
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