



Fosse Green Energy

EN010154

9.16 Written Summaries of Oral Submissions

Issue Specific Hearing 3

Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure)

Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy Development Consent Order 202[]

9.16 Written Summaries of Oral Submissions Issue Specific Hearing 3

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1. About this document

1.1 Introduction

- 1.1.1 This document summarises the case put by the Applicant, Fosse Green Energy Limited (FGEL), at Issue Specific Hearing 3 (ISH3) on Wednesday 11 March 2026 and Thursday 12 March 2026 for the Fosse Green Energy project (the Proposed Development).
- 1.1.2 The hearing opened at 10:00 on Wednesday 11 March 2026 and took place as a blended event, at LNER Stadium, Sincil Bank, Lincoln LN5 8LD and by virtual means using Microsoft Teams. The hearing was adjourned at 16:06 on Wednesday 11 March 2026 and re-commenced for a second day, opening at 10:00 on Thursday 12 March 2026. ISH3 closed at 13:11 on Thursday 12 March 2026. The agenda for the hearing **[EV5-001]** was published on the Planning Inspectorate's website on 3 March 2026 (the Agenda).
- 1.1.3 This note does not purport to summarise the oral submissions of other Interested Parties (IPs), and summaries of submissions made by other IPs are only included where necessary to give context to the Applicant's submissions.
- 1.1.4 The structure of this note broadly follows the order of the items set out in the Agenda. Numbered agenda items referred to are references to numbered items in the Agenda. It should be noted that, although the items addressed at ISH3 followed the Agenda, the order in which these were addressed differed.
- 1.1.5 The Applicant's substantive oral submissions commenced at Item 3 of the Agenda. Therefore, this document does not address Items 1 and 2 of the Agenda, as these were procedural and administrative in nature.

1.2 Attendees on behalf of the Applicant

- 1.2.1 [REDACTED] instructed by Womble Bond Dickinson (UK) LLP, appeared on behalf of Fosse Green Energy Limited, the Applicant.
- 1.2.2 The following individuals also made submissions throughout the hearing on behalf of the Applicant:
- a. [REDACTED] AECOM (Environmental Impact Assessment);
 - b. [REDACTED] AECOM (Design / Scale of Development);
 - c. [REDACTED] AECOM (Ecology);
 - d. [REDACTED] ICENI (Landscape);
 - e. [REDACTED] Humbeat Limited (Scale of Development); and
 - f. [REDACTED] Cotswold Archaeology (Cultural Heritage / Archaeology).
- 1.2.3 The following members of the Applicant's team were also present:
- a. [REDACTED] AECOM;
 - b. Lloyd Sandles, Fosse Green Energy Limited & Windel Energy Limited;

- c. Mark Sandles, Windel Energy Limited;
- d. Jamie Knott, Windel Energy Limited;
- e. Gary Toomey, Windel Energy Limited;
- f. Helen Heward, Recurrent Energy Limited;
- g. Keith McKinney, Fosse Green Energy Limited & Recurrent Energy;
- h. [REDACTED] Womble Bond Dickinson (UK) LLP;
- i. [REDACTED] Womble Bond Dickinson (UK) LLP; and
- j. [REDACTED] Womble Bond Dickinson (UK) LLP.

2. The Applicant's Summary of Case on Agenda Item 3.1

2.1 Agenda Item 3.1(a) – Scale of the Proposed Development

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA explained that the anticipated operational land take for the Proposed Development was becoming clearer, but some uncertainty remained as to the primary function of some areas shown on the Works Plans [AS-105] with particular reference made to Work No. 1.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that the primary function of Work No.1 is the solar PV array area but highlighted that, for completeness, as the ancillary works fall under another Work Number these should also be shown on the Works Plans. ██████████ offered the example that, as there are areas where the Applicant would not locate the decentralised BESS, there are two separate Work Numbers that do overlap, but made clear that the decentralised BESS will not be located too close to residents or in areas of flood risk. He acknowledged that this was hard to demonstrate and so understood some of the confusion.

ExA: The ExA noted that the description of Work No. 1 includes interconnecting cables and queried whether a review of the descriptions of the Work Numbers was required.

██████████ on behalf of the Applicant

██████████ on behalf of the Applicant, noted the ExA's comments and confirmed that the Applicant would review the Work Numbers. However, he highlighted that the approach taken by the Applicant follows that utilised in DCOs made by the Secretary of State.

ExA: The ExA referred to a number of DCOs “in the queue” which allow for optionality in relation to the BESS and acknowledged these may be the cause of some confusion.

ISH3 Action Point 1 – For the Applicant – Review the Works Numbers set out in Schedule 1 to the draft DCO [REP2-005] to ensure there is no unnecessary duplication across Work Numbers.

ExA: The ExA noted that in REP2-030 (electronic page 33-34) the Applicant refers to sites over 1ha having been identified but that none of these were sufficient to deliver the 40ha needed. Noting that the Applicant stated 40ha

██████████ on behalf of the Applicant

██████████ noted that this was fairly technical but, by way of a simple explanation, stated that if one had an area less than 40MW, or had two 20MW areas several km apart, the extra costs and the extra

Issue Discussed

Summary of Applicant's Oral Case

was needed to deliver a full circuit at the chosen medium voltage of 33kV to avoid the need to split circuits, the ExA asked what the effects would be of splitting circuits.

losses within the interconnecting cables is not justified for a Proposed Development of this size. Due to the losses this would entail, it would be better to connect those small individual parcels straight into the distribution network, as it would be inefficient and create unnecessary disruption to have extra cabling to run around the area.

ExA: The ExA asked if the reference to 20ha being a 20MW area was a rough approximation.

██████████ on behalf of the Applicant

██████████ confirmed that working off 1MW per ha was a rough approximation and clarified that the higher the number of smaller parcels used, the more interconnecting cables are required, and the more third-party land is required which subsequently increases disruption.

An IP stated that the cost of the cable was not a relevant consideration as impact on the landscape and environment was much more important.

██████████ on behalf of the Applicant

Whilst noting the IP's comment, ██████████ stated that the Applicant's priority is efficient use of the land. If the Proposed Development were split into hundreds of small parcels, the interconnecting cables across these hundreds of parcels would have much greater landscape and environmental impacts and create significantly increased disruption.

ExA: With respect to the operation of the BESS, the ExA asked how long the electricity can be stored once a battery is fully charged (in absence of being discharged).

██████████ on behalf of the Applicant

Appearing virtually, ██████████ explained that BESSs are most ideally suited to short-term energy storage needs, i.e. discharging within 24 hours of charging, however this is not a strict rule. He confirmed that any leakage over 24 hours would be negligible, particularly in the context of round-trip efficiencies.

██████████ emphasised that the BESS is designed to support the solar and is a short-term energy balancing system. In the summer, peak solar would be captured, stored and released later in the day to meet demand. Energy can also be captured all year around from the solar scheme, or by importing from the grid, when the combination of solar and other renewables is providing more energy to the grid than is needed at the time. Whilst confirming that the Applicant would provide a detailed explanation in a future iteration of the Solar Technology Technical Guide [REP2-033], he reiterated

Issue Discussed

Summary of Applicant's Oral Case

that the BESS is for short-term storage and is not designed to be storing energy for long periods of time, therefore 'leakage' is not a material operational consideration for such infrastructure.

ISH3 Action Point 2(a) – For the Applicant – Update the Solar Technical Guide **[REP2-033]** to provide an explanation on the logistics of how the battery storage element is managed, including the most efficient way to utilise battery storage, noting seasonal variation, weather variation, and how that relates to when there may or may not be much solar in the electricity system.

An IP questioned how this aligned with the government's 'moratorium' on BESS.

The ExA directed the Applicant to give a brief response but noted that the Proposed Development is included in the calculations by NESO to meet the required demand.

The same IP requested evidence that the Proposed Development was included in NESO calculations, and the ExA suggested this be raised directly with NESO.

██████████ on behalf of the Applicant

██████████ confirmed that the solar is within NESO's calculations and that the IP's comments had been addressed in the previous round of hearings, and in several written responses.

An IP made a comment about noise, noting that noise from the annual 'Lost Village' festival in August carries and can be heard widely.

The ExA noted that ██████████ was referring to the broad parameters for the decentralised BESS location and that noise would be assessed at the detailed design phase.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ confirmed that detailed design would be undertaken to inform the operational noise model as secured across the management plans. The relevant planning authority would then ensure this is in line with what the Applicant has assessed.

The ExA explained that DCO Requirements are akin to planning conditions with the Applicant applying to the relevant planning authority for approval of the detailed plans with which the Proposed Development must be built in accordance. The relevant planning authority can take enforcement action in respect of any breach.

Issue Discussed

ExA: Turning to how the land take for the Proposed Development compares with other utility scale solar farms, the ExA asked how the proposed Springwell solar farm, which has a connection capacity of 3.3 times that of the Proposed Development, compares.

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

Referring to Table 10-1 of the Solar Technology Technical Guide [REP2-033], ██████████ noted that investigating the proposed Springwell Solar Farm (PINS Reference: EN010149) was difficult as the connection capacity was one of the key considerations throughout the examination. Springwell's scheme developed in such a way that it does not have significant overplanting. ██████████ explained that it is the Applicant's understanding that Springwell intends to seek to renegotiate its grid connection as the scheme is going to struggle to meet the grid connection capacity of 800MW.

ISH3 Action Point 3 – For the Applicant – Clarify what information is in the public domain for the proposed Springwell Solar Farm (PINS Reference: EN010149) with regard to the potential for the applicant for Springwell seeking to optimise/renegotiate its grid connection.

██████████ on behalf of the Applicant

Further to this, ██████████ explained that, in response to question ExQ1.2.3 posed by the Examining Authority during the Springwell examination (EN010149/REP1-071), Springwell Solar Farm Limited stated that "The Application Order Limits do not allow for significant overplanting as part of the Proposed Development, however the Applicant will seek to optimise use of the scheme's contracted grid connection capacity at the detailed design stage, including any overplanting as may be achievable within the Order Limits". ██████████ noted that the final overplanting and land-take ratios would be confirmed at the post-consent detailed design stage should the proposed Springwell Solar Farm (PINS Reference: EN010149) be granted development consent.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ noted that three points must be considered to ensure that a fair comparison is drawn between the Proposed Development and other solar farms. He explained these points as follows:

Issue Discussed

Summary of Applicant's Oral Case

1. Due to an increased ecological baseline, the Proposed Development requires more than the typical level of bird mitigation land;
2. The landowners requested that bird mitigation land be spread over a larger geographical area so that the land use can be rotated across fields under their control, rather than fixed to specific locations over the 60-year operational lifetime of the Proposed Development. This is to facilitate their preferred farming methods and allow for the continuation of arable farming alongside the solar farm. This accords with NPS EN-3, which states at paragraph 2.10.32 “*where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use... to maximise the efficiency of land use.*”; and
3. Other similar projects do not have the same spatial separation between solar PV requiring buried interconnecting cables.

██████████ on behalf of the Applicant

██████████ built on ██████████ submission by explaining that other similar projects have shorter and smaller grid connection corridors as they are within closer proximity to the proposed Navenby Substation. Springwell was noted as a specific example of this.

An IP noted that, whilst a considerable amount of farming was to be maintained, this does not account for the overplanting ratio of 1.6 as this is unusual for the grid connection and has not been justified.

██████████ on behalf of the Applicant

In response to the IP’s comment, ██████████ stated that the technical note submitted by the Applicant at Deadline 2 describes the overplanting ratio (Solar Technology Technical Guide [REP2-033]). He added that this document also shows how an overplanting ratio comes into effect with the degradation of panels noting that the overplanting ratio is justified and makes the best use of the land.

Another IP stated that the table which sets out the overplanting ratio does not show justification for the overplanting ratio being anything over 1.2.

██████████ on behalf of the Applicant

In response to this IP’s comment, with reference to Table 5-2 of the Solar Technology Technical Guide [REP2-033], ██████████ explained that overplanting at a ratio of 1.2 is based on a test which uses a realistic output of the panels, as opposed to a laboratory test. He clarified that the reference in Table 5-2 to 1.17 (1.2) is the same as the reference to 1.6 and that the difference is the testing conditions.

Issue Discussed

The IP further stated that he did not understand the explanation querying the two columns (NOCT and STC) and why 1.17 is considered equivalent to 1.6.

Summary of Applicant's Oral Case

The ExA explained that STC is a set of laboratory test conditions which allows for direct comparison of panels from different manufacturers.

██████████ on behalf of the Applicant

Providing further explanation, ██████████ set out that STC is standard test conditions which are laboratory test conditions providing a standard to allow panels to be compared like for like across different types. He explained that all manufacturers will have a properly calibrated test kit which ensures standardisation.

To provide a comparator, ██████████ explained that this is similar to the approach to testing car engines, with NOCT (Nominal Operating Cell Temperature) being the equivalent of what happens when a car is road tested and affected by factors such as wind resistance. Whilst STC is highly controlled, NOCT provides more real world and accurate representations of panel efficiency.

He explained that this is an end of the year test showing what has happened to the panel over the course of a year. This shows that there is approximately a 2% decrease in efficiency initially, which then drops to approximately 0.5% hence the overplanting level does not need to be increased. The Applicant has a grid connection capacity of 240MW and wants to be able to deliver this consistently by building a solar farm which can deliver 240MW in year one of operation and in year 60 of operation. This overplanting, therefore, allows the infrastructure to be used to the best of its efficiency.

The ExA requested that an explanation of the above be included in the next iteration of the Solar Technology Technical Guide [REP2-033].

ISH3 Action Point 2(b) – For the Applicant – Update the Solar Technical Guide [REP2-033] to provide an explanation of the difference between Nominal Operating Cell Temperature and Standard Test Conditions in simple terms and explain the overplanting ratio difference between these.

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA noted that there are a wide range of overplanting ratios across projects and the Proposed Development is at the higher end.

██████████ on behalf of the Applicant

██████████ stated that, in his opinion, the newer projects are going for a higher ratio of overplanting as the benefits are becoming more apparent. He noted that projects with lower overplanting ratios tend to have reduced efficiency.

██████████ on behalf of the Applicant

In addition to the point made by ██████████ with reference to the government targets for net zero, ██████████ explained that, given the unprecedented scale of solar capacity needed, and the limited number of available points of connection to the grid, it is beneficial towards meeting government's aims to connect as much solar as possible through each point of connection. This will ensure that each available point of connection is utilised as efficiently as possible. ██████████ went on to explain that, where land is available, overplanting is rational and goes towards meeting government targets.

██████████ noted that it is possible to have too much overplanting on a scheme and that there is a balance to be struck at the detailed design stage. However, there is no strict technical limit to overplanting on each scheme, only a 'soft cap', meaning that there is a judgement to be made as to what level of overplanting is achievable at each scheme. When used appropriately, as in the case of the Proposed Development, overplanting goes towards supporting the government net zero targets.

Post-Hearing Note – The alternative is that available grid connection points are not utilised as efficiently as possible, meaning that more grid connection points (which are already limited in number) are required to connect additional, different schemes to deliver to the Government's aims.

A number of IPs made further comments in relation to the overplanting ratio.

██████████ on behalf of the Applicant

██████████ on behalf of the Applicant, explained that the Proposed Development has been designed to provide benefits in accordance with the government guidance. He reiterated that the overplanting will effectively allow the Proposed Development to deliver the same capacity at the end of its operational

Issue Discussed

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lifetime as it will at the beginning. He noted that if the Applicant did not use the grid connection capacity to the fullest extent, this would be akin to building a three-lane motorway and only permitting cars to drive down a single lane.

The ExA acknowledged that amendments to the Solar Technical Guide [REP2-033] would clarify the IP comments.

2.2 Agenda Item 3.1(b) – Formulation of BNG Proposals

Issue Discussed

Summary of Applicant's Oral Case

ExA: Turning to BNG the ExA stated that further clarity was required to confirm that there is no double counting between land which is utilised for mitigation and that which is utilised for BNG. The ExA asked how the Applicant had established the size of the land area needed for mitigation of effects on ground nesting birds.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that there is not a standard calculation or formula for determining the size of the land area needed for ground-nesting bird mitigation, particularly as there is an extensive range of variables which must be considered. He noted that current arable farming practices do not allow ground nesting birds such as skylark to fledge sufficient young to maintain the population and therefore, at present, there is a decline in skylark populations. When in stable habitats, skylark can have up to four broods. He explained that the areas of grassland the Applicant is creating are intended to increase the biodiversity and increase skylark populations.

ExA: The ExA noted that some skylark populations would be displaced due to the solar PV arrays and asked whether skylark tended to be a fixed population.

██████████ on behalf of the Applicant

██████████ stated that skylark regularly move around areas as crops are rotated and, as the Applicant will be using areas familiar to the skylark, they would not be completely new habitats.

ExA: The ExA noted that land described as bird mitigation and arable may be rotated to retained species rich grassland. The ExA queried why

██████████ on behalf of the Applicant

Issue Discussed

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the proposed quantum of such areas are required.

In relation to the rotation of these land parcels, ██████ explained that this allows the bird mitigation land to be accommodated within existing farming patterns and allows these to cater to landowner needs within any given year. The areas of grassland would not be rotated.

ExA: The ExA asked how bird mitigation land would connect with existing countryside stewardship schemes.

██████ on behalf of the Applicant

██████ confirmed that the provision of bird mitigation land through the Proposed Development would be in addition to anything already in place (i.e. in addition to anything provided by existing countryside stewardship schemes).

Representatives of Lincolnshire County Council confirmed agreement with the Applicant that the areas identified for mitigation and the categorisation of these is reasonable, necessary and proportionate.

An IP questioned whether some of the land provided as mitigation would be a substitution for that provided as part of countryside stewardship schemes, as opposed to in addition to.

██████ on behalf of the Applicant

██████ explained that any existing habitat measures delivered through countryside stewardship schemes had been considered as part of the ecological baselines and therefore anything provided by the Applicant would be in addition to this.

The ExA asked whether the Applicant had a map indicating existing countryside stewardship schemes within the Proposed Development.

ISH3 Action Point 4 – For the Applicant – Produce a plan showing existing areas of stewardship within the Order Limits.

An IP commented that there is a history of stewardship and looking after the countryside as far as agriculture is concerned and that the proposals by the Applicant are outweighed by the negative effects of the Proposed Development. The IP further stated that it is all

██████ on behalf of the Applicant

To save repetition, ██████ directed the IP to Chapter 8 of the Environmental Statement [REP1-019], particularly noting Table 8-18 which sets out the ecological benefit of the Proposed Development. He further directed the IP to the Framework Landscape and Ecological Management Plan [REP2-021]

Issue Discussed

well and good talking about planting but questioned what would be delivered in practice.

Another IP stated that the Applicant's proposals could be delivered without the Proposed Development due to stewardships and DEFRA grants.

Two IPs made reference to the proposed Lincoln and Witham Landscape Recovery Project which is currently at the end of its feasibility study. This project is intended to help restore nature, noting that there is land proposed to be given to the restoration scheme, the IP suggested that the Applicant should be in discussion with those proposing the project.

Summary of Applicant's Oral Case

which sets out details of where habitat creation and enhancement would be provided and details the relevant measures.

██████████ on behalf of the Applicant

██████████ noted that countryside stewardship schemes are at the discretion of the landowner and, as such, tend to be short-term. He emphasised that the Applicant's proposals should be considered in the context of the length of the Proposed Development.

The ExA asked whether either LCC or NKDC had anything to contribute on this topic – NKDC confirmed that a plan would be obtained showing the extent of the proposed project.

ISH3 Action Point 5 – For North Kesteven District Council – Obtain a plan for submission at Deadline 3A to show the extent of the proposed Lincoln and Witham Landscape Recovery Project.

██████████ on behalf of the Applicant

With reference to the proposed Lincoln and Witham Landscape Recovery Project (LWLRP) ██████████ explained that the Applicant has been in discussions with the relevant landowners and other parties involved in the proposed LWLRP, including the Forestry Commission. He noted that a map of this project is available on the Lincolnshire Wildlife Trust website. He confirmed that the principal aim of the proposed LWLRP is to provide assistance to landowners in achieving net zero and sustainable farming, which sits well alongside the Proposed Development. ██████████ further explained that, not only has the Applicant been in conversations with the landowners involved in the proposed LWLRP, the Applicant has also been speaking to the chair of the proposed LWLRP who has confirmed that the Proposed Development does not conflict with the aims of the LWLRP.

The ExA asked the Applicant to provide written confirmation of this.

ISH3 Action Point 6 – For the Applicant – Seek confirmation in writing from the chair of the proposed Lincoln and Witham Landscape Recovery Project (LWLRP) of their view of the Applicant's proposals

Issue Discussed

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for the Proposed Development from the perspective of the LWLRP and whether these align with the proposed LWLRP.

Two IPs stated that the Applicant promises the delivery of BNG but queried where the penalties are if the Applicant does not deliver on these promises.

██████████ on behalf of the Applicant

With respect to long-term monitoring, ██████████ explained that, subject to development consent being granted, detailed management plans will be implemented, and the Applicant would have to undertake monitoring and report on the status to the relevant planning authorities. He further explained that if a need for corrective action was identified, this would be undertaken.

ExA: With reference to Sheet 4 of Figure 7.15 of the Framework Landscape and Ecological Management Plan [REP2-021] the ExA asked the Applicant how the BNG had been calculated for the hatched area, identified as bird mitigation grassland.

██████████ on behalf of the Applicant

██████████ referred to Section 2.7 of the Biodiversity Net Gain Report [APP-194] explaining that this sets out the ten principles of the BNG Good Practice Principles for Development, with Principle 1 being the application of the Mitigation Hierarchy. He added that a breakdown of how the Proposed Development aligns with these principles is provided in Appendix F of the Biodiversity Net Gain Report [APP-194].

To provide a simple explanation of a BNG assessment, ██████████ noted that, following the mitigation hierarchy, the first stage is to avoid impacts where possible. He further explained that if impacts cannot be avoided, they will need to be mitigated – for example, if a certain habitat is lost then it needs to be replaced which effectively returns the baseline to zero. Mitigation is designed to reach this baseline with anything further being BNG. Therefore, bird mitigation areas are considered, but only in the context that these essentially take the baseline back to zero.

ExA: The ExA asked if this meant these areas were not providing a gain.

██████████ on behalf of the Applicant

██████████ explained that these are included within the baseline as they are within the Order Limits and that it is only non-mitigation areas which contribute to BNG as these provide enhancement, as opposed to being necessary mitigation.

Issue Discussed

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ExA: In relation to hedgerows, with reference to Clay Lane as an example, the ExA asked if hedgerow planting to be used for screening is then counted in the BNG calculation.

██████████ on behalf of the Applicant.

██████████ said that the simple answer is yes, but that there are nuances.

The ExA requested that the Applicant provide a written explanation of the nuances of this answer.

ISH3 Action Point 7 – For the Applicant – Explain the nuances in relation to the "double counting" of planting where it is considered to serve as both mitigation and BNG (e.g. hedgerows as landscape and visual mitigation counting towards BNG score).

An IP commented that there is a discrepancy in the quantity of hedgerow proposed for removal.

ISH3 Action Point 8 – For the Applicant – Consider the point made by an IP regarding a potential discrepancy in the quantity of hedgerow removal within various application documents (Schedule 11 of the draft DCO [REP2-005] and paragraph 3.22 of the Biodiversity Net Gain Report [APP-174]).

2.3 Agenda Item 3.1(c) – Operational Phase for the Proposed Development

Issue Discussed

Summary of Applicant's Oral Case

ExA: Turning to agenda item 3.1(c), the ExA asked the Applicant how likely it is that the Proposed Development would be decommissioned at the end of its operational lifetime as the demand for electricity is likely to still exist.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ explained that a 60-year operational lifetime is considered appropriate for the Proposed Development and noted that it is impossible to speculate what the policy position may be in 60 years' time. Offering a comparison, ██████████ noted that 60 years ago, in 1966, no one looking forward to 2026 would have suggested that the world would now be looking towards net zero. This is an example of the nature of change in society over 60 years and ██████████ explained that it is only possible to make judgements informed by scientific evidence, but there is no conclusive method to determine exactly what will be required in 60 years' time or what technology may be available. ██████████ explained that the Applicant can only consider this specific application, and that the technology involved and anything beyond the proposed 60-year operational lifetime would need

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to be considered at the respective time, meaning it is a decision for a different generation in a different context and not an appropriate consideration in determining this DCO application.

██████████ therefore submitted that the key consideration is, in fact, whether the decommissioning measures proposed by the Applicant are acceptable within the context of the current policy framework.

A number of IPs submitted that a 60-year operational lifetime means the Proposed Development cannot be described as temporary and that it should in fact be described as permanent.

██████████ **on behalf of the Applicant**

██████████ explained that the Applicant uses the word 'temporary' very carefully noting that the definition is drawn from policy. He cited paragraph 2.10.66 of NPS EN-3 which states that *"time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed."*

Furthermore, ██████████ noted that this policy position is reflected in recent decisions as the Secretary of State has confirmed that consent granted for a 60-year lifespan is 'temporary and reversible for the majority of the land' (paragraph 4.167 of the Gate Burton Energy Park decision letter (PINS Reference: EN010131)). The Applicant is applying for a 60-year operational period for the Proposed Development as secured under Requirement 20 of Schedule 2 to the Draft DCO [REP2-005] which provides that decommissioning works must commence no later than 60 years following the date of final commissioning. The operational lifetime sought by the Applicant is temporary as defined by policy and confirmed by the Secretary of State in recent decisions including those in relation to the Mallard Pass Solar Farm Order 2024, the Gate Burton Energy Park Order 2024, the Tillbridge Solar Order 2025, and the West Burton Solar Project Order 2025.

3. The Applicant's Summary of Case on Agenda Item 3.2

3.1 Agenda Item 3.2(a) – LVIA Methodology, Agenda Item 3.2(b) – Landscape & Visual Effects on Residents and Users of PRowS, and Agenda Item 3.2(c) – Adequacy of Proposed Mitigation Measures

Issue Discussed

Summary of Applicant's Oral Case

Note: The sub-topics set out under Agenda Item 3.2 were addressed simultaneously and therefore the Applicant has not sought to distinguish the sub-topics for the purposes of this written summary.

ExA: With reference to the Streets, Rights of Way and Access (SRoWA) Plans [REP2-004], the ExA noted that labelling for PRowS seems to be prefaced by 'LL'. The ExA asked whether there is consistency between references to PRowS on the SRoWA Plans and the references in the draft DCO [REP2-005] and sought clarity as to whether the nomenclature should start with 'LL'.

LCC submitted that it would need to review the Definitive Map to confirm the precise nomenclature for labelling of PRowS.

ISH3 Action Point 11 – For Lincolnshire County Council – Review the Definitive Map in relation to naming conventions for Public Rights of Way in order to provide clarification.

██████████ on behalf of the Applicant

██████████ confirmed that the Applicant would review the Streets, Rights of Way and Access (SRoWA) Plans [REP2-004] and make any necessary amendments to simplify the interpretation of the Plans.

ISH3 Action Point 12 – For the Applicant – Review the labelling of the Public Rights of Way on the Streets, Rights of Way and Access Plans [REP2-004] and consider whether amendments are required to the labelling / naming and ensure this remains consistent with the drafting of Schedule 6 to the draft DCO [REP2-005].

ExA: With reference to question LV.2.04 of the Examining Authority's Second Written Questions [PD-016], the ExA noted that the phrase "...where appreciation of the view is

██████████ on behalf of the Applicant

Issue Discussed

unlikely to be the primary interest ...” has repeatedly been used throughout 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 ExA sought clarification on the meaning of this phrase and queried what the Applicant would identify as the primary interest for such users of the PRow.

Summary of Applicant's Oral Case

██████████ explained that the approach taken by the Applicant aligns with the standards for undertaking a Landscape and Visual Impact Assessment (LVIA). The LVIA guidelines distinguish between people travelling on PRow for movement (i.e. getting from A to B), including exercise, allowing these to be set aside from those PRow specifically used for views and visual amenity. He went on to explain that an LVIA does not assess impacts on a PRow itself, rather the impact on the user, being the visual receptor. Taking the Viking Way as an example, ██████████ explained that the elevation of this PRow and its status as a long distance promoted route suggests that it would likely be utilised for its visual benefits and therefore people travelling on the route are considered to be of a higher susceptibility to change.

LCC submitted that given what is assessed is the impact on the person, this should not be diminished.

NKDC submitted that in the context of the ‘Stepping Out Walks’ the PRow provide attractive and accessible routes and the importance of this should not be downplayed.

██████████ on behalf of the Applicant

In response to suggestions that the LVIA has downplayed the sensitivity of PRow, ██████████ explained that the methodology in fact allows for a higher level of sensitivity and there is therefore no danger of it being downplayed or otherwise. He explained that it is not a downplaying of the day-to-day experience, but it is a recognition of the fact that there are some views which are of a higher level of sensitivity. The visual impact on users of PRow has been adequately considered.

As an example of the way in which the Applicant has sought to embed good design into the Proposed Development specifically to account for people’s views experienced on local footpaths, ██████████ explained that one of the project specific design features was to arrange elements of the Proposed Development so as to allow a ‘view corridor’ across the Order Limits for the preservation of views of Lincoln Cathedral. ██████████ explained that inclusion of this view corridor reduced the amount of land proposed to be occupied by solar panels but the Applicant included the corridor in the Proposed Development as part of a commitment to limit impacts on people walking on local footpaths. Similarly, there are several instances across the Order limits where one field on one side of a footpath has been kept from above ground development in order to minimise impacts on people’s visual amenity.

ExA: The ExA noted that the majority of the Order Limits of the Proposed Development is comprised of varying degrees of farmland with

██████████ on behalf of the Applicant

Issue Discussed

scattered settlements of varying sizes against a wider agricultural landscape. Noting that post-construction this would be replaced with solar PV array and hedgerows, the ExA asked if this would be compatible with the farmland and whether the LVIA has understated the impact of the Proposed Development on the character of the landscape.

Summary of Applicant's Oral Case

██████████ agreed with the ExA's summary that broadly speaking the Proposed Development is an arable landscape although he noted that there is some variation across the Order Limits. To provide specific examples of this variation, he referred to the areas of more elevated land to the north of the Order Limits, the more enclosed areas upon which the BESS and onsite substation will be located. He also noted that the area to the south of Clay Lane is currently more open due to a recent loss of hedgerows meaning that the provision of hedgerows as part of the Proposed Development represents a restoration to the original character. ██████████ explained that, save for where necessary to allow for access, the Applicant is seeking to retain hedgerows as part of the wider approach to maintain the key characteristics of the area. In designing the Proposed Development, the Applicant has sought to respond to the prevailing character of the area within and surrounding the Order Limits, and this will continue to feed into the design at the detailed design stage, post-consent.

In terms of whether the impacts have been appropriately assessed, ██████████ submitted that the Applicant considers the impacts have been assessed and reported appropriately and not understated. He explained that the assessment undertaken is appropriate for the study area with reference to the 'Local Landscape Character Areas' defined in Chapter 10: Landscape and Visual Amenity of the ES [AS-117].

██████████ acknowledged that it is not possible to mitigate every potential adverse impact, as set out in paragraph 5.10.5 of NPS EN-1 which states that *"virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape."* However, he reiterated that the overarching aim of the landscape element of the design of the Proposed Development has been to respond positively to the prevailing character of the areas in line with paragraph 5.10.6 of NPS EN-1 which sets out that *"Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate."*

██████████ confirmed that the iterative design process of the Proposed Development has followed this approach to successfully minimise landscape harm as detailed in the LVIA (Chapter 10: Landscape and Visual Amenity of the ES [AS-117]).

Issue Discussed

Summary of Applicant's Oral Case

The below is a brief summary of the submissions made by AAH (landscape consultants) on behalf of both LCC and NKDC to provide context for the Applicant's submissions in response.

AAH's submission on behalf of LCC and NKDC was such that, whilst there is general agreement that the Applicant has identified some significant impacts, there are some areas where it is felt that the potential effects of the Proposed Development have been underplayed. AAH noted that there are points which the Applicant has assessed as having no impact, where LCC and NKDC think that there will be effects. For example, AAH submitted that LCC and NKDC do not feel that the potential impacts of the replacement of panels during operation have been adequately considered. It is also felt that there is a heavy reliance on mitigation planting as screening, giving rise to concerns as to whether this will be successfully established and maintained. Additionally, an over reliance on mitigation may lead to an alteration of the existing landscape character.

AAH submitted that the general consensus is that the Proposed Development will result in a fundamental and permanent alteration to the landscape character, not the temporary change suggested by the Applicant, and that the magnitude of this has been understated. It is felt that whilst mitigation may reduce localised adverse effects, the magnitude of the Proposed Development is such that it cannot be fully mitigated. From an LVIA perspective, AAH submitted that LCC and NKDC feel that the Proposed Development should be considered permanent due to the fundamental and permanent change across an extensive area and that in most instances the magnitude should accordingly be judged as high. Table 10-13 of Chapter 10: Landscape and Visual Amenity of the ES [AS-117] identifies a number of potential impacts as minor adverse but LCC and NKDC would argue that these should be moderate adverse or higher, and therefore significant.

LCC's legal representative reiterated that the reference to the Proposed Development being of a permanent nature was only in relation to potential landscape impacts, noting that from a planning perspective LCC is aligned with the Applicant in terms of the temporary nature of the Proposed Development.

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA asked if either the Applicant, LCC or NKDC could provide any data demonstrating the usage of PRoWs within the Order Limits of the Proposed Development.

ISH3 Action Point 13 – For the Applicant / Lincolnshire County Council / North Kesteven District Council – Submit any available information in relation to data counts for the usage of Public Rights of Way within the Order Limits of the Proposed Development.

ExA: The ExA noted that when undertaking site inspections, it appeared that hedge heights appeared to be fairly uniform and invited those in attendance to comment on this uniformity.

██████████ on behalf of the Applicant

Although unable to provide a specific explanation, ██████████ noted that the Applicant has undertaken fieldwork across all seasons and, whilst the hedges across the Order Limits appear particularly uniform at present, this does vary across seasons.

In response to the submissions made by AAH (landscape consultants) on behalf of LCC and NKDC.

██████████ on behalf of the Applicant

In response to the submissions made by AAH (landscape consultants) on behalf of LCC and NKDC, ██████████ explained that there have been extensive discussions between the Applicant and AAH and, during the course of the most recent meeting on 23 February 2026, the effects set out in the standalone LVIA were agreed between the parties, as reflected in the current draft of the respective Statements of Common Ground between the Applicant and LCC and the Applicant and NKDC. ██████████ set out that the Applicant had previously been liaising with a different representative from AAH who had recently left the organisation. He noted that, whilst the representative from AAH who appeared on behalf of LCC and NKDC at the hearing had been present at the meeting on 23 February, the oral submissions made did not align with the discussions which had taken place.

██████████ emphasised that the Applicant had not previously been made aware of the criticisms made by AAH during the course of ISH3 in relation to the standalone assessment. Given the submissions made by AAH during the course of ISH3 did not align with those agreed in previous discussions between the parties, ██████████ expressed the Applicant's disappointment. He questioned the stark contrast to the previously agreed position and sought a precise explanation from AAH as to the areas of perceived disagreement and justification for the change in position. ██████████ also reiterated that this did not reflect the currently agreed draft Statements of Common Ground.

Issue Discussed

Summary of Applicant's Oral Case

In response to the submissions made by AAH (landscape consultants) on behalf of LCC and NKDC and IP submissions regarding LVIA.

██████████ on behalf of the Applicant

██████████ sought to address the various points raised, turning first to the Applicant's approach to replacing various components of the Proposed Development. He explained that this is set out in detail in the Framework Operational Environmental Management Plan [REP2-015] and noted that maintenance of the Proposed Development would not be undertaken on a wholesale basis but rather using a phased approach.

Regarding the approach to cumulative effects, ██████████ explained that these have been assessed within the LVIA in section 10.10 of Chapter 10: Landscape and Visual Amenity of the ES [AS-117]. This considered cumulative projects within 2km of the Order Limits, as well as those of a similar typology and scale beyond 2km. As an example, he noted that the potential for cumulative impacts arising from the proposed One Earth Solar Farm (PINS Reference: EN010159), which is located 7.1km west of the Order Limits, have been considered. ██████████ explained that the approach to assessing cumulative landscape and visual effects is consistent with PINS Guidance on Cumulative Effects and follows a proportionate methodology as outlined in GLVIA3. He added that this approach was agreed with the host authorities and emphasised that, as set out in the Landscape Technical Memo 3 (November 2024) at Appendix A of NKDC's LIR [REP1-056], AAH welcomed this approach and accepted its robustness and appropriateness in assessing the cumulative effects on landscape and visual amenity. Further referring to Section 10.10 of the LVIA (Chapter 10: Landscape and Visual Amenity of the ES [AS-117]), ██████████ explained that a number of cumulative effects have been identified, for example the North Kesteven District landscape sub-area Witham and Brant Vales, motorists along the A46 and people travelling on the Viking Way have been identified as experiencing significant effects due to the combination of the Proposed Development with North Hykeham Relief Road (LCC Planning Reference: PL/0087/23). He noted that the same is true of the potential cumulative impacts arising from the proposed Springwell Solar Farm (PINS Reference: EN010149) and the proposed Leoda Solar Farm (PINS Reference: EN0110016) during construction.

With regards to the temporary and reversible nature of the Proposed Development in line with paragraph 2.10.66 of NPS EN-3, ██████████ explained that the LVIA has assessed all elements as temporary, and the impacts as reversible, with the exception of vegetation loss. However, he explained

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Summary of Applicant's Oral Case

that there is a net increase in vegetation across the Order Limits and also noted the exception of new planting which is assumed to remain in-situ as it is not intended to be removed as part of the decommissioning of the Proposed Development. ██████ explained that the temporary and reversible nature of the Proposed Development has not been greatly relied upon in the assessment of landscape or visual impacts. Duration and reversibility are elements considered as part of the assessment of magnitude. With reference to Table 5 of the LVIA Methodology [APP-149] ██████ set out that the highest classification of landscape magnitude of impact includes scenarios where the development is “long term but may be reversible”. He added that the same is true for the consideration of visual magnitude. For that reason, ██████ explained that, whilst recognised as reversible due to its temporary nature, the significance of the landscape and visual impact reported has not been reduced in comparison to a permanent development. The assessment has been undertaken in this manner in recognition of the long-term operational life of the Proposed Development.

In terms of the approach to mitigation, ██████ explained that through the iterative design of the Proposed Development, the Applicant has sought to avoid adverse landscape and visual impacts where practicable through measures such as sensitive siting of proposed elements. As an example of this sensitive siting, he noted that the onsite substation and BESS have been sited within an enclosed part of the landscape, limiting visibility and perceptual change relating to landscape character. Similarly, he noted that offsets have been defined from receptors, such as residents, and above ground infrastructure. Such embedded mitigation is secured via the Works Plan [AS-105]. ██████ went on to explain that, where it has not been possible to avoid impacts, these have been reduced and minimised through the introduction of proposed planting to provide visual screening secured by the Framework LEMP [REP2-021]. He added that all new planting has been designed to be in-keeping with the baseline landscape character.

Regarding the potential landscape and visual impact that may arise specifically from the mitigation planting, ██████ explained that the Framework LEMP [REP2-021] proposes planting typologies and species which have been selected in-keeping with the character of the local landscape. As a result, once established the proposed planting is considered to bring a degree of benefit to the physical landscape, strengthening the structure of the landscape and providing ecological resource, reflected in the biodiversity net gain calculations. However, ██████ acknowledged that new planting,

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Summary of Applicant's Oral Case

particularly hedgerows, has the potential to change the visual experience of people travelling in proximity to the Order Limits. He explained that this has been considered as part of the visual assessment and is reflected in the conclusions of significance. As an example, he noted that Chapter 10: Landscape and Visual Amenity of the ES [AS-117] states that recreational users of PRoW TOTH/7/2, TOTH/21/1, TOTH/6/2 and TOTH/6/3 (which traverse the Principal Site), will experience a change in view at operation from long distance and open to short distance and channelled by new vegetation and which therefore results in a major adverse effect reported at Year 1 and at Year 15 (winter). However, whilst it is appropriate to recognise the impact of new planting, [REDACTED] also noted that such views are not uncharacteristic of the Proposed Development and surrounding landscape, with several of the locations visited on the Accompanied Site Inspection demonstrating that there are existing scenarios where PRoWs are situated between hedgerows across the Order Limits.

He concluded by explaining that the Framework LEMP [REP2-021] prescribes management for all existing and proposed habitats and provides for the replacement of failed or defective plants with matching species of the same size during the next planting season after failure to ensure successful establishment by year 15. [REDACTED] also noted that the species proposed in the mixes are diverse in order to enhance biosecurity as if one species fails others will fill its space to provide the required mitigation.

ExA: The ExA asked if LCC or NKDC had anything to add and noted that the expectation is not for absolute agreement to be reached between the parties but rather to facilitate the identification of key areas of disagreement.

[REDACTED] on behalf of the Applicant

On behalf of the Applicant, [REDACTED] explained that, whilst the Applicant understood agreement to have been reached with AAH on behalf of both LCC and NKDC, the parties are within their rights to change their respective positions and noted that the Applicant would continue to liaise with AAH to address the change in position.

4. The Applicant's Summary of Case on Agenda Item 3.3

4.1 Agenda Item 3.3(a) – Health & Wellbeing Methodology

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA asked the Applicant to summarise the methodology for assessing the impacts on health and wellbeing with the relevant ExQ2s borne in mind? The ExA also asked the Applicant to address its approach to the consideration of cumulative effects on health and wellbeing.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ began by noting that the Applicant has prepared a Health and Wellbeing Statement which is to be submitted to the Examination at a future deadline. He explained that a standalone health and wellbeing chapter of the Environmental Statement was scoped out of the assessment at the start of the Environmental Impact Assessment process. He explained that due to the absence of likely significant effects, this was proposed by the Applicant in the EIA Scoping Report [APP-118] and was confirmed as an acceptable approach by LCC, NKDC and the Planning Inspectorate in the EIA Scoping Opinion [APP-119] on the provision that matters relating to human health would be covered within the landscape and visual, noise and vibration, traffic and transport and air quality assessments in the Environmental Statement. He submitted that these chapters were therefore included in the Environmental Statement, as has been proposed by the Applicant in the EIA Scoping Report [APP-118].

██████████ set out that, in line with the methodology set out in Chapter 5: EIA Methodology of the ES [APP-030] (paragraph 5.9.12) and within the impact assessment methodology for each of the relevant technical chapters, consideration is inherently given to human health receptors where relevant within each of the technical assessments. For example, noise and vibration, air quality and EMF (electromagnetic fields) assessments consider the potential for direct effects upon human receptors, and each of these have specific health limits/thresholds set for the protection of sensitive members of the population.

With respect to the guidance, ██████████ explained that the IEMA 2022 guidance 'Determining Significance for Human Health in Environmental Impact Assessment' encourages the determination of significance of effects based on a matrix of magnitude of change and receptor sensitivity, which is

Issue Discussed

Summary of Applicant's Oral Case

the approach already carried out for each technical topic in the ES. The Health and Wellbeing Statement collates these assessments and summarises the effects identified by the assessments.

Whilst acknowledging that the LVIA set out in Chapter 10: Landscape and Visual Amenity of the ES [AS-117] and Chapter 9: Water Environment of the ES [REP1-021] do not explicitly mention health or wellbeing, he explained that the LVIA presents an assessment of visual amenity, for which the receptor is people. Whilst health is not mentioned directly, effects on visual amenity have the potential to affect health due to perception and stress. Chapter 9: Water Environment of the ES [REP1-021] mitigates effects to avoid significant effects on water quality or flood risk, which might otherwise have had the potential to affect health and wellbeing, and is therefore not explicitly mentioned.

ExA: The ExA acknowledged that the Applicant is preparing a Health and Wellbeing Statement and that a draft of this had been shared with LCC and NKDC.

██████████ on behalf of the Applicant

On behalf of the Applicant, ██████████ noted that the Applicant looked forward to receiving comments from LCC and NKDC on the draft Health and Wellbeing Statement and would continue discussions with LCC and NKDC accordingly.

ISH3 Action Point 15 – For the Applicant – Submit the Health and Wellbeing Statement no later than Deadline 3A.

4.2 Agenda Item 3.3(b) – Construction Hours

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA turned to the proposed working hours for the construction of the Proposed Development noting that LCC's LIR [REP1-053] indicated a preference for shorter working hours, to which the Applicant responded that no

██████████ on behalf of the Applicant

██████████ explained that the Applicant's understanding of LCC's guidance on construction working hours provides for 07:00 – 18:00 Monday to Friday, whilst the Applicant is proposing working hours of 07:00 – 19:00 Monday to Friday which is considered an advantage as these working hours facilitate

Issue Discussed

noisy working was proposed outside of LCC's preferred hours.

Summary of Applicant's Oral Case

the avoidance of staff road trips during the 'shoulder hours' of the peak road network hours, assessed in Chapter 13: Traffic and Transport of the ES **[APP-038]**, meaning they would occur when traffic flows on the road network are lower and there is more capacity on the road network to accommodate these trips. ██████ explained that as a worst case in Chapter 13: Traffic and Transport of the ES **[APP-038]** staff arrivals have already been assumed to take place between 07:00 and 08:00 and staff departures have been assumed to take place between 18:00-19:00 (Monday to Friday), representing a worst-case assumption, but by allowing an additional working hour the impacts would be slightly lower than presented in the ES. He further explained that, as set out in the ES, the weekday working hours limit the percussive piling to certain hours where it is to be undertaken within 400m of residential property and that no noisy works will be undertaken in the final hour of the day (18:00 – 19:00).

In terms of a Saturday, ██████ acknowledged that LCC guidance sets out working hours of 08:00 – 13:00 and noted that the Applicant's proposals align with this with Saturday working hours of 09:00 – 13:00 and for quiet works only, 13:00 – 18:00. It is proposed that during 09:00 – 12:00 on a Saturday all construction activities will be undertaken, except for percussive piling within 400m of residential properties. On a Saturday afternoon (13:00 – 18:00) the Applicant is proposing that all construction activities may be undertaken except for HGV deliveries, works likely to generate substantial levels of noise (defines as activities generating more than 45dB LAeq at neighbouring dwellings), and percussive piling (unless agreed with the relevant local authority). LCC guidelines provide for no noisy works on Sundays and Bank Holidays which aligns with the Applicant's proposals that on Sundays, Bank Holidays and outside of the normal construction hours (including nights), no noisy works are to be undertaken except for HDD drilling which could be required, subject to the restrictions stated in the Framework CEMP **[REP2-013]**, future detailed CEMP(s), and any other restrictions agreed with the relevant planning authorities pursuant to the consent process under section 61 of the Control of Pollution Act 1974.

██████ submitted that the Applicant therefore considers the proposed construction working hours sufficiently align with LCC's guidelines.

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA asked whether the works undertaken during the additional hour from 18:00 – 19:00 would be active works.

██████████ on behalf of the Applicant

Noting that a Contractor would need to prepare a scheduling plan to properly answer this, ██████████ noted that, in the Applicant's experience, the last hour of the day often involves the dismantling of the works which have been undertaken during the day. It would therefore typically be quieter works, and works during this final hour of the day may be very limited during autumn and winter time when it is dusk or darkness.

ExA: The ExA sought comments from NKDC and LCC in response to the Applicant's submissions.

The below is a brief summary of the submissions made by LCC and NKDC to provide context for the Applicant's submissions in response.

NKDC submitted that these working hours would be advantageous as they would reduce the overall length of the construction period. Assuming no noisy works would be undertaken during 18:00 – 19:00, NKDC did not object in principle.

LCC did not have any substantive comments in response but submitted that noise can have impacts on health, particularly if it results in sleep deprivation and asked the Applicant to give consideration to those who work shifts and may therefore sleep during the day. LCC did acknowledge that there is no data as to the number of persons who may fall into this category.

ExA: The ExA asked whether the Applicant was proposing that the same working hours would apply to the permitted preliminary works and maintenance activities during the operational phase of the Proposed Development.

██████████ on behalf of the Applicant

██████████ explained that the Applicant is currently considering comments on the permitted preliminary works and resulting amendments to the Framework CEMP **[REP2-013]** will ensure that the working hours apply to these. He noted that, as the hours are construction working hours, these would not apply to maintenance and operation of the Proposed Development. For example, inspections may take place at nighttime, but this does not constitute noisy works. The maintenance activities undertaken during the operational lifetime of the Proposed Development will vary in type and therefore no limit has been set for working hours, however he provided reassurance that maintenance activities would be carried out at appropriate times according to the resultant noise levels.

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA asked if LCC and NKDC had any comments on the proposed working hours for maintenance activities.

The below is a brief summary of the submissions made by LCC and NKDC to provide context for the Applicant's submissions in response.

NKDC submitted that it would be helpful if the Framework OEMP [REP2-015] included a list giving an indication of likely maintenance activities but noting that replacement activities should be provided for separately.

LCC submitted that clarification in the Framework OEMP [REP2-015] would be beneficial but noted that the definition of 'maintenance' in the draft DCO [REP2-005] would be addressed during the course of ISH4.

ISH3 Action Point 14 – For the Applicant – Provide a list of likely maintenance activities (or signpost to where this information is available).

4.3 Agenda Item 3.3(c) – Effects of Nature & Scale of Change

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA noted that a reoccurring point from IPs is the 'industrialisation of the landscape character' and asked the Applicant to comment.

██████████ **on behalf of the Applicant**

██████████ explained that the Health and Wellbeing summary includes a 'wayfinding' guide to indicate where health has been considered in the application documents and sets out the potential impacts of the Proposed Development on a topic-by-topic basis. He noted that this summary also takes into account the potential health and wellbeing impacts of visual changes as a result of the Proposed Development, particularly during the construction phase.

An IP submitted that there is potential for physical illness as a result of chemicals such as PFAS in the solar panels.

The ExA noted that the Applicant had previously confirmed that there would be no PFAS present in the components of the Proposed Development.

Issue Discussed

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

██████████ confirmed that the Applicant has committed to using panels which do not contain PFAS and that this is secured in the Proposed Development Parameters [REP1-029]. Notwithstanding this commitment, ██████████ reassured the IP that the panels will be sealed modules designed not to leak.

ExA: The ExA noted that the intention had been to ask LCC and NKDC about the implementation of enforcement measures for the proposed working hours but stated that this would be addressed during the draft DCO specific hearing, ISH4.

██████████ on behalf of the Applicant

Whilst noting that the ExA indicated the point would be addressed as part of ISH4, ██████████ submitted that, as the working hours form part of the Framework CEMP [REP2-013], compliance is secured under the relevant DCO Requirement and therefore breach of these would constitute a criminal offence.

4.4 Agenda Item 3.3(d) – Impacts on Visitor Economy

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA referred to question TT.2.07 of the Examining Authority's Second Written Questions [PD-016] and the suggestion by NKDC that the Applicant has not fully assessed the impact on users of PRow's.

NKDC made submissions in relation to the quantity of permissive paths proposed by the Applicant noting that the Council did not consider all existing permissive paths have been recognised on the plans provided by the Applicant.

██████████ on behalf of the Applicant

██████████ submitted that the Applicant has been seeking additional information with respect to the permissive paths.

ISH3 Action Point 9 – For the Applicant and North Kesteven District Council – Provide clarification in relation to the extent of Permissive Paths within the Order Limits, to cover areas of agreement and disagreement.

Issue Discussed

Summary of Applicant's Oral Case

The below is a brief summary of the submissions made by NKDC to provide context for the Applicant's submissions in response.

NKDC submitted that the 'Stepping Out Walks' are identified as attractive walks which allow access to wider, open, undeveloped views whilst remaining relatively unchallenging and accessible to a wide range of people. It was acknowledged that whilst these 'Stepping Out Walks' are not specifically referred to in the local plan, they seek to achieve a number of policy aims.

NKDC noted that the North Kesteven tourism strategy is only mentioned in terms of visitor economy and is not considered in the context of health and wellbeing. The Council therefore encouraged the Applicant to consider the NKDC Active Travel Strategy in its assessments. NKDC consider that if the current open nature of PRowS / 'Stepping Out Walks' is reduced due to views of an industrialised landscape, the impacts on the visitor economy, tourism, mental health and physical wellbeing cannot be fully mitigated and therefore some enhancement needs to be offered.

It was further explained that the 'Stepping Out Walks' have been a key part of the district since their introduction in the early 1990s. NKDC also quoted a number of figures to illustrate the level of usage of the PRowS and 'Stepping Out Walks'. NKDC stated that there are currently 34 'Stepping Out Walks' in existence which cover a distance of approximately 310 miles.

ExA: The ExA asked the Applicant to comment on NKDC's submission.

██████████ **on behalf of the Applicant**

██████████ stated that, whilst the Applicant would seek to respond to the points raised by NKDC, it would be beneficial for the Applicant to be provided with the data and evidence referred to by the Council.

██████████ **on behalf of the Applicant**

On behalf of the Applicant, ██████████ explained that, at the outset, the Applicant had asked both NKDC and LCC to provide mapping of permissive paths for their respective areas, but such maps were not

Issue Discussed

Summary of Applicant's Oral Case

available. Therefore, the Applicant sought to map the permissive paths on the basis of discussions with landowners. Echoing [REDACTED] request for further information, [REDACTED] noted that the provision of additional information would be beneficial to the Applicant.

Referring to the holistic approach described by NKDC, [REDACTED] explained that Chapter 12: Socio-economics and Land use of the ES [AS-016] draws on other technical assessments such as the visual assessments set out in Chapter 10: Landscape and Visual Amenity [AS-117]. He explained that the assessments on usage of the PRoWs, visitors and tourism takes into account elements such as the views from these walks, and some of the benefits the Applicant is delivering through the Proposed Development. [REDACTED] noted that, currently, such assessments are grouped together in Chapter 12: Socio-economics and Land use of the ES [AS-016] to provide a single categorisation but noted that these could be looked at in a more granular way. He further explained that, having taken account of stakeholder feedback, the Applicant has prepared a Health and Wellbeing Statement to assist the Examination which has been shared, in draft form, with both NKDC and LCC. This includes a 'wayfinding' guide to indicate where health has been considered in the application documents, summarises the effects relevant to health reported in the ES, and presents the Applicant's consideration of mental health and wellbeing effects. It also notes where positive steps have been taken by the Applicant to enhance health and wellbeing, such as the 9.5km of new permissive path network and community orchard. The Statement demonstrates the effects on health and wellbeing are not significant, aligning with the Applicant's expectation outlined in the EIA Scoping Report.

The below is a brief summary of the submissions made by NKDC to provide context for the Applicant's submissions in response.

NKDC stated that they could not provide evidence that visitors come to North Kesteven solely for the purpose of utilising the 'Stepping Out Walks'. NKDC further explained that whilst neither the county nor the district has maps showing permissive paths, they could be identified by process of elimination, the areas of the 'Stepping Out Walks' which are not on the PRoW network are permissive paths.

ExA: The ExA asked if the Applicant was asking for usage data in relation to the 'Stepping Out Walks'.

[REDACTED] on behalf of the Applicant

Issue Discussed

Summary of Applicant's Oral Case

████████ explained that the Applicant had understood NKDC's submission to be a suggestion that there is a direct link between tourism in the area and the 'Stepping Out Walks'. He noted that this did not appear to be the case.

ExA: With reference to paragraph 17.20 of NKDC's LIR [REP1-056], the ExA asked if the Applicant had taken into account NKDC's point that research indicates that the type of people likely to visit these areas are more likely to be sensitive to the changes resulting from the Proposed Development.

████████ on behalf of the Applicant

In response to this, ██████ referred back to the assessments summarised in Chapter 12: Socio-economics and Land use of the ES [AS-016] and to the Health and Wellbeing Statement that the Applicant has prepared.

ExA: The ExA sought clarification that the Applicant's position is that some of the adverse effects which may be experienced by users of the PRowS would be mitigated and therefore there may not be any displacement.

████████ on behalf of the Applicant

████████ explained that, whilst this has been assessed by the Applicant, the effects are not significant and therefore there is no need to report extensively on these. He noted that economic effects are given greater consideration in ways other than the visitor attractions in the area, as small change on these is not considered to have an impact to the visitor economy and, as such, tend to be dwarfed by other points.

ExA: The ExA asked if the impact of the Proposed Development on local businesses and local accommodation had been considered, particularly in terms of the cumulative effects resulting from other NSIPs in the local area.

████████ on behalf of the Applicant

In relation to local business, ██████ explained that Chapter 10 Landscape and Visual [AS-117] identified partial views from local villages and local businesses and visitor attractions into the Site, which may experience a change of scenery during construction activities but would be largely screened by vegetation during operation and following maturing of new planting, which would render effects on local businesses not significant.

In relation to local accommodation, ██████ explained that Table 12-19 in Section 12.5 of Chapter 12: Socio-economics and Land use of the ES [AS-016] sets out the number of rooms available within a 60-minute drive-time of the Proposed Development. As set out in this table, even during peak summer occupancy, there would be a surplus of 811 rooms available (17% of total rooms) within 60 minutes of

Issue Discussed

Summary of Applicant's Oral Case

the Site after housing these workers. Where the relevant information is available, the Applicant has also considered the cumulative effect of other schemes in the local area together with the Proposed Development, each of which has a slightly different catchment area for accommodation. The Applicant has demonstrated that these workers can be accommodated locally and therefore, the overall effect was assessed as negligible and not significant. [REDACTED] also noted that, whilst the Applicant has considered hotel, bed and breakfast and inns accommodation, AirBnB type accommodation was not accounted for in the assessments, and this would therefore provide additional accommodation.

With regards to the overall impact on the local economy, [REDACTED] explained that, having undertaken the relevant assessments, the Applicant has concluded that there is no anticipated change in the number of visitors and no adverse impacts on visitor accommodation. He also noted that construction activity will provide a benefit to the local economy due to increased spending in the local area.

[REDACTED] on behalf of the Applicant

On behalf of the Applicant, [REDACTED] explained that in terms of assessing the impact on tourists from changes such as those noted by the Applicant, the Environmental Statement assesses the impacts from several different perspectives. He noted that Chapter 12 Socio-economics and Land use of the ES **[AS-016]** assesses the potential effects on tourism/recreation arising from the Proposed Development (ref. Section 12.7) and that no visitor attractions are anticipated to experience likely significant effects. [REDACTED] further explained that, due to the fact that no likely significant effects are expected to arise, there is no basis on which to extrapolate a likely significant effect on tourism.

With regard to PRoWs, [REDACTED] explained that the Applicant's position is that where a PRoW is identified as part of a 'Stepping Out Walk' it does not have any enhanced protection and, as such, is to be assessed in the same way as any other PRoW and given the appropriate weight. He noted that the assessment in Chapter 12: SocioEconomics and Land Use of the ES **[AS016]** concludes that the scale of changes to journey length, travel patterns and access opportunities is limited, and that effects on PRoW users, whether local residents or visitors, would be negligible and therefore not significant.

Issue Discussed

Summary of Applicant's Oral Case

In summary, he submitted that no likely significant effects have been identified for tourism and explained that it is not the case that this has not been assessed, but rather that it is not reported, as there are no likely significant effects to report.

The below is a brief summary of the submissions made by LCC to provide context for the Applicant's submissions in response.

LCC submitted that the Applicant has overestimated the availability of accommodation in the area as although the 60-minute drive time may be accurate in terms of mileage, it is not correct in practice during peak travel times. Therefore, LCC considers that the Applicant has underestimated the impact on tourism.

██████████ on behalf of the Applicant

In response to LCC's submission, ██████████ emphasised that the Applicant has set out the basis of its assessment and has not seen anything to suggest an alternative basis would be more appropriate.

An IP submitted that the Applicant has failed to assess non-serviced accommodation such as caravan sites, and that this sector would suffer most.

██████████ on behalf of the Applicant

In response to the IP submission with regard to impacts on caravan sites and holiday parks, ██████████ noted that Cathedral View Holiday Park is located in close proximity to the Proposed Development and, as such, was a key part of the Accompanied Site Inspection which had taken place the previous day. He explained that the Applicant had discussed mitigation directly with the Cathedral View Holiday Park and the provision of planting on the eastern side had been agreed and permissive paths added in this part of the Proposed Development to benefit residents of this caravan park. With regards to Oakhill Leisure and Heath House Caravan Park, ██████████ explained that, given these are located approximately 1km and 1.5km respectively from the Proposed Development, no likely significant effects are anticipated. The Applicant does not consider that there would be a change to the way in which these parks are used.

Another IP submitted that permissive paths can be closed, PPs can be closed in a week and that

██████████ on behalf of the Applicant

Issue Discussed

Summary of Applicant's Oral Case

all paths provided by the Applicant should be permanent in nature.

In response to this IP submission, ██████████ acknowledged that permissive paths can be removed at short notice and noted that this is particularly relevant to the 'Stepping Out Walks'. He noted that the permissive paths being provided by the Applicant as part of the Proposed Development are secured under the DCO for the duration of the operational lifetime of the Proposed Development.

4.5 Agenda Item 3.3(e) – Benefits for the Local Area

Issue Discussed

Summary of Applicant's Oral Case

ExA: The ExA asked if NKDC had any comments on the benefits of the Proposed Development.

The below is a brief summary of the submissions made by NKDC to provide context for the Applicant's submissions in response.

NKDC referred to question PE.1.07 of the Examining Authority's First Written Questions [PD-011] and noted that the district council is seeking a financial contribution to support the Employment, Skills, and Supply Chain Plan (ESSCP) proposed by the Applicant. It was explained that whilst NKDC accepts that the ESSCP is an enhancement measure, as opposed to something to mitigate an adverse impact, it is seeking to ensure the benefits of this are maximised and fully secured. NKDC submitted that further improvements are sought to the Framework ESSCP [APP-197] and that minor amendments are sought to the drafting of Requirement 19 of Schedule 2 to the draft DCO [REP2-005] which relates to the provision of the detailed ESSCP.

Furthermore, NKDC referred to paragraph 5.13.11 of NPS EN-1 noting that what is being sought is a commitment to realise what is set out in the Framework ESSCP [APP-197], which NKDC considers to be a "legacy" of the Proposed Development. NKDC is seeking a financial commitment to realise the measures in the Framework ESSCP, which does not necessarily need to be in the form of a financial contribution. In explaining this, NKDC made reference to the proposed Springwell Solar Farm (PINS Reference: EN010149) and the Heckington Fen Solar Park Order 2025 (PINS Reference: EN010123).

Issue Discussed

ExA: The ExA asked if NKDC could provide the executed s106 for Heckington Fen and a draft s106 for Springwell.

Summary of Applicant's Oral Case

ISH3 Action Point 10 – For North Kesteven District Council – Provide the Applicant with the section 106 agreements for Heckington Fen Solar Farm (PINS Reference: EN010123) and the proposed Springwell Solar Farm (PINS Reference: EN010149).

██████████ on behalf of the Applicant

██████████ noted that a meeting is to be scheduled between the Applicant and NKDC and confirmed that this could be a topic of discussion during that meeting.

5. The Applicant's Summary of Case on Agenda Item 3.4

5.1 Agenda Item 3.4(a) – Cultural Heritage Technical Note

Issue Discussed

ExA: Turning first to above ground heritage assets, the ExA sought an update on the status of the technical note on above ground heritage assets referred to in the Applicant's Deadline 2 submissions.

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

██████████ clarified that the technical note covers all above ground heritage assets, not just those which are designated. He explained that the technical note covers two aspects and the scope of this was agreed with LCC and NKDC. ██████████ detailed that the technical note builds on existing information and provides further elaboration on the study areas, showing additional working. The second aspect of the technical note sets out additional information on historic farmsteads and group value. He noted that the technical note had been provided to NKDC and LCC the previous day (11 March) and that the Applicant hoped to be in a position to have the technical note in an agreed form for submission to the Examination at or before Deadline 3A.

Post-Hearing Note:

For the avoidance of doubt, the technical note does not report anything beyond the information already presented with the Environmental Statement and supporting appendices – it sets out more detail on the Applicant's working and provides additional information on the assets scoped out of the assessment.

The below is a brief summary of the submissions made by LCC and NKDC to provide context for the Applicant's submissions in response.

NKDC submitted that on an initial read, the expert was disappointed that the scoping element of the technical note lacks detailed analysis and explanation as to why certain assets have been scoped out. It was noted that, although the hope is to reach agreement on the scope and the findings of the technical note, this may not be possible by Deadline 3A.

Issue Discussed

Summary of Applicant's Oral Case

LCC submitted that its position was largely the same, but that an in-depth review had not yet been undertaken, so a full response would be provided in writing.

The ExA asked LCC and NKDC to submit any suggestions of specific locations for the ExA to visit on an Unaccompanied Site Inspection with regard to cultural heritage.

ISH3 Action Point 16 – For Lincolnshire County Council / North Kesteven District Council – Provide details of any areas to be visited by the Examining Authority on an Unaccompanied Site Inspection in relation to cultural heritage at or before Deadline 3A.

5.2 Agenda Item 3.4(b) – Effects for Buried Archaeology

Issue Discussed

Summary of Applicant's Oral Case

ExA: Turning to buried archaeology, the ExA asked the Applicant to provide an update, particularly in relation to the Framework Written Scheme of Investigation.

██████████ **on behalf of the Applicant**

██████████ explained that a meeting had taken place on 5 March during which both Historic England and LCC provided comments on the draft Framework WSI. A further meeting was held between the parties the week prior to ISH3, during which further comments were provided. On behalf of the Applicant, ██████████ confirmed that an updated draft Framework WSI had been provided to Historic England and LCC that day (12 March) and that it would be updated in response to any further comments received. He submitted that the parties are working collaboratively and the Applicant intends to submit the revised Framework WSI to the Examination at or before Deadline 3A.

The below is a brief summary of the submissions made by LCC to provide context for the Applicant's submissions in response.

Issue Discussed

Summary of Applicant's Oral Case

LCC submitted that, whilst the parties remain opposed with regards to the assessments and potential impacts, discussions were ongoing in terms of methodology and scope, as well as future commitments.

ExA: The ExA asked that the updated Framework WSI be submitted at or before Deadline 3A and requested that points remaining under discussion between the parties are highlighted by the Applicant.

ISH3 Action Point 17 – For the Applicant – Submit the Framework WSI at Deadline 3A, highlighting any points still under discussion with LCC and Historic England.

ExA: With reference to buried archaeology and preservation in situ, the ExA asked what scale of avoidance may render the Proposed Development unviable through scaling back solar PV array areas or limiting the extent of the Cable Corridor. The ExA sought information as to whether there would be a point at which the Proposed Development may suffer.

██████████ on behalf of the Applicant

██████████ explained that there are various ways in which archaeological findings can be mitigated where they are located beneath the solar PV arrays. He noted that these methods vary depending on the specific nature of the archaeological findings and that if such a situation arose, this would be discussed with the relevant archaeological specialists at the relevant time. Examples provided by ██████████ of mitigation measures included the use of ballast foundations and ensuring that buried cables did not interfere with any archaeological remains preserved in situ. ██████████ acknowledged that the use of ballast foundations is not considered suitable in respect of some types of archaeology and noted that this would be mitigated by appropriate spacing of the solar PV arrays to exclude such areas.

██████████ further submitted that preservation in situ can be accommodated by the flexibility provided for in the design of the Proposed Development, which ensures that mitigation can be delivered by the Applicant whilst remaining within the Proposed Development Parameters **[REP1-029]**. He summarised that, although this may result in a slight reduction of the energy generation per MW, the Applicant has options to avoid areas of sensitive archaeology where necessary.

5.3 Agenda Item 3.4(c) – Effects of Decommissioning on Buried Archaeology

Issue Discussed

ExA: The ExA noted that in responding to HE.1.01(b) of the Examining Authority's First Written Questions, with regards to ground disturbance resulting from the removal of supporting structures for the proposed solar arrays, the Applicant referenced horizontal displacement but did not provide an indication of the depth. The ExA asked if the Applicant was in a position to provide an indication of this.

Summary of Applicant's Oral Case

██████████ on behalf of the Applicant

██████████ explained that, based on the nature of the archaeology discovered across the Order Limits to date and rational predictive modelling of what one would expect to find, the indication is that the depth of the any piling required is deeper than the depth of any potential archaeological remains. He explained that the extraction of this piling would therefore remove any archaeological remains which had been encountered. ██████████ submitted that the volume of displaced material is not necessarily the relevant consideration, but rather it forms part of understanding whether the archaeological interest has been lost or depleted in some way, which would result in harm.

6. The Applicant's Summary of Case on Agenda Item 4

6.1 Agenda Item 4 – Any Other Business

Issue Discussed

ExA: Turning to AOB, the ExA asked NKDC whether there was any update in terms of the when the application for the proposed Navenby Substation was anticipated to be submitted by National Grid Electricity Transmission (NGET).

Summary of Applicant's Oral Case

NKDC submitted that based on recently provided information, the anticipated date for submission has been pushed back to April, but noted that confirmation would subsequently be provided.

ISH3 Action Point 18 – For North Kesteven District Council – Clarify the current anticipated date for submission of the planning application for the proposed National Grid Navenby substation.

Issue Discussed

Summary of Applicant's Oral Case

Post-Hearing Note – NKDC confirmed during the course of ISH4 on Friday 13 March that NGET had provided 27 April 2026 as an updated date for which to anticipate the submission of the application for the Navenby Submission.

ExA: The ExA noted the assumption that the Applicant would consider the application when it is submitted, if this is during the course of the Examination.

██████████ on behalf of the Applicant

██████████ confirmed that the Applicant would undertake an appraisal of the application for the proposed Navenby Substation at the requisite time following submission of the same.

ExA: As a final point, the ExA asked the Applicant, NKDC and LCC under what circumstances they consider the Critical National Priority criteria should be applied. The ExA sought clarity as to whether this should automatically apply due to the use of the phrase “Critical National Priority presumption”.

ISH3 Action Point 19 – For the Applicant / Lincolnshire County Council / North Kesteven District Council – Confirm in writing under what circumstances it is considered the Critical National Priority criteria should be applied in relation to the Proposed Development.

7. ISH3 Action List

- 7.1.1 This section sets out the Applicant's understanding of the agreed action points arising from ISH3 which are subject to confirmation by the ExA.
- 7.1.2 **ISH3 Action Point 1** – Works Plans – the Applicant is to review the Works Numbers set out in Schedule 1 to the draft DCO **[REP2-005]** to ensure there is no unnecessary duplication across Work Numbers. *Response provided by the Applicant in Appendix A.*
- 7.1.3 **ISH3 Action Point 2** – Solar Technical Guide – the Applicant is to update the Solar Technology Technical Guide **[REP2-033]** as follows:
- Provide an explanation on the logistics of how the battery storage element is managed, including the most efficient way to utilise battery storage, noting seasonal variation, weather variation, and how that relates to when there may or may not be much solar in the electricity system;
 - Provide an explanation of the difference between Nominal Operating Cell Temperature and Standard Test Conditions in simple terms and explain the overplanting ratio difference between these; and
 - To correct reference to Little Crow in Table 10-1 to 99.9MW.
- The updated Solar Technology Technical Guide has been provided within the Applicant's Deadline 3 Submission.*
- 7.1.4 **ISH3 Action Point 3** – Grid Connection Agreement – the Applicant is to clarify what information is in the public domain for the proposed Springwell Solar Farm (Planning Inspectorate Reference: EN010149) with regard to the potential for the applicant for Springwell seeking to optimise/renegotiate its grid connection. *Response provided by the Applicant in Appendix B.*
- 7.1.5 **ISH3 Action Point 4** – Environmental Stewardship Figure – the Applicant is to produce a plan showing existing areas of stewardship within the Order Limits. *Figure provided by the Applicant in Appendix C.*
- 7.1.6 **ISH3 Action Point 5** – Lincoln and Witham Landscape Recovery Project (LWLRP) - North Kesteven District Council is to obtain a plan for submission at Deadline 3A to show the extent of the proposed Lincoln and Witham Landscape Recovery Project;
- 7.1.7 **ISH3 Action Point 6** – LWLRP Engagement – the Applicant is to seek confirmation in writing from the chair of the proposed Lincoln and Witham Landscape Recovery Project (LWLRP) of their view of the Applicant's proposals for the Proposed Development from the perspective of the LWLRP and whether these align with the proposed LWLRP. *An update on engagement is provided by the Applicant in Appendix D.*
- 7.1.8 **ISH3 Action Point 7** – Planting – the Applicant is to explain the nuances in relation to the "double counting" of planting where it is considered to serve as both mitigation and BNG (e.g. hedgerows as landscape and visual mitigation

- counting towards BNG score). *Response provided by the Applicant in Appendix E.*
- 7.1.9 **ISH3 Action Point 8** – Hedgerow Discrepancies – the Applicant is to investigate the point made by an IP regarding a potential discrepancy in the quantity of hedgerow removal within various application documents (Schedule 11 of the draft DCO **[REP2-005]** and paragraph 3.22 of the Biodiversity Net Gain Report **[APP-174]**). *Response provided by the Applicant in Appendix F.*
- 7.1.10 **ISH3 Action Point 9** – Permissive Paths – the Applicant and North Kesteven District Council is to provide clarification in relation to the extent of Permissive Paths within the Order Limits, to cover areas of agreement and disagreement. *Response provided by the Applicant in Appendix G.*
- 7.1.11 **ISH3 Action Point 10** – Section 106 Agreements – North Kesteven District Council is to provide the Applicant with the Section 106 agreements for Heckington Fen Solar Farm (Planning Inspectorate Reference: EN010123) and the proposed Springwell Solar Farm (Planning Inspectorate Reference: EN010149).
- 7.1.12 **ISH3 Action Point 11** – Public Rights of Way Definitive Map – Lincolnshire County Council to review the Definitive Map in relation to naming conventions for Public Rights of Way in order to provide clarification;
- 7.1.13 **ISH3 Action Point 12** – Public Rights of Way Labelling – the Applicant is to review the labelling of the Public Rights of Way on the Streets, Rights of Way and Access Plans **[REP2-004]** and consider whether amendments are required to the labelling / naming and ensure this remains consistent with the drafting of Schedule 6 to the draft DCO **[REP2-005]**. *Response provided by the Applicant in Appendix H.*
- 7.1.14 **ISH3 Action Point 13** – Public Rights of Way Data Counts – the Applicant, Lincolnshire County Council and North Kesteven District Council is to submit any available information in relation to data counts for the usage of Public Rights of Way within the Order Limits of the Proposed Development. *The Applicant has not conducted PRow Data Counts as part of the DCO Application.*
- 7.1.15 **ISH3 Action Point 14** – Maintenance Activities – the Applicant is to provide a list of likely maintenance activities (or signpost to where this information is available). *Response provided by the Applicant in Appendix I.*
- 7.1.16 **ISH3 Action Point 15** – Health and Wellbeing Summary Statement – the Applicant is to submit the Health and Wellbeing Summary Statement at or before Deadline 3A. *Health and Wellbeing Summary Statement provided within the Applicant's Deadline 3 Submission.*
- 7.1.17 **ISH3 Action Point 16** – Unaccompanied Site Inspection – Lincolnshire County Council and North Kesteven District Council is to provide details of any areas to be visited by the Examining Authority on an Unaccompanied Site Inspection in relation to cultural heritage at or before Deadline 3A.
- 7.1.18 **ISH3 Action Point 17** – Framework WSI – the Applicant is to submit the Framework WSI at Deadline 3A, highlighting any points still under discussion

with LCC and Historic England. *Framework WSI to be provided within the Applicant's Deadline 3A Submission.*

- 7.1.19 **ISH3 Action Point 18** – National Grid Navenby substation – North Kesteven District Council is to clarify the current anticipated date for submission of the planning application for the proposed National Grid Navenby substation.
- 7.1.20 **ISH3 Action Point 19** – Critical National Priority – the Applicant, Lincolnshire County Council, and North Kesteven District Council is to confirm in writing under what circumstances it is considered the Critical National Priority criteria should be applied in relation to the Proposed Development. *Response provided by the Applicant in Appendix J.*

Appendix A – Action Point 1

ISH3 Action Point 1 – Works Plans – the Applicant is to review the Works Numbers set out in Schedule 1 to the draft DCO **[REP2-005]** to ensure there is no unnecessary duplication across Work Numbers.

A.1.1 The Applicant has reviewed the Works Numbers set out in Schedule 1 to the draft DCO **[REP2-005]** against the Works Plans **[AS-105]** and can confirm that there is no unnecessary duplication across Work Numbers.

Appendix B – Action Point 3

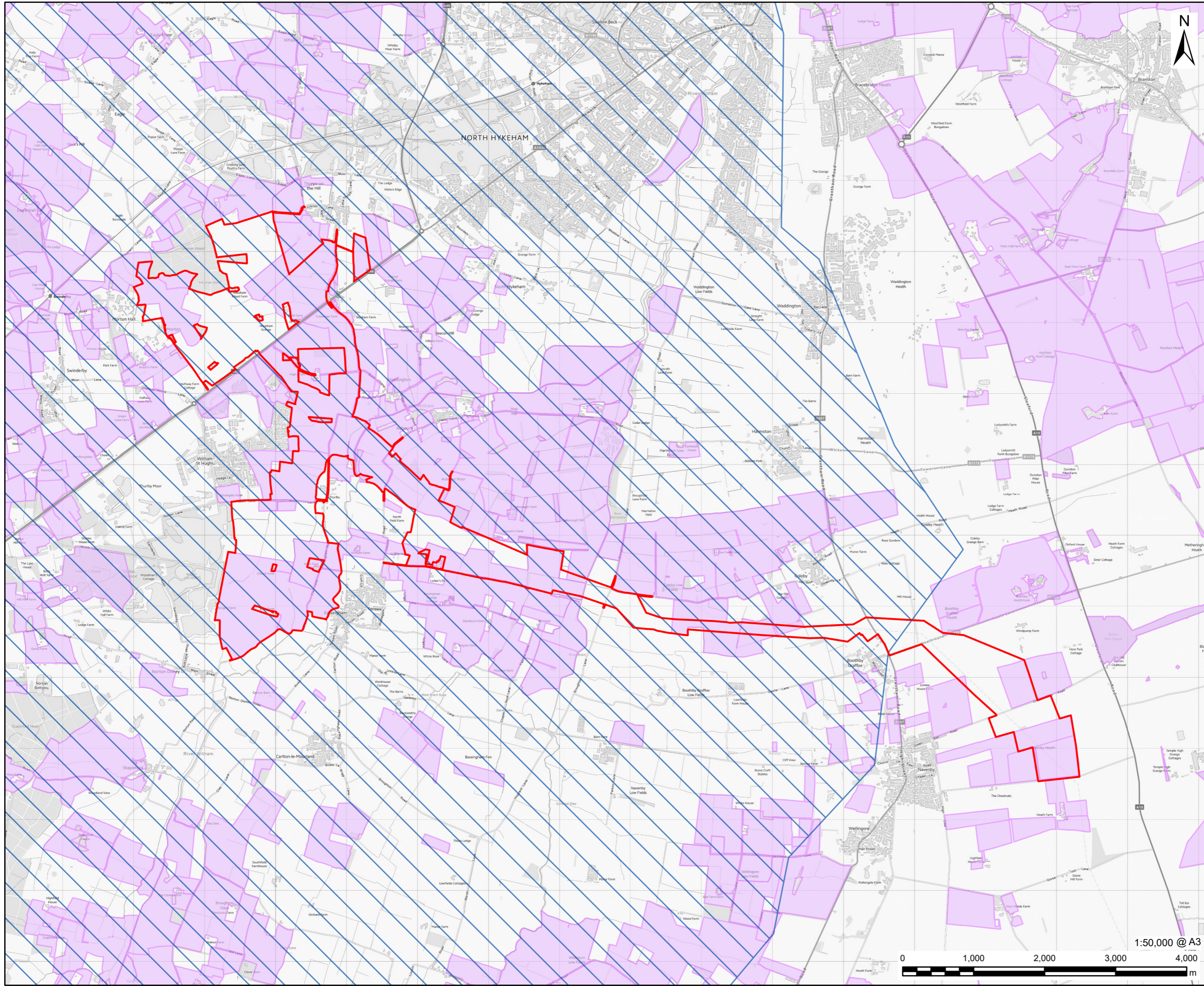
ISH3 Action Point 3 – Grid Connection Agreement – the Applicant is to clarify what information is in the public domain for the proposed Springwell Solar Farm (Planning Inspectorate Reference: EN010149) with regard to the potential for the applicant for Springwell seeking to optimise/renegeotiate its grid connection

B.1.1 There is no evidence in the public domain to confirm that the grid connection for the proposed Springwell solar farm is being renegotiated. Therefore, the grid connection currently remains at 800MW.

Appendix C – Action Point 4

ISH3 Action Point 4 – Environmental Stewardship Figure – the Applicant is to produce a plan showing existing areas of stewardship within the Order Limits.

C.1.1 Please see Figure overleaf.



PROJECT

Fosse Green Energy

CLIENT

Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
 Sunley House
 4 Bedford Park
 Surrey, CR0 2AP, UK
 www.aecom.com

LEGEND

- DCO Site Boundary
- Countryside Stewardship Scheme Management Areas
- Indicative Lincoln And Witham Landscape Recovery Scheme

NOTES

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LEGISLATION

Regulation 8(1)(k) Infrastructure Planning (Examination Procedure) Rules 2010.

ISSUE PURPOSE

Examination Submission

FIGURE TITLE

ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes

FIGURE NUMBER

ISH3-1

REV.

01

DOCUMENT REFERENCE

EN010154/APP/9.16

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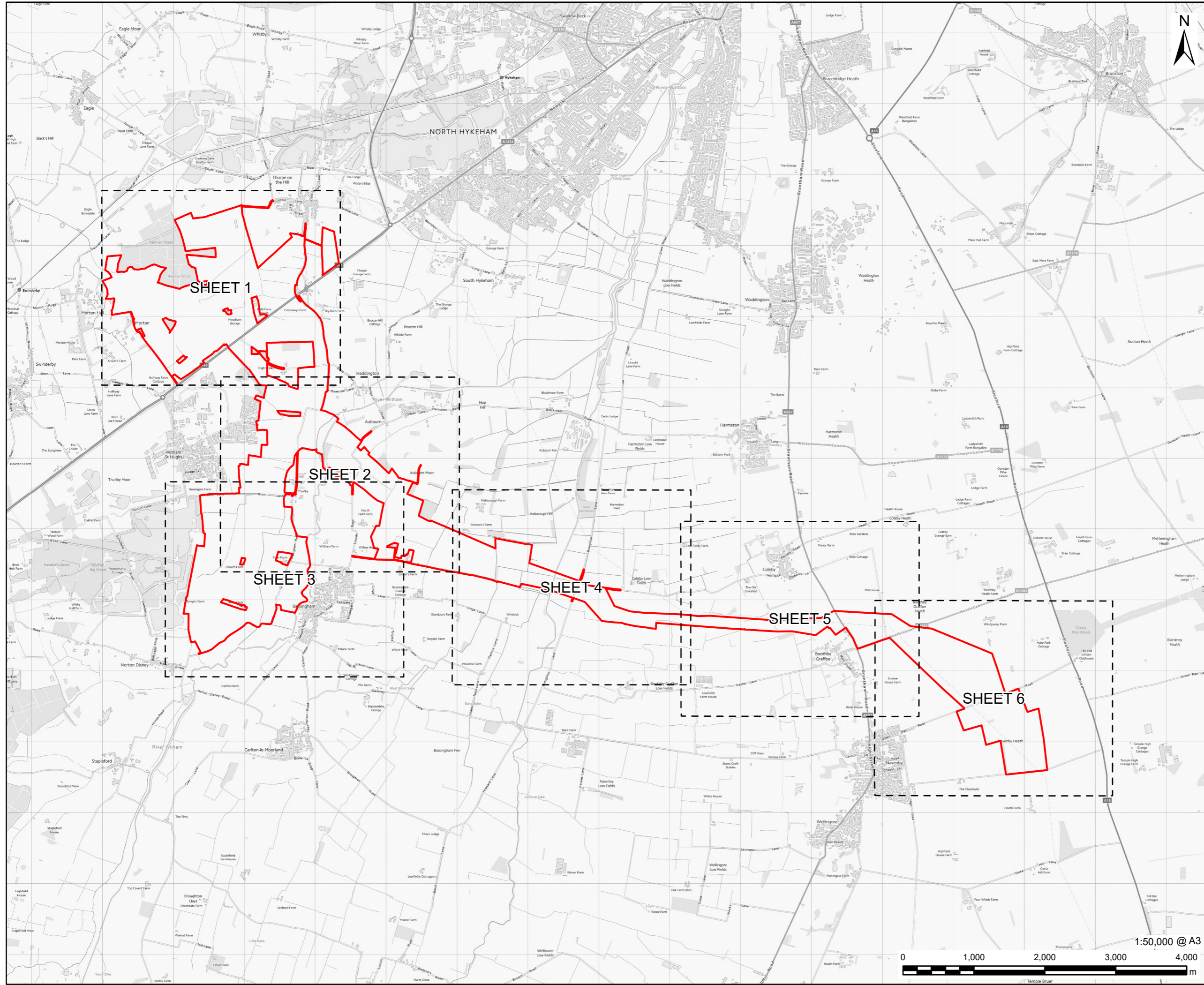
Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
Sunley House
4 Bedford Park
Surrey, CR0 2AP, UK
www.aecom.com

LEGEND

DCO Site Boundary



NOTES

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LEGISLATION

Regulation 8(1)(k) Infrastructure Planning (Examination Procedure) Rules 2010.

ISSUE PURPOSE

Examination Submission

FIGURE TITLE

ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Overview

FIGURE NUMBER

ISH3-1

REV.

01

DOCUMENT REFERENCE

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PROJECT

Fosse Green Energy

CLIENT

Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
 Sunley House
 4 Bedford Park
 Surrey, CR0 2AP, UK
 www.aecom.com

LEGEND

- DCO Site Boundary
- Rural tree
- Line of trees
- Native hedgerow
- |— Native hedgerow - associated with bank or ditch
- |—|— Native hedgerow with trees
- |—|—|— Native hedgerow with trees - associated with bank or ditch
- |—|—|—|— Species-rich native hedgerow
- |—|—|—|—|— Species-rich native hedgerow - associated with bank or ditch
- |—|—|—|—|—|— Species-rich native hedgerow with trees
- |—|—|—|—|—|—|— Species-rich native hedgerow with trees - associated with bank or ditch
- - - Dry ditch
- + Fence
- Arable field margins
- Arable field margins game bird mix
- Arable field margins pollen and nectar
- Arable field margins tussocky
- Arable field margins wild bird mix
- Cereal crops
- Cereal crops - with scattered scrub
- Non-cereal crops
- Temporary grass and clover leys
- Modified grassland
- Other neutral grassland
- Arrhenatherum neutral grassland
- Grassland with scattered scrub
- Mixed scrub
- Pond (non-priority)
- Reservoir
- Ditch (wide)
- Artificial unvegetated, unsealed surface
- Building
- Developed land; sealed surface
- Track
- Other coniferous woodland
- Other woodland; broadleaved
- Other woodland; mixed
- Indicative Lincoln And Witham Landscape Recovery Scheme
- Countryside Stewardship Scheme Management Areas

NOTES

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LEGISLATION

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ISSUE PURPOSE

Examination Submission

FIGURE TITLE

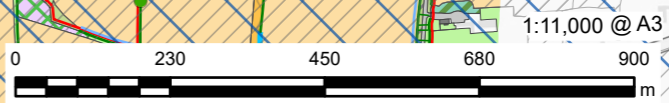
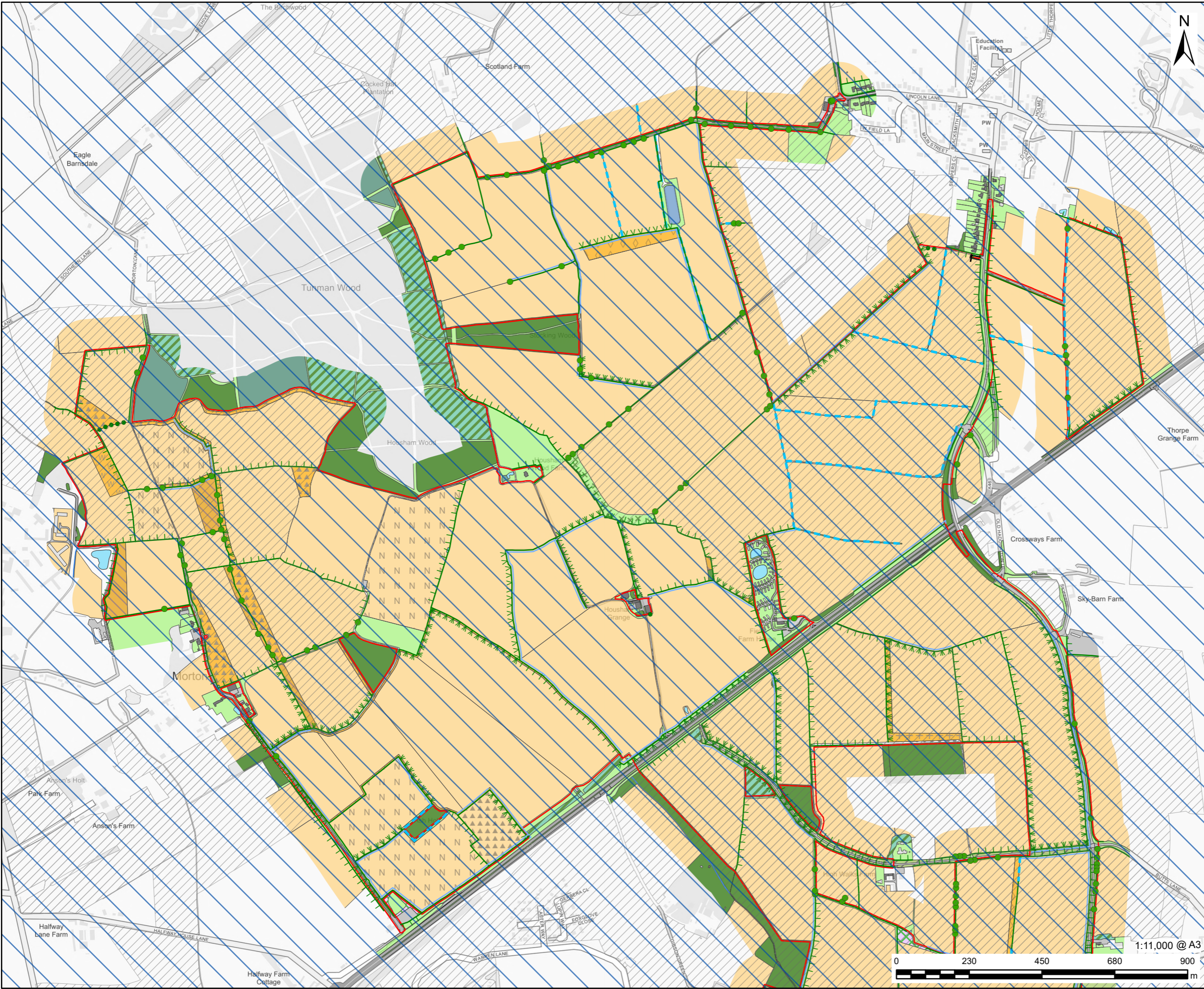
ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Sheet 1 of 6

FIGURE NUMBER

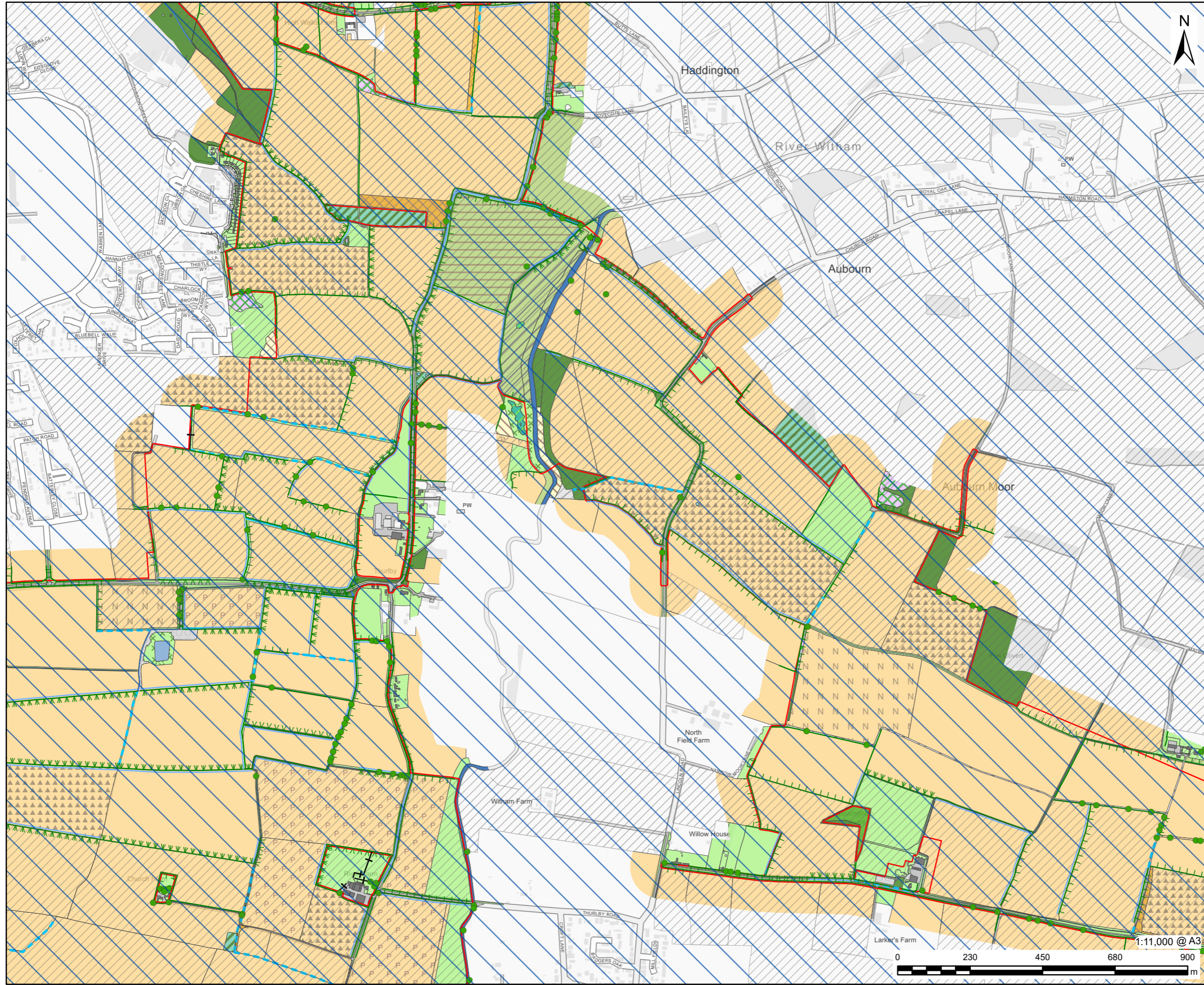
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PROJECT

Fosse Green Energy

CLIENT

Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
 Sunley House
 4 Bedford Park
 Surrey, CR0 2AP, UK
 www.aecom.com

LEGEND

- DCO Site Boundary
- Rural tree
- Native hedgerow
- Native hedgerow - associated with bank or ditch
- Native hedgerow with trees
- Native hedgerow with trees - associated with bank or ditch
- Species-rich native hedgerow
- Species-rich native hedgerow - associated with bank or ditch
- Species-rich native hedgerow with trees
- Species-rich native hedgerow with trees - associated with bank or ditch
- Line of scattered scrub
- Ditch - running water
- Dry ditch
- + Fence
- Arable field margins
- Arable field margins game bird mix
- Arable field margins pollen and nectar
- Cereal crops
- Non-cereal crops
- Temporary grass and clover leys
- Arable fields pollen and nectar
- Modified grassland
- Other neutral grassland
- Arrhenatherum neutral grassland
- Deschampsia neutral grassland
- Grassland with scattered scrub
- Mixed scrub
- Pond (non-priority)
- Reservoir
- River
- Ditch (wide)
- Ruderal/Ephemeral
- Artificial unvegetated, unsealed surface
- Building
- Developed land, sealed surface
- Track
- Other wetlands - Swamp
- Lowland mixed deciduous woodland
- Other woodland; broadleaved
- Other woodland; mixed
- Indicative Lincoln And Witham Landscape Recovery Scheme
- Countryside Stewardship Scheme Management Areas

NOTES

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LEGISLATION

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ISSUE PURPOSE

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FIGURE TITLE

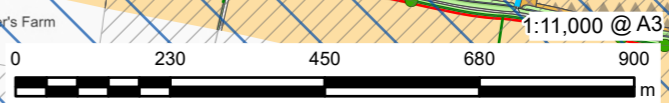
ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Sheet 2 of 6

FIGURE NUMBER

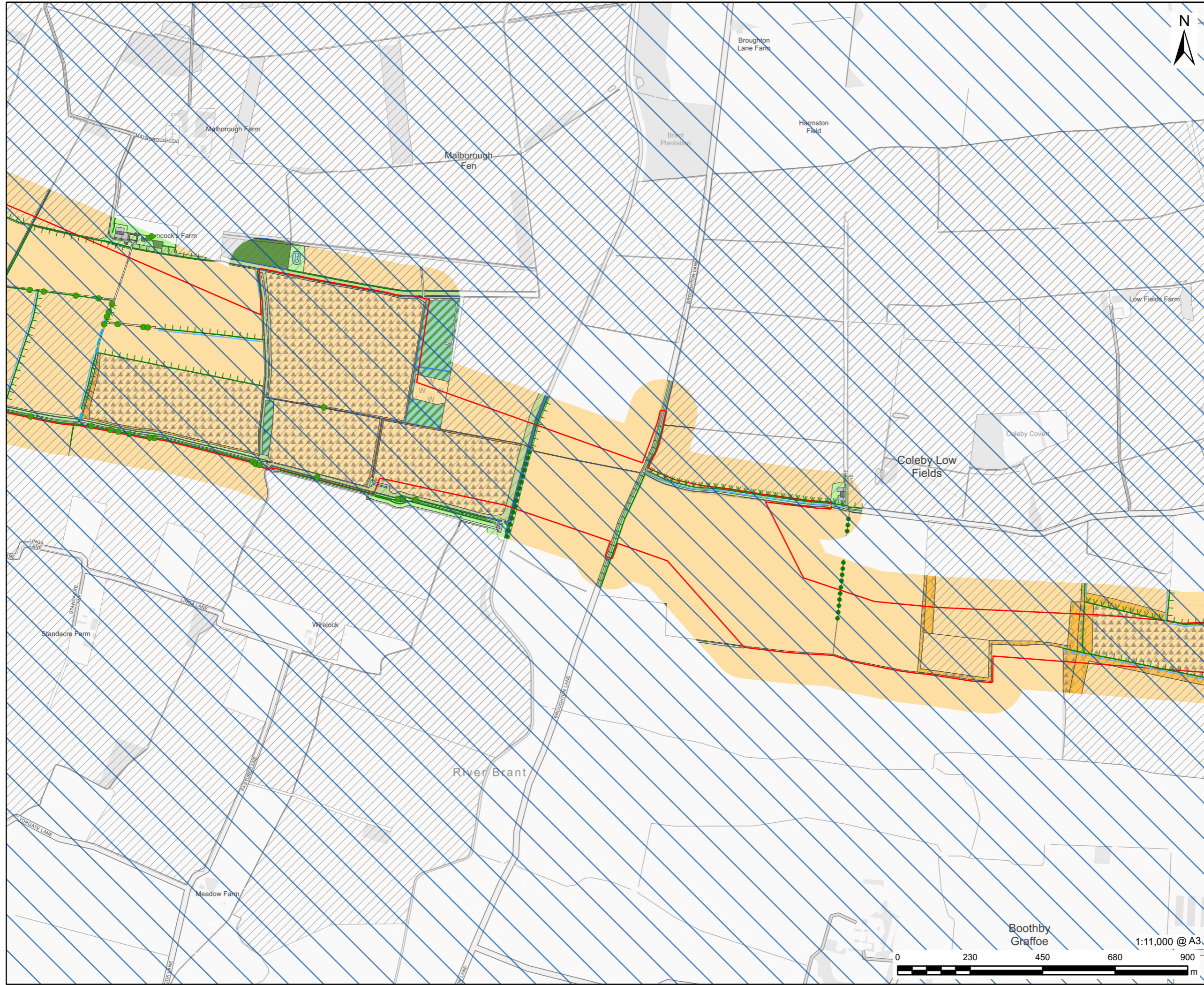
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AECOM Limited
 Sunley House
 4 Bedford Park
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 www.aecom.com

LEGEND

- DCO Site Boundary
- Rural tree
- Line of trees
- Native hedgerow
- |— Native hedgerow - associated with bank or ditch
- |—|— Native hedgerow with trees
- |—|—|— Native hedgerow with trees - associated with bank or ditch
- |—|—|—|— Species-rich native hedgerow
- |—|—|—|—|— Species-rich native hedgerow with trees - associated with bank or ditch
- - - Dry ditch
- Arable field margins
- Arable field margins game bird mix
- Arable field margins tussocky
- Arable field margins wild bird mix
- Cereal crops
- Temporary grass and clover leys
- Arable fields with wild bird mix
- Modified grassland
- Other neutral grassland
- Mixed scrub
- Willow scrub
- Pond (non-priority)
- River
- Ditch (wide)
- Building
- Developed land; sealed surface
- Track
- Other woodland; broadleaved
- Other woodland; mixed
- Indicative Lincoln And Witham Landscape Recovery Scheme
- Countryside Stewardship Scheme Management Areas

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ISSUE PURPOSE

Examination Submission

FIGURE TITLE

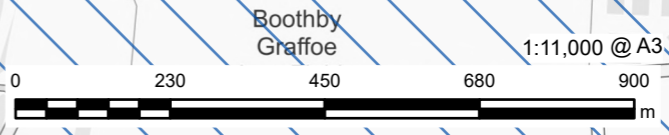
ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Sheet 4 of 6

FIGURE NUMBER **REV.**

ISH3-1 01

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Fosse Green Energy

CLIENT

Fosse Green Energy Ltd

CONSULTANT

AECOM Limited
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- Native hedgerow with trees - associated with bank or ditch
- Species-rich native hedgerow
- Species-rich native hedgerow with trees - associated with bank or ditch
- Ditch - running water
- Dry ditch
- Arable field margins
- Arable field margins game bird mix
- Arable field margins tussocky
- Arable field margins wild bird mix
- Cereal crops
- Non-cereal crops
- Temporary grass and clover leys
- Modified grassland
- Arrhenatherum neutral grassland
- Mixed scrub
- Artificial unvegetated, unsealed surface
- Building
- Developed land; sealed surface
- Track
- Other coniferous woodland
- Other woodland; broadleaved
- Other woodland; mixed
- Indicative Lincoln And Witham Landscape Recovery Scheme
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ISSUE PURPOSE

Examination Submission

FIGURE TITLE

ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Sheet 5 of 6

FIGURE NUMBER

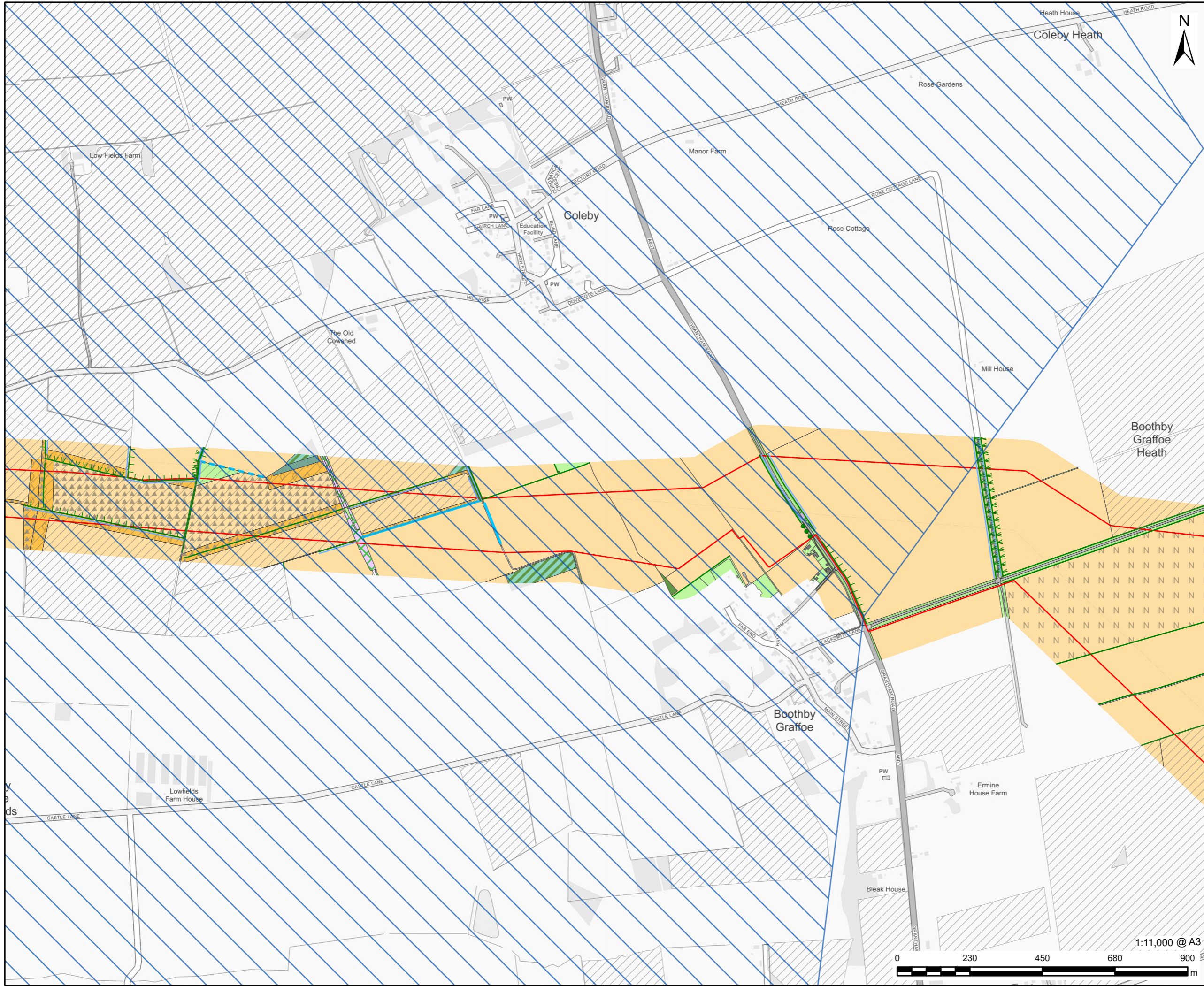
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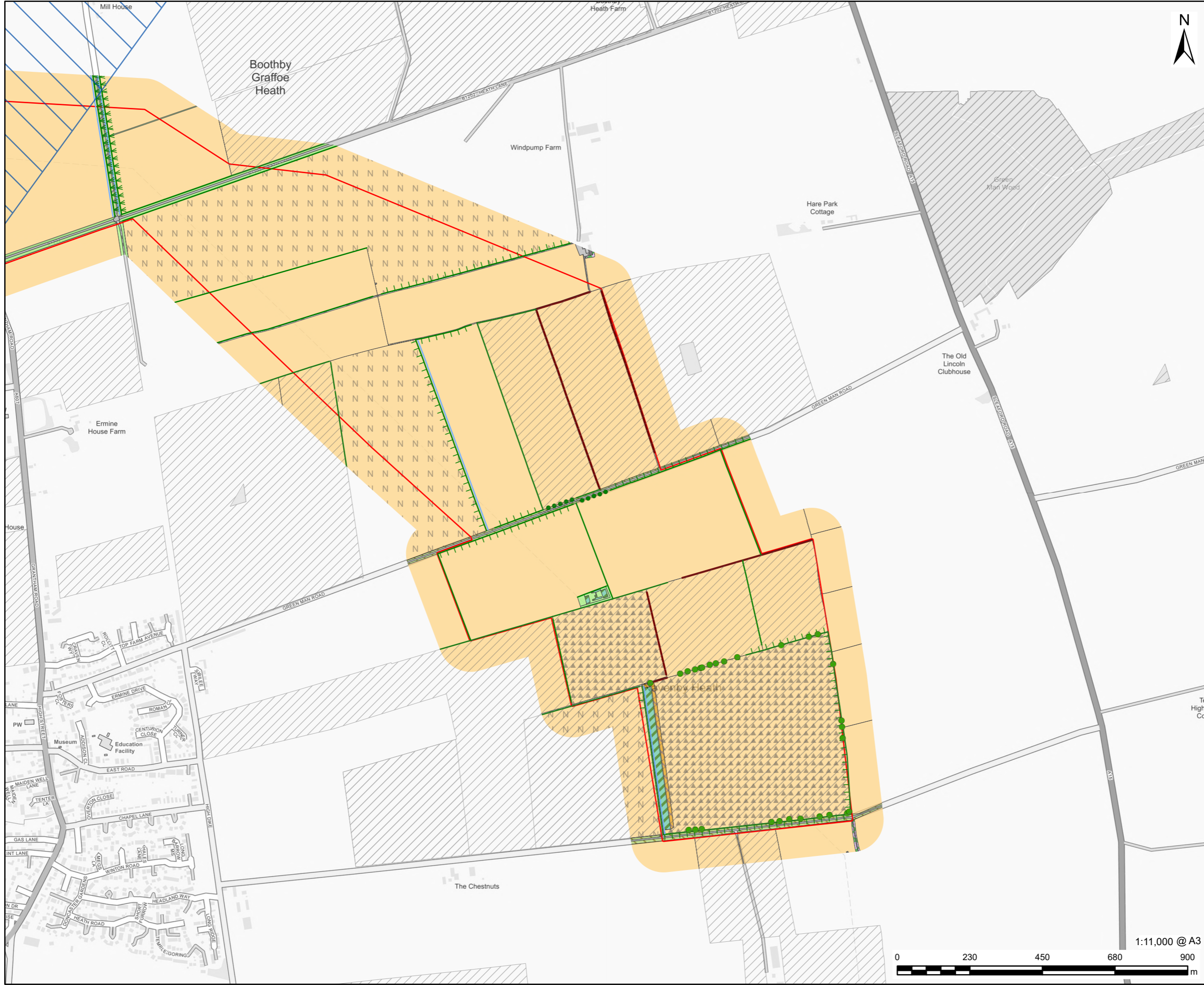
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LEGEND

- DCO Site Boundary
- Rural tree
- Line of trees
- Native hedgerow
- |— Native hedgerow - associated with bank or ditch
- |—|— Native hedgerow with trees
- |—|—|— Native hedgerow with trees - associated with bank or ditch
- |—|—|—|— Species-rich native hedgerow with trees - associated with bank or ditch
- Dry stone wall
- Arable field margins
- Cereal crops
- Non-cereal crops
- Temporary grass and clover leys
- Modified grassland
- Other calcareous grassland
- Arrhenatherum neutral grassland
- Mixed scrub
- Ruderal/Ephemeral
- Artificial unvegetated, unsealed surface
- Building
- Developed land; sealed surface
- Track
- Other woodland; mixed
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ISSUE PURPOSE

Examination Submission

FIGURE TITLE

ISH3 Action Point 4 Environmental Stewardship and Restoration Schemes Sheet 6 of 6

FIGURE NUMBER

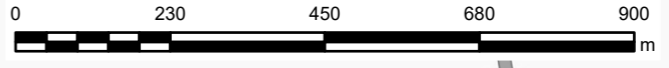
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Appendix D – Action Point 6

ISH3 Action Point 6 – LWLRP Engagement – the Applicant is to seek confirmation in writing from the chair of the proposed Lincoln and Witham Landscape Recovery Project (LWLRP) of their view of the Applicant's proposals for the Proposed Development from the perspective of the LWLRP and whether these align with the proposed LWLRP.

- D.1.1 As part of ongoing discussions with the Forestry Commission, it was confirmed that the Forestry Commission had made the Landscape Recovery (LR) Project Lead Officer and team aware of the overlaps between the Order Limits of the Proposed Development and the area proposed for the LWLRP. The LR Project Lead Officer confirmed to the Forestry Commission that, based on the current plans, the LR team is not concerned that there would be a conflict between the two projects, noting that, should this change due to a change to either plan, the LR team may need to re-assess and make any necessary amendments, but as things stand, there is no conflict.
- D.1.2 In response to ISH3 Action Point 6 the Applicant contacted the LR Project Lead Officer on 18 March 2026 and is awaiting a formal response confirming that there is no conflict between the Proposed Development and the LWLRP.

Appendix E – Action Point 7

ISH3 Action Point 7 – Planting – the Applicant is to explain the nuances in relation to the "double counting" of planting where it is considered to serve as both mitigation and BNG (e.g. hedgerows as landscape and visual mitigation counting towards BNG score).

- E.1.1 For clarification, there is no double-counting of mitigation required for specific ecological features towards the unit uplifts presented in the Biodiversity Net Gain Report **[APP-194]**. The Applicant provided NKDC and LCC with an updated Biodiversity Net Gain Report for review on 9th March 2026 and the updated report is being submitted to the Examination at Deadline 3.
- E.1.2 As reported in the Biodiversity Net Gain Report **[APP-194]**, the requirement for any specific habitat mitigation was identified to offset for any specific habitat losses. Following this the proposed habitat creation and enhancements, i.e., grasslands within the solar arrays, wide grass margins around existing field boundaries and hedgerow planting required for visual screening, as set out in the Framework Landscape and Ecological Management Plan **[REP2-021]**, was applied to calculate the post-development units achievable by the Proposed Development and shown on Figure 7.15-1: Landscape Mitigation Plan **[REP2-021]**.

Appendix F – Action Point 8

ISH3 Action Point 8 – Hedgerow Discrepancies – the Applicant is to investigate the point made by an IP regarding a potential discrepancy in the quantity of hedgerow removal within various application documents (Schedule 11 of the draft DCO **[REP2-005]** and paragraph 3.22 of the Biodiversity Net Gain Report **[APP-174]**).

F.1.1 The Applicant has reviewed paragraph 3.22 of the Biodiversity Net Gain Report **[APP-174]** against Schedule 11 of the Draft DCO **[REP2-005]** and can confirm that the IP is correct that there is an inconsistency – the quantum of hedgerow loss reported in paragraph 3.22 of the Biodiversity Net Gain Report **[APP-174]** was incorrect, whereby the total amount of hedgerow loss is 1.98km, as reported in Schedule 11 of the Draft DCO **[REP2-005]** and illustrated on the Hedgerow Plan **[AS-112]**. The Biodiversity Net Gain Report has been updated to correct this error at paragraph 3.2.2 and is being submitted to the Examination at Deadline 3. It should be noted that this change in the Biodiversity Net Gain Report **[APP-174]** with regards to the quantum of hedgerow loss being lower than previously reported results in a very slight betterment in net gain of hedgerow units (+0.98%) – this does not affect the conclusions of the Biodiversity Net Gain Report **[APP-174]**, or any other report, or the commitment by the Applicant to deliver a 50% biodiversity net gain in hedgerow units, as secured by Requirement 8(2) of Schedule 2 of the Draft DCO **[REP2-005]**.

Appendix G – Action Point 9

ISH3 Action Point 9 – Permissive Paths – the Applicant and North Kesteven District Council is to provide clarification in relation to the extent of Permissive Paths within the Order Limits, to cover areas of agreement and disagreement

- G.1.1 Figure 3-3 Proposed Permissive Paths Plan of the ES **[AS-024]** illustrates the retained and proposed permissive paths known by the Applicant. In the absence of any mapping from NKDC or LCC, the Applicant has identified these through discussions with landowners. The Applicant is aware of the Stepping Out Routes and is continuing to liaise with the landowners on this, to establish whether landowners are aware of the Stepping Out Routes across their land. The Applicant is aiming to provide an update on this at Deadline 4. The Applicant notes that NKDC has also been requested to provide clarification in relation to the extent of permissive paths within the Order Limits. The Applicant will review the existing and proposed permissive path network illustrated on figures and plans once further information is available from NKDC and landowners, and will provide any updates (if required/relevant) at a future Examination deadline. It is noted that the Framework LEMP **[REP2-021]** currently sets out the provision of approximately 9.5km of permissive paths. As raised by NKDC at ISH3, this figure will be reviewed in line with the above and updated if required.
- G.1.2 The Streets, Rights of Way and Access Plans **[REP2-004]** and Figure 7.15-1 (sheet 5) of the Framework LEMP **[REP2-021]** illustrate the extent of the permissive paths that would be delivered by the Proposed Development for the duration of the operational phase. They do not attempt to distinguish between retained and new, given that the Proposed Development would secure their availability for the full operational lifetime of the Proposed Development (except for up to 7 days in any calendar year and during periods of maintenance or emergency). It is acknowledged that a small section of these paths match existing permissive paths.
- G.1.3 For clarification, the part of the permissive path network being secured by the Proposed Development for its operational lifetime that already exist as permissive paths, due to landowners having consented to them, are illustrated as 'Retained Permissive Paths' on Figure 3-3 **[AS-024]**.

Appendix H – Action Point 12

ISH3 Action Point 12 – Public Rights of Way Labelling – the Applicant is to review the labelling of the Public Rights of Way on the Streets, Rights of Way and Access Plans **[REP2-004]** and consider whether amendments are required to the labelling / naming and ensure this remains consistent with the drafting of Schedule 6 to the draft DCO **[REP2-005]**.

- H.1.1 The Applicant has reviewed the Streets, Rights of Way and Access Plans **[REP2-004]** with Schedule 6 of the Draft DCO **[REP2-005]** and believes that the data cross-references correctly.
- H.1.2 The naming convention and labelling assigned to the Streets, Rights of Way and Access Plans **[REP2-004]** for works to Public Rights of Way have been designed to link not to a Public Right of Way official designation but to provide a unique reference that links the plans to Schedules 4-7 of the Draft DCO **[REP2-005]**. Schedule 6 of the Draft DCO **[REP2-005]** includes the same unique references, but also identifies the official name of the relevant PRoW. The Applicant can confirm that this approach has been undertaken previously across a range of recent Solar Park NSIPs such as Gate Burton, East Yorkshire Solar Farm, Tillbridge Solar and Fenwick Solar, with Gate Burton and Tillbridge also falling within the jurisdiction of LCC. To the Applicant's knowledge no issue of inconsistency was raised during their respective Examinations.

Appendix I – Action Point 14

ISH3 Action Point 14 – Maintenance Activities – the Applicant is to provide a list of likely maintenance activities (or signpost to where this information is available).

- I.1.1 The Applicant has prepared an indicative maintenance schedule which includes an indicative scheduled maintenance checklist, anticipated replacement rates of the components of the solar farm and a separate estimate for the “repowering period” of years 29-33 in response to question DCO.2.01 of the Examining Authority's Written Questions 2 (ExQ2) **[PD-016]**. This indicative maintenance schedule is provided within Appendix C of the Applicant's Response to the Examining Authority's Second Written Questions **[EN010154/EXAM/9.19]**.

Appendix J – Action Point 19

ISH3 Action Point 19 – Critical National Priority – the Applicant, Lincolnshire County Council, and North Kesteven District Council are to confirm in writing under what circumstances it is considered the Critical National Priority criteria should be applied in relation to the Proposed Development.

- J.1.1 As stated in paragraph 4.2.4 of the Overarching National Policy Statement for Energy (EN-1) (NPS EN-1) (November 2023), the UK's energy security and net zero ambitions will only be delivered if the development of new low carbon sources of energy are progressed at speed and scale. As a result, in paragraph 4.2.4 of NPS EN-1, the Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, and that for the purposes of this policy, low carbon infrastructure means all onshore and offshore generation that does not involve fossil fuel combustion.
- J.1.2 The Proposed Development therefore comprises nationally significant low carbon infrastructure which is deemed to be of CNP.
- J.1.3 As set out in paragraph 4.2.7 of NPS EN-1, the CNP policy applies following the normal consideration of the need case, the impacts of the project and the application of the mitigation hierarchy. As such it is relevant during Secretary of State decision making, specifically in relation to any residual impacts that have been identified and should also be given consideration by the Examining Authority when making its recommendation (paragraph 4.2.7).
- J.1.4 Paragraph 4.2.10 of NPS EN-1 sets out what the applicant's assessment should address, setting out that *"Applicants for CNP infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements"*
- J.1.5 In terms of the Secretary of State's decision making, paragraph 4.2.14 of NPS EN-1 states that the applicant's assessment demonstrates that the requirements set out have been met (ie, as set out in paragraphs 4.2.10 to 4.2.13 of NPS EN-1). Paragraph 4.2.14 of NPS EN-1 goes on to state that where the Secretary of State is satisfied that the requirements have been met, the CNP presumptions set out in paragraphs 4.2.15 to 4.2.17 of NPS EN-1 apply.
- J.1.6 It is understood that the CNP presumptions are as follows:
- a. Paragraph 4.2.15 of NPS EN-1 sets out that where residual non-Habitats Regulations Assessment or non-Marine Conservation Zone impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.
 - b. Paragraph 4.2.16 of NPS EN-1 sets out that the Secretary of State will take as the starting point for decision making that such infrastructure is

to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionality or very special circumstances. A non-exhaustive, list of tests is stated which includes development in the Green Belt, development within or outside a Site of Scientific Interest, development in nationally designated landscapes or substantial harm to or loss of significance to heritage assets.

- J.1.7 Therefore, to assist the Secretary of State in decision making, the Applicant has provided at Section 7.4 of the **Planning Statement [AS-098]** a section which considers the application of the CNP presumption, which demonstrates the following:
- a. How the application for the Proposed Development meets the requirements of the NPSs (paragraph 7.4.2 of the **Planning Statement [AS-098]**)
 - b. How the application for the Proposed Development has applied the mitigation hierarchy (paragraphs 7.4.3 to 7.4.9 of the **Planning Statement [AS-098]**)
 - c. How the application has met other legal and regulatory requirements (paragraphs 7.4.10 to 7.7.14 of the **Planning Statement [AS-098]**)
- J.1.8 Given the Secretary of State can be satisfied that the Applicant's assessment has appropriately considered the points above, the CNP presumptions outlined in paragraph I.1.6 above can be applied in relation to the residual impacts that remain following the application of the mitigation hierarchy and the test that has been applied in relation to designated heritage assets.
- J.1.9 During construction, **Chapter 16 Summary of Environmental Effects [APP-041]** sets out that there will be residual adverse landscape character, visual amenity, construction vibration and cumulative effects. During operation, **Chapter 16 Summary of Environmental Effects [APP-041]** sets out that there will be residual adverse landscape and visual amenity effects during Year 1 with most Year 15 operational effects considered to be 'not significant' following the maturity of the screening planting. In addition, there would be adverse residual effects in relation to the local landscape character and on recreational users of numerous public rights of way.
- J.1.10 It is anticipated that in relation to these residual effects, the Secretary of State will apply the CNP presumption and conclude that DCO consent would not be refused on the basis of these residual impacts.
- J.1.11 In relation to tests set out within the NPSs, the **Planning Statement [AS-098]** considers the policy test that relates to less than substantial harm to a designated heritage asset as required by paragraph 5.9.32 of NPS EN-1 which provides that the harm is weighted against the public benefits of the proposal. Paragraph 6.3.108 of the **Planning Statement [AS-098]** concludes that the public benefits of the Proposed Development outweigh the less than substantial harm to the designated heritage assets.

- J.1.12 It is anticipated that in relation to this test, the Secretary of State will apply the CNP presumption and will take as the starting point for decision making that the tests requiring a clear outweighing of harm have been met.
- J.1.13 In summary, to assist the Secretary of State with decision making, the Applicant has set out how the CNP presumptions apply in the context of the Proposed Development, given the residual adverse impacts and the test applied in considering the impact of the Proposed Development on designated heritage assets.