



North Kesteven
DISTRICT COUNCIL

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

**Deadline 4 –
Comments on Submissions and
Information from Other Parties at
Deadline 3**

prepared by

North Kesteven District Council

(ID [REDACTED])

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1. Introduction

- 1.1 This document provides the comments of North Kesteven District Council ('NKDC', or 'the Council') on the information and submissions provided by other parties at Deadline 3A, Tuesday 24th March 2026, of the Examination into the Fosse Green Energy application for Development Consent Order (DCO).
- 1.2 Comments on each submission or item of information are provided separately under a heading identifying its reference number in the Examination Library.

2. Comments on Submissions by the Applicant

Framework Construction Environmental Management Plan (FCEMP) Rev 4 (REP3-017)

- 2.1 Section 2.3 deals with working hours. Whilst the Council is generally satisfied with the approach to this issue, but requests that further detail is provided regarding the period 18:00 – 19:00 on weekdays, to assist enforceability. The Council also requests that the FCEMP is amended to stipulate that there should be no audible noise at sensitive receptors.
- 2.2 In section 2.5 dealing with the control of light, by way of confirmation the Council is satisfied that the proposals are acceptable as long as lighting useage is consistent with the site working hours. Similarly, the Council is satisfied with the dust mitigation measures proposed in section 3.10 of the FCEMP.
- 2.3 NKDC welcomes the additional text provided in Table 16 on page 87 regarding stump removal (item ARB-C1j.).

Framework Operational Environmental Management Plan (FOEMP) Rev 4 (REP3-019)

- 2.4 By way of confirmation the Council is satisfied that the proposals dealing with noise in section 3.7 (Table 8) and dust in section 3.11 (Table 11) are acceptable.

Framework Soil Management Plan (FSMP) Rev 4 (REP3-023)

- 2.5 NKDC welcomes the deletion of the text at section 6.7 which had dealt with the removal of soil from the site.
- 2.6 In other respects, NKDC considers the minor changes made to the document are broadly acceptable as clarifications.

Biodiversity Net Gain (BNG) Report Rev 2 (REP3-025)

- 2.7 The Council has carried out a review of this document. The Applicant has addressed some of the concerns set out in paragraphs 15.21 – 15.24 of the Council’s Local Impact Report (REP1-056). However, others issues have not been addressed.
- 2.8 The Council welcomes the additional text at **paragraph 2.3.2** regarding the mapping of habitats. However, for **paragraph 2.3.4** the Council remains unsatisfied with the assumption of poor condition for parcels of land that have not been independently verified, even if the surrounding habitat was assessed. In the Council’s view, this approach does not fully adhere to precautionary principles
- 2.9 In **paragraph 2.3.5**, the Council is unsure as to why the phrase “Purposeful degradation” has been used, as the legislation does not refer to purposefulness, only that an action not related to a permission has resulted in a reduced BNG value. That said, the Council notes that the Applicant has used satellite information to verify their stance to show no change in BNG value, which is considered to be acceptable.
- 2.10 At **paragraph 2.6.2**, the Applicant states that NKDC has approved the approach to assigning strategic significance to habitats through the Council’s response to the Examination Authority’s First Written Questions (REP2-045). However, the Applicant appears to have misunderstood the second paragraph (underlined below) of NKDC’s response to the ExA’ First Written Question ENC.1.26 b), (REP2-045 page 30) where the Council stated:
- b) Lincolnshire County Council (LCC) is leading on the preparation of the Greater Lincolnshire Local Nature Recovery Strategy (GLLNRS). A draft GLLNRS has been prepared and approved by the Supporting Authorities and LCC. A public consultation exercise in relation to the draft GLLNRS began on 26th January 2026, and closes on 8th March 2026. The published timetable is to consider the consultation responses and finalise the GLLNRS by May 2026, with adoption anticipated in June 2026.
- At present, the Applicant should continue to use the currently adopted methodology to define Strategic Significance and not use to the draft LNRS to inform their BNG strategy. However, should the development gain consent, the Council considers that updates to the Applicant’s BNG calculations are likely be required following the adoption of the LNRS to inform the final LEMP(s) and BNG Strategy.
- 2.11 The Statutory Biodiversity Metric User Guide deals with situations where a LNRS has not yet been published on page 29, advising that ‘*You should use the*

specified alternative documents, and the descriptions set out in table 8 to assign strategic significance. Table 8 is reproduced on the following page.

- 2.12 In advance of the adoption of the LNRS, the Council has identified the Lincolnshire Biodiversity Opportunity Mapping (BOM) for use in BNG assessments for development proposals. It is this methodology, adopted by the Council, which the Applicant should use, rather than the alternative in the SBM User Guide referred to by the Applicant in paragraph 2.6.2 of the BNG Report. As a result, the BNG Report should be updated to assign High or Low strategic significance, as the use of Medium significance is not appropriate.
- 2.13 For **paragraph 2.8.2** of the BNG Report, the Council does not necessarily oppose the rotational nature of this habitat creation. However, this will require mapping submission and metric updates for every time it changes; and may involve delay in habitat creation because every time it is removed and established there will be an increased risk of non-delivery. The Council considers that it would be preferable and simpler to only include the arable margins that can be committed to at present throughout the minimum 30 years.
- 2.14 For **paragraph 2.8.8**, the inserted text does remove some of the negligible parcels from the metric, but NKDC would have preferred the use of a minimum mappable unit of 25m² if data had been available to that resolution. The Council requests confirmation that habits that can be represented by points in UKhab such as ponds that are below this MMU size are still included.
- 2.15 Importantly, the currently supplied metric still does not comply with the established Statutory Biodiversity Metric Trading rules, and as such should not be accepted unless a commitment is made to purchase BNG offsite units. A discrepancy still exists between the areas of habitat lost and created on site.
- 2.16 The Council notes the Applicant's comment at paragraph 4.1.1 of the BNG Report that *'The satisfaction of trading rules is not a requirement for DCO projects'*. However, if the full benefit of the biodiversity net gain claimed is to be given weight in the planning balance, then it should be:
- Rigorously identified in accordance with established methodology
 - Secured for delivery through the DCO
 - Monitored and verified to ensure that it is, in fact, delivered on the ground over the period of the development; and so that the Local Planning Authority can take appropriate enforcement action if necessary.

- 2.17 If the first of those steps is not robust, then the subsequent steps will be undermined. The Council suggests that a further meeting is held with the Applicant to go over the BNG Report, clarify where changes are still required, and plot a way forward.
- 2.18 These comments are separate from the NKDC's requests for funding for BNG monitoring verification checks and participation in the Ecological Advisory Group, on which the Council is making separate submissions.

Table 8 Strategic significance categories where a LNRS has not yet been published

Category	Score	Description
High (Formally identified in local strategy)	1.15	<p>The habitat type is mapped and described as locally ecologically important within a specific location, within documents specified by the relevant planning authority.</p> <p>If your project delivers the mapped habitat creation or enhancement actions set out within specified alternative documents, or enhances an existing habitat identified within specified alternative documents as locally ecologically important, strategic significance can be recorded as high in the post-intervention sheets.</p> <p>If the specified alternative documents identify existing habitat as locally ecologically important within a specified location, strategic significance may be recorded as high in the baseline.</p> <p>You should record the name of the plan the relevant planning authority has specified in the user comments and record that you have used the specified document in your gain plan.</p>
Medium (Location ecologically desirable but not in local strategy)	1.10	<p>This category can be applied when the LPA has not identified a suitable document for assessing strategic significance. Users should:</p> <ul style="list-style-type: none"> • explain how the habitat type is ecologically important within a specific location • demonstrate the importance of that habitat in providing ecological linkage to other strategically significant locations • use professional judgement <p>When the above criteria are met, strategic significance may be recorded as medium in the baseline and post-intervention sheets.</p>
Low (Area / compensation not in local strategy)	1	Where the definitions for high or medium strategic significance are not met.

**Framework Decommissioning Environmental Management Plan (FDEMP)
Rev 4 (REP3-021)**

- 2.19 By way of confirmation the Council is satisfied that the proposals dealing with noise in section 3.7 (Table 6) are acceptable.
- 2.20 However, the Council requests that section 3.10 (Table 9) would benefit from the inclusion of a commitment to reassess receptors, given that the District may be significantly different in 60 years' time, and this will enable the mitigation measures to accommodate those changes.

Framework Landscape and Ecological Management Plan (FLEMP) REP3-029

Section 6

- 2.21 The Council makes the following comments on this section of the FLEMP without prejudice to its position that these paths should be dedicated as statutory rights of way as part of a package of mitigation and offsetting measures to ensure that there is no harm to the user experience and effectiveness of the Stepping Out Walks (individually and together) in delivering a range of benefits for mental and physical health, recreation and tourism. The Council has commented on the most recent version of the DCO Requirement 17 separately, in its Responses to Documents Submitted at Deadline 3A.
- 2.22 In **paragraph 6.1.1** of the FLEMP the Applicant refers to Figure 3-3 Proposed Permissive Path Plan of the ES (AS024). Figure 3-3 has been referred to in numerous submissions by the Applicant and the Council has repeatedly drawn attention to the inaccuracies. The Council is aware that the Applicant intends to submit a revised version of Figure 3-3 in the future. However, the Council considers that it should not avoid its obligations to correct previous statements and establish the baseline, existing situation on which its assessment of effects has been based – for instance in ES Chapter 12 where at paragraph 12.5.34 it states that there are seven permissive paths given the identifiers 15BCDE, 15BCD1, 17E42A, 15BCD0, 15BCCF, 15BC81 and 15BCC0. Despite requests, the Applicant has never revealed what paths those identifiers relate to.
- 2.23 The Council notes that in **paragraph 6.1.2** it is proposed that the permissive paths may be closed for up to seven days in any calendar year, in addition to closures for maintenance works. No justification has been provided for this seven day period. If landowners seek to keep a route as a permissive route it is open to them to:
- Erect appropriate signage to make it clear that a path is permissive. Indeed that has already been the case in the area for existing permissive paths for many years (see REP3-054, paragraphs 16 - 19 on pages 4 – 7 including

Photo 2 on page 6). The Applicants themselves suggest that such signs may be erected.

- Give notice under s.31 of the Highways Act 1980 that they do not intend to allow or create any new statutory public rights of way across their land.

- 2.24 The proposed seven day closure period would reduce the use of these routes, is unnecessary and unjustified. As it could come on top of closures for maintenance activities, this reduction in availability is potentially even more harmful.
- 2.25 If nevertheless the ExA supports this provision for non-maintenance closures, the Council asks that section 6 of the FLEMP is amended to require that such closures are to be notified to the relevant local planning authority at least seven days in advance, so that they can be published.
- 2.26 Regarding maintenance closures, Section 6 does not identify what maintenance activities will require closure. The Applicant should identify what activities these might be, and why it might be necessary or preferable to use a permissive path (rather than an alternative access route).
- 2.27 If the permissive path provision is to be given appropriate weight in the planning balance, the Council considers that it is important to establish the full extent of its ability to mitigate or offset adverse effects, or to deliver benefits. The Council's position is that these paths should, along with statutory public rights of way, be kept open and available for the maximum amount of time during the operational period of the development. The suggested limitations to that opening have not been justified.

Health and Wellbeing Summary Statement (REP3-047)

- 2.28 NKDC is satisfied with the treatment of noise and air quality issues within the Summary statement.
- 2.29 As stated at Issue Specific Hearing 3, NKDC defers to Lincolnshire County Council in respect of the majority of the public health aspects of the document. However, NKDC does have a particular interest in relation to how the statement - which relies on the existing application documents and ES chapters - has addressed the potential adverse effects arising from impacts on the user experience for people accessing public rights of way and permissive paths. This is brought into focus for the Stepping Out Walks, which are in part selected and promoted in order to encourage and improve healthy lifestyles, activities and mental health.
- 2.30 The supporting policy basis for the Stepping Out Walks was set out in section 7 of the Council's Written Representation (REP1-057), including reference to:

- relevant Central Lincolnshire Local Plan (CLLP) policy S48 (and supporting paragraph 8.3.1)
- Thorpe on the Hill Neighbourhood Plan
- North Kesteven Active Travel Strategy – which references Stepping Out Walks and the North Kesteven Sport and Physical Activity Strategy 2021 - 2026
- Lincolnshire Walking Strategy – which references health benefits of walking

2.31 The Council was consulted on a draft of the Health and Wellbeing Summary Statement, and is pleased to note that the submitted version now includes references to the policy documents listed above.

2.32 However, in some respects the policy references are very limited, and it is unclear how they relate to the conclusions. For instance, the Lincolnshire Walking Strategy is now referenced in paragraph 2.2.10 of the Health and Wellbeing Summary Statement; but it does not explore how the Strategy links the health and wellbeing benefits of walking to the economy. When referring to the North Kesteven Active Travel Strategy, the Health and Wellbeing Summary Statement does not mention the Stepping Out Walks, despite the Applicant being aware that the Active Travel Strategy has as part of Priority Outcome 1 “*Increase all residents’ awareness of active travel and its associated health, wellbeing and environmental benefits*”, one part of the Action Plan is to “*Investigate the potential for further development of ‘stepping out’ style routes and information for walking and wheeling.*”.

2.33 The Health and Wellbeing Summary Statement does mention the Stepping Out Walks in the context of the Thorpe on the Hill Neighbourhood Plan; and makes the following statement at paragraph 2.2.8:

North Kesteven District Council has identified some local routes as ‘Stepping Out Walks’. These routes, in so far as they are established to be lawfully accessible by members of the public together with other local PRoW, are recognised as forming part of a walking and active travel network that can support healthier lifestyles and improved physical and mental wellbeing. The Applicant is currently working with landowners, who do not accept that North Kesteven District Council has permission to implement the Stepping Out Walks in the Order Limits, to establish the ability for members of the public to lawfully walk these routes.

2.34 The statement regarding landowners was relayed to the Council, and has come as a significant surprise, having identified in its submission REP3-054 (response to Examining Authority’s Second Written Question TT.2.03) where the permissive sections of the Stepping Out Walks are located; and demonstrated that they have been in place for many years, and have continued to be available on the ground following submission of the Application, and during the Examination – including with substantial signage informing users of landowner permission. The Council

maintains that these routes formed part of the environmental baseline underpinning the Environmental Statement assessments. The Council would also urge the Applicant to ensure that the attention of the landowners is drawn to paragraphs 30 and 31 of REP3-054, so that they are able to take into account the possibility of historic rights of way existing across the area.

- 2.35 Although the ES has identified significant adverse visual effects for walkers across parts of the Order Limits, it is not clear that this has also been considered in terms of the potential knock-on effects for levels of useage and reductions in the beneficial effects of walking paths (including for health and wellbeing) when the routes are used following construction of the Proposed Development. The focus, including through the Transport sections of the ES appears to be too heavily on the length of access routes provided or maintained. Stepping Out Walks are not mentioned, as far as the Council is aware, in any other part of the application or ES.
- 2.36 No further mention is made of the Stepping Out Walks is made in the Health and Wellbeing Summary Statement. The Council considers that this illustrates the difference of opinion between the Council and the Applicant on the value of the Stepping Out Walks and the adverse effects arising from impacts on them.
- 2.37 The Council is concerned in relation to the potential for adverse effects on mental and physical health during the lengthy (60 year) operational phase, when the Proposed Development will detract from the user experience of public rights of way and permissive paths, including the Stepping Out Walks. It is not clear that, despite including the policy references above, the Applicant has properly taken this into account. The Council remains of the opinion that impacts on the user experience for walkers – beyond merely changes to access - will have a range of adverse effects, including on mental and physical health and the economy. There are straightforward remedies available to improve mitigation and provide compensation for residual adverse effects, which would involve:
1. Making sections of Stepping Out Walks which are existing / proposed new permissive paths into statutory rights of way – providing security for their long term future
 2. Funding to alter the existing Stepping Out Walks (Thorpe on the Hill, and Morton & Tunman Wood) so that they follow whatever new routes are agreed
 3. Funding to make paths from Witham St Hughs across to Aubourn into a new Stepping Out Walk – for example public consultation, waymarking, preparing the route leaflets and marketing, presence on All Trails, use monitoring. This new route would be substantially within the Order Limits

4. Funding to create a new Stepping Out Walk outside but adjacent to the Order Limits, from Hykeham to Aubourn – which would provide the opportunity to link up the main urban area with other Stepping Out Walks, including the new one WSH – Aubourn referred to above. This would need not just the set up costs and monitoring, but also bringing into the existing maintenance programme.

Comments on the Applicant's Responses to the Examining Authority's Second Written Questions – (REP3-045)

GC.2.09 : Consistency between the Design Approach Document (DAD) and the various submitted framework management plans and terminology used

- 2.38 NKDC welcomes that the Applicant has updated the Framework BSMP to clearly reference the minimum separation distances committed to both the centralised and distributed BESS at paragraph 2.3.5.

DCO.2.01 : Article 2 – interpretation (“maintain”) and Article 5 - power to maintain authorised development

- 2.39 NKDC acknowledges the maintenance Schedules set out in Appendix C, including paragraph C.1.2 and Table C-2 Solar PV Repowering Plan for years 29 - 33. This indicates, for instance, that the wholesale replacement of solar PV modules would be spread over that five year period at a rate of approximately 20% per year.
- 2.40 The Applicant has previously outlined the measures which will ensure that the effects of the replacement and repowering stage will not be greater than those identified in the ES. These include notifying the planning authorities in advance of the replacement schedule for the coming year every 12 months from the date of final commissioning; and including a statement regarding the effects, as a declaration that this part of Article 5 will be complied with. Lincolnshire County Council may wish to comment on the waste management aspects of the main replacement and repowering strategy. That issue aside, the Council is satisfied that spreading this peak period of activity out as suggested in Appendix C is likely to be acceptable.
- 2.41 Nevertheless, the Council remains concerned to ensure that adverse effects – for instance in terms of noise, disruption from additional traffic – are kept to a minimum during this peak period of activity during the operational phase. As this would be some 30 years hence, there remains some uncertainty as to how intensive the activity would be. As drafted, the definition of ‘maintain’ in Article 2 still allows the undertaker to replace 99% of the panels in a single year. There is a risk that this intensity of these particular activities could be more disruptive than

during the original construction phase, albeit that other works may not be taking place concurrently. NKDC considers that the potential adverse effects of the wholesale panel replacement and repowering period could be further reduced, and there would be greater confidence of disruption being kept to a minimum, if the DCO and control documents set a reasonable limit on the proportion of panels to be replaced in a single year.

- 2.42 Therefore whilst it is acknowledged that the Applicant seeks maximum flexibility in carrying out the replacement, the Council requests that the definition of 'maintain' is altered to set a reasonable maximum level of replacement in any 12 month period. The Council is open to discussion on this point, but suggests that 50% might be an appropriate level, so that the wholesale replacement period would be spread out over at least a two year period, similar to the duration of construction. Alternatively, this might be set via parameters in the Framework Operational Environmental Management Plan.

DCO.2.06 : Article 40 (Trees subject to tree preservation orders)

- 2.43 The Council accepts in part the Applicant's position and has commented on Article 40 in its submissions on the DCO (Rev 4) (REP3A-005) at Deadline 4. In short, Council requests that an additional sub-paragraph is added to paragraph (2) of Article 40 as follows:

(d) in carrying out any activity authorised by paragraph (1), the undertaker must have regard to any representations made in writing by the relevant planning authority and received during the 14 day notice period referred to in sub-paragraph (c).

DCO.2.08 : Potential for authorised works being undertaken in advance of NGET's proposed Navenby substation being granted planning permission

- 2.44 The Council notes the Applicant's response to this question, which includes the suggestion of a PPW EMP to be submitted by Deadline 5, and looks forward to reviewing the document. Whilst this is welcome in a number of ways, it does not overcome the Council's position on the need for a Requirement prohibiting the commencement of the Proposed Development unless and until planning permission has been granted and the pre-commencement conditions discharged, for the National Grid Navenby Substation (NGNS). Provisions which seek to mitigate for adverse effects sit below the avoidance of adverse effects in the mitigation hierarchy. Carrying out abortive PPWs and then seeking to rectify the harms resulting will be more damaging than not carrying out those PPWs in the first place. The PPW EMP also cannot deal with abortive construction works. Both are possible if the NGNS is not in place before construction begins; and the Applicant has stated that there is no alternative connection available and included

in the application proposals. The Council has not sought to restrict the Proposed Development from commencing until the NGNS until it is completed and ready to accept a connection. Rather, it is prepared to adopt a more balanced approach as taken 'proactively' by the Examining Authority for the Springwell solar farm by linking the Proposed Development to the grant of permission (and discharge of pre-commencement Requirements) for the NGNS. This is considered to be a reasonable restriction on the DCO.

DCO.2.09 : Permitted Preliminary Works

- 2.45 NKDC notes the Applicant's response to this question in relation to the Permitted Preliminary Works (PPW). The Council has submitted comments on the draft DCO submitted at Deadline 3A (REP3A-005) on this topic.

DCO.2.19 : Requirement 13 (Operational environmental management plan) and section 6 of the FOEMP (REP2-015)

- 2.46 NKDC notes the Applicant's response to this question, but also notes that there are currently no provisions to require decommissioning in the event of an early cessation of generation. The Council seeks a mechanism to ensure that if for some reason – apart from temporary outages and planned repowering - the Proposed Development does not continue to generate renewable energy for the full duration of its 60 year operating consent, then the development will be decommissioned and all infrastructure removed. This is required to restore the planning balance of benefits and harms in such circumstances, and is consistent with the treatment of the proposals as temporary development.

DCO.2.24 – Requirement 17 (Permissive Paths)

- 2.47 The Council has made the following submissions at Deadline 4 which are relevant to the Applicant's response to this question:

- **NKDC Comments on Submissions and Information from Other Parties at Deadline 3** - views on the Applicant's proposed revisions to section 6 of the Framework Landscape and Ecological Management Plan (FLEMP) REP3-029
- **Comments on Submissions and Information from Other Parties at Deadline 3A** - draft Development Consent Order (Rev 4) (REP3A-005) Requirement 17 – Permissive Paths

DCO.2.27 : Requirement 20 (Decommissioning) and the duration of the proposed development

2.48 NKDC would point out that in relation to the last paragraph of the Applicant's response, the Council's suggested wording in NKDC's Response to Examining Authority's Second Written Questions (REP3-055) for this question appears consistent with that put forward by the Applicant. The Council shares the view of the Applicant that any such time limit should relate to the operation of the development, so that the DCO including its decommissioning provisions, remains live and enforceable at the end of that 60 years to avoid complications.

DCO.2.28 : Requirement 20 and funding for decommissioning

2.49 NKDC notes the Applicant's response to this question. In relation to the final paragraph – and if the Council has understood the information provided - this indicates that at this point the estimate of decommissioning costs is in the region of £10m out of a total budget for the development estimated at £340m (paragraph 1.3.1, AS-014). This is based on the Applicant's response which confirms that 'the amount included for decommissioning at this stage is 3 pence per watt', and an assumption that this is based on installed capacity. It strikes the Council that the decommissioning costs appear to be a relatively small proportion of the total costs (around 3%). The Council suggests that if a bond is objectionable, a financial security might be provided in the form of a 'sinking fund'. This would give the Council and the local community greater confidence that it will be possible to draw on that fund in order to decommission the site – either at the end of the 60 year period or if there is a permanent premature cessation of generation - in the event of a default by the owners or operators.

DCO.2.31 : Schedule 15 - Fees

2.50 NKDC has responded on this point separately in its comments at Deadline 4 on the Applicant's submission of a draft DCO (REP3A-005).

ENC.2.01

2.51 NKDC has responded on this point in this document, in its comments on the revised BNG Report (REP3-025).

HE.2.01 : Historic Environment

2.52 NKDC has commented on the Applicant's submitted Heritage Technical Note (REP3A-026) in its submission Comments on Submissions and Information from Other Parties at Deadline 3A.

LV.2.04 : Views experienced by recreational users of public rights of way (PRoW)

2.53 NKDC rejects the opinion of the Applicant that the selection and use of the Stepping Out Walks are primarily and overwhelmingly for exercise (which does not

in any case seem to be properly acknowledged in the Applicant's Health and Wellbeing Summary Statement (REP3-047) as being significant) or to get from A to B. Appreciation of the landscape and views is very much a major factor in the selection and promotion of these walks, and in the user experience. The Applicant is wrong on this point.

PE.2.01 : Health and Wellbeing, and PE.2.02 : Mental Health

- 2.54 NKDC has commented on the Applicant's Health and Wellbeing Summary Statement (REP3-047) elsewhere in this document.

TT.2.04 : Identification of Permissive Paths

- 2.55 Disappointingly, the Applicant continues to state that Figure 3-3 (AS-024) illustrates the retained and proposed permissive paths known by the Applicant. NKDC made oral submissions at Issue Specific Hearing 3 stating clearly that this figure did not show all existing permissive paths within the Order Limits. Subsequent to that hearing, NKDC met with the Applicant and showed a plan identifying a number of sections of existing permissive path which were not shown on Figure 3-3; this plan was discussed. On 17 March 2026 – in advance of Deadline 3 - NKDC submitted its Response to the Examining Authority's 2nd Written Question TT-2-03 which included lengthy material illustrating that the Applicant had failed to identify all existing permissive paths within the Order Limits, including a plan. That submission was provided to the Applicant the same day (17th March) so that the Applicant had it available when itself responding to question TT.2.04.
- 2.56 The Council notes that the Applicant now states that it had identified existing permissive paths through discussions with landowners. Previously, the Applicant also stated that it had based this on site inspections. Removal of the site inspection element reflects the fact that if such site inspections were undertaken, they were clearly deficient, given the presence of extensive permissive path waymarking, and signs identify the paths as permissive with reference to the Highways Act 1980.
- 2.57 The Council will continue to discuss this issue with the Applicant.

3. Comments on the Submissions of Other Parties

Comments on Deadline 3 by Navenby Energy Ltd (subsidiary of NatPower UK Ltd) – (REP3-070)

- 3.1 The Council has noted the submission on behalf of NatPower in respect of the live planning application referenced 25/0533/FUL for a proposed battery energy storage system (BESS) together with associated infrastructure, engineering works

and landscaping on land off Hill Rise, Coleby. The Council can confirm that the application remains undetermined at this time and has been subject of a Regulation 25 notification under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. At present there is no fixed timescale for the determination of the application given that it rests on the submission of further Environmental Information to address Regulation 25, and the associated re-consultation and publicity requirements. As noted on sheets 12 and 13 of the Land Plans document AS-104, the proposed cable corridor route runs through the southern part of the proposed BESS site area with reference to the site location plan submitted with the BESS planning application.

- 3.2 We offer no comment on the content of the NatPower letter including the practicality and safety of co-locating a transmission-grade cable corridor and a BESS installation within the same development parcel. However, we advise that the associated attachment plan of the underlying BESS site layout 'Proposed Cable – FG2' does not correspond with the plan currently accompanying the live planning application. Our understanding is that the applicant is in the process of considering layout options and associated amendments. However, these are not yet subject to public consultation.

Comments on Deadline 3 subsidiary by NGET Plc (REP3-063)

- 3.3 NKDC notes this submission in response to the Examining Authority's Second Written Question GC.2.01, but has no comment to make at this stage.

Comments on Deadline 3 subsidiary by Natural England (REP3-065)

- 3.4 NKDC notes this submission in response to the Examining Authority's Second Written Questions.
- 3.5 For question DCO.2.09, the Council shares Natural England's uncertainties regarding whether above ground site preliminary works will involve activities such as vehicle tracking which could compact soils.