

Fosse Green Energy Park DCO
Application by Fosse Green Energy Park Limited

POST HEARING SUBMISSIONS
ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL
AT DL3

Introduction

1. Lincolnshire County Council (“LCC”) attended the Issue Specific Hearings (ISH) 3 and 4 held between the 11th and 13th March 2026. A summary of LCC’s oral representations for these hearings appears below.

Issue Specific Hearing 3 – Environmental Matters

2. Under agenda item 3.1 in respect of subsection (b) LCC restated that we have been sharing resources with North Kesteven District Council (NKDC) on matters relating to ecology and BNG.
3. LCC confirmed that we agreed with the Applicant’s approach to defining land requirements for both ground-nesting bird mitigation and BNG and are of the opinion that the areas identified are necessary, appropriate, and proportionate.
4. Under agenda item 3.3 (d) LCC raised our continued, outstanding concerns that the travel to work data used to inform the available bedspace data is flawed. It is considered that the 60-minute travel time is not realistic and therefore overestimates the number of bedspaces available for the temporary workforce. In particular, Peterborough is indicated to be within this travel to work area, we do not agree that Peterborough is within a 60-minute travel time of the site and would also question whether Leicester would reliably be within said travel time either. The knock on of this is that the total number of available bedspaces is lower than quoted within the ES.
5. LCC also stated concerns regarding the cumulative impact assessment undertaken with regard to temporary workforce. As set out in the ES, the assessment does not appreciate the scale of proposed NSIP development within Lincolnshire. There are currently 25 NSIPs within the DCO approval system within the Lincolnshire County Council administrative boundary. It is highly likely that there will be overlap in construction periods, placing pressure on the availability of overnight accommodation within the county. This particular scheme will face pressure from the Eastern Green Link projects and Grimsby to Walpole overhead cable route to the East, STEP and other solar projects around Gainsborough to the North and also the Great North Road Solar project to the west, to name just a few.

6. Finally, if the overnight bedspace capacity is filled on a regular basis with the cumulative temporary workforces associated with these projects, LCC have significant concern that regular tourist events will be displaced and look elsewhere for venues, having a long-term impact on the county's visitor economy.
7. Under agenda item 3.2 (a) Methodology – LCC stated that the LVIA demonstrates general compliance with LI guidance GLVIA3. LCC has disagreement on the outcomes rather than the structure of the methodology itself. LCC identifies a reliance on ‘professional judgement’ in the application of sensitivity (susceptibility / value) and magnitude (size scale / duration / reversibility) which we believe are understated.
8. LCC stated that landscape receptors will experience fundamental and permanent change across an extensive area compared to the baseline. There will be inherent land use change and alteration to landscape character - not just temporary short-term change from construction activity. There will be permanent change to open agricultural character, land use, rural qualities of the landscape (seasonality) – LCC believe these perceptual factors are underplayed in the assessment. The applicant concludes Minor Adverse (non-significant effects) by year 15 for many landscape receptors (listed in Table 10-13) of ES Chapter 10 (APP-035). LCC considers that these should be classed as at least Moderate Adverse (significant).
9. LCC also stated that when the development is considered cumulatively with other existing and consented NSIP-scale solar projects – there will be a wider change in regional landscape character and the visual environment. Other NSIP schemes are described in Section 10-10 of the LVIA (DCO schemes – Springwell Energy Farm, Great North Road Solar Limited, One Earth Solar Farm).
10. LCC stated there is an over-reliance on mitigation to reduce effects. Mitigation itself could change landscape character in a way that could be adverse – through loss of openness, foreshortening, and enclosure in a landscape that is presently characterized by openness. LCC believe mitigation may reduce adverse localised effects - but it will not reduce the magnitude of the development and resultant landscape character change. Mitigation will not reinstate the open agricultural character, land use or rural qualities that define the affected landscapes.
11. Under agenda item 3.2 b) Landscape and Visual Effects – LCC stated that the scale and extent of the development will make it difficult to fully mitigate visual effects on properties. In consultation with the applicant, changes have been made to increase offsets and remove solar panels from fields adjacent to property, including at Bassingham Road and Clay Lane. Additional mitigation using hedgerows and tree planting (extending existing Copse) is welcomed for some medium proximity receptors, for example, residents of Bassingham in the vicinity of the proposed substation. These measures are welcomed - but would likely only reduce visual effects at a local level.

12. The scale and extent of the development will make it difficult to fully mitigate visual effects on PRow users. Development will result in close range, open and sequential views of solar infrastructure along parts of the PRow network. Permissive paths will increase access which is to be welcomed – but will not mitigate effects on existing PRow users as these routes will be in close proximity to solar arrays and other above ground infrastructure. LIR identified concerns with impact on locally promoted walking routes ‘The Stepping Out Walks’ which are promoted for their views and scenic quality – not identified as high susceptibility receptors like The Viking Way in the LVIA. Hedgerows are considered the best mitigation – but care needs to be taken to avoid loss of openness and views in some instances – not a blanket approach – maintenance needs to be described in the LEMP.
13. Under agenda item 3.2 c) Adequacy of mitigation - LCC do not believe that mitigation will materially alter the outcome of residual landscape effects on many receptors as it will not reinstate the open agricultural character, land use function, or seasonal rural qualities that define the affected landscapes. LCC stated that the mitigation proposed may reduce localised effects on some landscape receptors - but it will not reduce the overall magnitude of the proposed landscape character change. Mitigation may assist in reducing visual effects for some visual receptors - but it will not fully eliminate adverse visual effects for all sensitive receptors.
14. Generally, hedgerow planting is considered an appropriate form of mitigation for PRow in the context of solar Photovoltaic development as it reflects established landscape patterns. However, care needs to be taken with its use as this mitigation itself may have an adverse visual effect in its own right due to loss of openness, foreshortening of views and by creating a sense of enclosure in an otherwise open landscape.
15. The ExA observed in US11 that most hedgerows are subjected to managed pruning and maintained at 1.5m to 2m in height. Highway requirements adjacent to roads will also limit hedgerow heights in some instances. In the landscape there are occasional examples of hedgerows that are maintained at a higher level (3m - 3.5m), but this is relatively uncommon. LCC would suggest higher height hedgerows should be limited to locations where visual effects would otherwise be moderate (significant) or above – around the sub-station. Uniform application of hedgerow mitigation should be avoided to protect key views where recreational value is explicitly derived from openness and long views. With these issues factored in, we presently believe there is an over reliance in the assessment on mitigation containing adverse views at year 15 in some instances (listed in Table 10-13).
16. LCC raised its continued concern regarding the projected 60-year life span of the project not being considered permanent. There is uncertainty about whether the land could ever return to previous land use – with reference to concrete foundations left behind and the long-term soil condition of disturbed land. There is an over reliance on 15-year mitigation outcomes – and a need for greater certainty that this planting will

establish and perform as expected by the applicant's assessment. LCC would suggest there needs to be at least a 15-year commitment to monitoring, inspection, and replacement planting, especially after extreme weather (5 years is presently proposed).

17. Under agenda item 3.3 (a) LCC stated that the applicant's methodology for assessing effects on human health is based upon speculative conclusions rather than evidence-based research or published literature. However, LCC accepts that there is limited research into the health impacts of the Solar industry.
18. LCC stated that it will continue to request a comprehensive health impact assessment, covering both physical and mental health, for developments of this scale but concede that this won't be forthcoming for this Proposed Development at this stage. The recently compiled health and wellbeing summary to be submitted into the examination by the applicant at deadline 3 is welcomed and LCC consider this to be a helpful document.
19. LCC stated that with the current assessments within the examination, it considers the decision to grant or refuse a Development Consent Order would be based upon inconclusive findings.
20. Under 3.3 (b) LCC had not commented on construction hours previously and would defer to NKDC and their Environmental Health Officer in relation to this matter. However, LCC noted that, in general, sleep deprivation can lead to significant health impacts. So, LCC consider that restricting construction hours to the 'normal' working day would be appropriate and not unusual. The Applicant should also consider receptors where a concentration of residents works nighttime shifts (e.g., frontline healthcare staff) if applicable.
21. Under agenda item 3.3 (c) LCC stated that the scale of change both from the Proposed Development and other inter-related developments in the area has been underestimated. This isn't one solar farm in isolation but one of several extremely large solar farms, all with associated substations and Battery Energy Storage Systems (BESS) that are considered as separate Development Consent Order (DCO) or Planning applications.
22. The mitigation measure, to screen the Proposed Development through planting to become established 15-years into operation, is not considered sufficient. It could even have the opposite effect. Maintaining open aspects in conjunction with wildflower planting and/or animal grazing might be better and should be considered.
23. Under 3.4 (a) LCC noted that the technical note on Above-Ground Heritage Assets, referred to in the Applicant's Response, was only provided to LCC on 11/03/2026 at 10:00am. As such, the Council had not yet had sufficient time to review the document or the supporting material prepared by Cotswold Archaeology. LCC therefore requested

time to consider the document fully and, if necessary, provide a written response to the Examining Authority.

24. LCC highlighted its disagreement with the applicant's conclusion that the Proposed Development would result in 'no harm' to the significance of Hall Close, a medieval moated manorial site located in close proximity to the proposed development (List Entry no. 1018540). LCC stated that whilst the degree of impact is likely to be limited and within the lower end of less than substantial harm, the introduction of development within part of the monument's rural setting — including the acknowledged glimpsed intervisibility between the monument and the proposed solar array — would nonetheless result in some harm to its significance. As a Scheduled Monument, any harm should be clearly recognised and taken into account by the Examining Authority in the overall planning balance. LCC stated it would provide further written clarification if the Examining Authority considered it would be helpful.
25. LCC then stated that in relation to other individual heritage assets previously referenced in the Lincolnshire County Council Local Impact Report, the Council has no further comments to add at this stage.
26. Under agenda item 3.4 (b) and (c) LCC stated it continues to await all site-specific design impacts for the potential intensive groundworks and continues to disagree with the Applicant regarding the degree of developmental impact on currently surviving archaeology across the Order Limits.
27. LCC stated as an example that the latest version of the Decommissioning Environmental Management Plan continues to state that decommissioning activities are not anticipated to have a direct physical impact upon buried archaeological remains. LCC does not agree.
28. LCC are however in ongoing discussions with the Applicant and their latest version of the Framework Written Scheme of Investigation has been shared with us on the 12th of March 2026.
29. Future developmental impacts are currently unknown for decommissioning and the restoration of the solar array areas to agricultural land use after decades without cultivation. This has extraordinary potential for permanent detrimental impact on archaeology across large areas of the scheme. Trial trenching has demonstrated there is archaeology at less than 30cm from the current ground surface and typical compaction counter measures would cause deep disturbance.
30. This means there is potential for currently unknown archaeology to survive the construction and operation phases of the solar development only to be destroyed without identification or recording at the end of the scheme. In the absence of information of these developmental impacts they should be assumed to be high rather

than negligible or non-existent and this should inform what is appropriate for adequate levels of archaeological evaluation and mitigation.

31. LCC further stated that it will therefore be looking for future commitment to undertake adequate evaluation to inform reasonable mitigation across the scheme. This will include an agreed Archaeological Management Plan and the appointment of an Archaeological Clerk of Works for the duration of the scheme, including the decommissioning and subsequent restoration of land to agricultural use. The Archaeological Clerk of Works will need to be included as part of the site management team to ensure that any impacts which could damage or destroy surviving archaeology are dealt with appropriately.
32. Regarding the Examining Authority's question regarding the potential for archaeology to make this project unviable: managing archaeological risk requires adequate levels of evaluation to provide sufficient baseline evidence to inform reasonable fit for purpose archaeological mitigation. The evaluation work therefore needs to establish the presence, depth, extent and significance of areas of archaeological sensitivity across the Order Limits. The subsequent site-specific mitigation to be agreed for the scheme may include a range of options including archaeological monitoring, excavation and preservation in situ. It is unexpected significant archaeology found during the work programme that can lead to potential programme delays and open-ended costs that could otherwise be avoided. This is why we strongly encourage evaluation work to be undertaken as soon as possible as the results can be used to inform the design process as well as the schedule of works and budget.

Issue specific Hearing 4 – Development Consent Order

33. Under agenda item 3.1a, LCC commented that the definition of “permitted preliminary works”, especially in light of the definition of “commence” in Article 2, is overly broad. The Applicant stated that it was going review the interrelationship between the drafting and works intended to be carried out. LCC welcomed that approach and will review and comment on the updated definition, or mechanism proposed, in due course. LCC also stated that it considers preliminary works should be expressly addressed in the relevant framework plans. LCC repeated 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].
34. Under agenda item 3.1b, in respect of the definition of “maintain” within Article 2, which LCC noted was very broad in conjunction with the power under Article 5, LCC welcomed the Applicant's commitment to provide an annual report of the maintenance schedule. The Applicant's intention to produce an indicative set of maintenance schedules is also welcomed. LCC indicated that a mechanism should be secured, whether on the face of the DCO, for example by restricting maintenance to replacement of a certain percentage of modules each year, or within the framework plans, to ensure that the

broadness of the maintenance definition under Article 2 does not extend beyond what has been assessed in the Environmental Statement. LCC welcomes the Applicant's intention to provide maximum parameters and will review the Applicant's proposed mechanism in due course and provide comments accordingly.

35. Under agenda item 3.2a, in respect of the meaning of "part of the authorised development" within Requirement 6 (Detailed design approval), LCC again welcomed the Applicant's intention to provide greater clarity by introducing a requirement to submit details of the relevant parts or works schedules. LCC will review the draft requirement wording in due course and provide comments if necessary.
36. Under agenda item 3.2b, LCC expressed that it is content with the use of the phraseology "substantially in accordance" within a number of the requirements. 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). Equally, LCC considers that it would not provide undue flexibility given the need to substantially accord (*i.e.* 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. 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 of the relevant plans actually are; and in any event would be far more flexible (perhaps unduly so) than the current phraseology. Accordingly, LCC indicated that it supports the current drafting.
37. Under agenda item 3.2c, LCC set out that Requirement 13, in conjunction with the Framework OEMP, does not currently provide a suitable mechanism to trigger early decommissioning if the project ceases to permanently generate energy before the end of the 60 year period for which consent is sought. LCC welcomed the Applicant's intention to revise paragraph 6.1.4 of the Framework OEMP [REP2-015]. LCC also suggested that the Applicant considers the wording used in the Framework OEMP in the Springwell Solar Farm project which it considers provides an appropriate grace period and mechanism to address such a scenario. LCC also requested that the Applicant reviews the final sentence of the current iteration of paragraph 6.1.4 of the Framework OEMP which may require re-drafting for clarity.
38. Under agenda item 3.2d, LCC expressed its support for the position raised by North Kesteven District Council in its LIR [RE1-056] in relation to seeking a bond for decommissioning. The Applicant provided justification orally at the ISH for why it is said a bond is not appropriate. LCC will review the Applicant's post-hearing submissions and provide submissions accordingly at the next deadline.

39. Under agenda item 3.2e, LCC repeated its position as set out in its LIR [REP1-053] in respect of the fees currently set out in 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. LCC understands that there was no outstanding dispute between the Springwell Solar Farm applicant and local authorities in respect of the fees set out in the final dDCO.

40. LCC also drew the ExA's attention to Section 22 of its LIR [REP1-053] in respect of its remaining comments on the dDCO. Whilst some of those comments have now been addressed, a number remain outstanding and LCC welcomes the ExA's request that the Applicant considers these and clarifies whether any are likely to be disputed.