



Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Action Points Arising From Issue Specific Hearings ISH3 and ISH4

by North Kesteven District Council

(ID [REDACTED])

NKDC reference: 23/0325/NSIP

Planning Inspectorate reference: EN010154

20th March 2026

Issue Specific Hearing 3

Action Point 9

1. NKDC has clarified its understanding of the extent of permissive paths within the Order Limits in its response to ExQ2 TT.2.03, which was submitted to the Examining Authority and copied to the Applicant on 17th March 2026. The Council has discussed this issue with the Applicant, but awaits their submissions before commenting further.

Action Point 10

2. The s.106 agreements for Heckington Fen Solar Farm and Springwell Solar Farm form Appendices C and D to the Council's response to ExQ2 PE.2.05.

Action Point 13

3. Unfortunately, NKDC has not been able to prepare the gather, check and collate the data it possesses for Deadline 3. The Council needs to confirm whether the counts were taken on a permissive or statutory PRow location. The Council hopes to respond by Deadline 3A, or at the latest by Deadline 4.

Action Point 18

4. NKDC's views on the application of the policy relating to Critical National Priority (CNP) infrastructure in paragraph 4.1.7 of NPS EN-1 is as follows.
5. Firstly it is noted that applicants are required to mitigate impacts as far as possible, by application of the mitigation hierarchy; and residual adverse effects are to be weighed against the benefits of the proposed development. Secondly, it is noted that for CNP, it is likely that the need case will usually outweigh those residual effects. This will only not be so in exceptional cases where the residual impacts are of particular types, including damage to irreplaceable habitats, or an unacceptable risk to human health.
6. The Proposed Development qualifies as CNP, and the Council is not aware of any residual impacts falling into the exceptional categories identified in EN-1 para 4.1.7. This means that although there is an obligation on the Applicant to mitigate adverse impacts through the mitigation hierarchy, the Proposed Development would benefit from the presumption provided in policy.

Issue Specific Hearing 4

Action Point 2

7. NKDC has responded to this action point through its answer to ExQ2 DCO.2.10.

Action Point 7

8. The Council's Environmental Health Officer has considered the proposed construction hours put forward by the Applicant, including a variation from the Council's normal hours imposed on developers which is set out on page 63 of the Applicant's response to the Council's LIR (REP2-031):
- a) Monday to Friday: 07:00 to 19:00 – all activities. Any percussive piling works within 400m of residential properties will only occur for two periods of four hours (between 08:00 to 18:00) with at least one hour break between the two periods;
 - b) Saturday: 09:00 to 13:00 – all activities, except percussive piling within 400m of residential properties;
 - c) Saturday: 13:00 to 18:00 – all activities, 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); and
 - d) Sundays, Bank Holidays and outside of the construction hours noted above (including nights): no activities except for Horizontal Directional Drilling (HDD) drilling which could be required subject to the restrictions stated in this Framework CEMP, 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.
9. The Council's Environmental Health Officer accepts the proposed hours as reasonable, with working outside of the Council's normal hours restricted to less noisy activities. The Council has accepted this sort of arrangement at another similar development in the district with similar circumstances in terms of population density.
10. In terms of enforcement, the Council recommends that between the hours of 18:00 – 19:00, the CEMP includes a restriction that there is to be no audible noise from the development t sensitive receptors. If this and the other restrictions are adhered to, there is a possibility that the modest extension to working hours may reduce the overall length of the construction period.