



# Fosse Green Energy

EN010154

9.24 Applicant's Response to Deadline 3  
and 3A Submissions

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VOLUME

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Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure)

Rules 2010

31 March 2026

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## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

Fosse Green Energy  
Development Consent Order 202[ ]

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#### **9.24 Applicant's Response to Deadline 3 and 3A Submissions**

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# 1. Introduction

## 1.1 Purpose of this document

1.1.1 The purpose of this document is to provide Fosse Green Energy's ('the Applicant') response to the relevant Deadline 3 and Deadline 3A Submissions made by Interested Parties (IPs) and Non-Interested Parties (non-IPs), submitted to the Examination on 20 March 2026 and 24 March 2026 respectively. This document focuses on responding to comments from IPs/non-IPs which raise new, or substantially different, points to those already raised and responded to by the Applicant as part of previous submissions – for example, within the following documents:

- Applicant's Response to Relevant Representations **[REP1-047]**;
- Applicant's Response to the Examining Authority's First Written Questions **[REP2-029]**;
- Applicant's Response to Written Representations **[REP2-030]**;
- Applicant's Response to Local Impact Reports **[REP2-031]**;
- Applicant's Response to Post Hearing Summaries **[REP2-032]**;
- Applicant's Response to Examining Authority's Second Written Questions **[REP3-045]**; and
- Applicant's Response to Deadline 2 Submissions **[REP3A-025]**.

1.1.2 It should be noted that several of the Deadline 3 and Deadline 3A submissions have been re-categorised from the title of their submission within the Fosse Green Energy Examination Library, given that their submission focusses on a different topic or category of response.

## 1.2 Structure of this Document

1.2.1 This document provides a response from the Applicant to the relevant matters raised in the Deadline 3 and Deadline 3A Submissions, and is structured as follows:

- a. Deadline 3 and 3A Submissions:
  - i. **Table 2-1:** Deadline 3 Submissions: The Applicant's responses to Deadline 3 Submissions.
  - ii. **Table 2-2:** Post Hearing Submissions: The Applicants responses to Post Hearing Submissions, including written summaries of oral submissions and any responses to any hearing action points.
  - iii. **Table 2-3:** Response to Issue Specific Hearings (ISH) 3 and ISH4 Action Points: The Applicants response to responses on ISH3 and ISH4 Action Points.

- iv. **Table 2-4:** Notes from Open Floor Hearing 1 (OFH1) Oral Submission: The Applicant's responses to Notes from OFH1 Oral Submission.
  - v. **Table 2-5:** Deadline 3A Submissions: The Applicant's responses to Deadline 3A Submissions.
  - vi. **Table 2-6:** Comments from any party on any submissions and any information received at Deadline 2: the Applicant's responses to comments from any party on any submissions and any information received at Deadline 2.
- b. ExQ2 Responses:
- i. Table 3 1a: Applicant's response to: the responses provided by North Kesteven District Council to the ExA Second Written Questions
  - ii. Table 3 1b: Applicant's Responses to the responses provided by Historic England to the ExA Second Written Questions
  - iii. Table 3 1c: Applicant's Responses to the responses provided by National Highways to the ExA Second Written Questions
  - iv. Table 3 1d: Applicant's Responses to the responses provided by Natural England to the ExA Second Written Questions
  - v. Table 3 1e: Applicant's Responses to the responses provided the Environment Agency to the ExA Second Written Questions
  - vi. Table 3 1f: Applicant's Responses to the responses provided by Network Rail to the ExA Second Written Questions
  - vii. Table 3 1g: Applicant's Responses to the responses provided by Lincolnshire County Council to the ExA Second Written Questions
- 1.2.2 For ease of reference, a table of acronyms used in this document is provided in **Table 1-1** below.

**Table 1-1: Abbreviations**

<b>Abbreviation</b>	<b>Definition</b>
AIL	Abnormal Indivisible Load
ALC	Agricultural Land Classification
ANPR	Automatic Number Plate Recognition
AWS	Anglian Water Services
BESS	Battery Energy Storage System
BMV	Best and Most Versatile Land
BNG	Biodiversity Net Gain
BPA	British Pipeline Agency Limited
BS	British Standard
BSI	British Standards Institution
BSMP	Battery Safety Management Plan
CEMP	Construction Environmental Management Plan
CNP	Critical National Priority
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEFRA	Department of Environment, Food and Rural Affairs
DEMP	Decommissioning Environmental Management Plan
DESNZ	Department for Energy Security and Net Zero
DMS	Delivery Management System
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EPD	Environmental Product Declaration
ES	Environmental Statement
ESSCP	Employment, Skills and Supply Chain Plan
ExA	Examining Authority
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
GPG	Good Practice Guidance
GVA	Gross Value Added
GWh	Gigawatt hours
Ha	Hectares

<b>Abbreviation</b>	<b>Definition</b>
HDD	Horizontal Directional Drilling
HER	Historic Environmental Record
HV	High Voltage
IP	Interested Party
kV	Kilovolt
LCC	Lincolnshire County Council
LEMP	Landscape and Ecological Management Plan
LFRS	Lincolnshire Fire and Rescue Service
LGV	Local Good Vehicle
LIQ	Land Interest Questionnaire
LNR	Local Nature Reserve
LPA	Local Planning Authority
LWS	Local Wildlife Site
LWT	Lincolnshire Wildlife Trust
LVIA	Landscape and Visual Impact Assessment
MW	Megawatt
MWh	Megawatt Hours
NE	Natural England
NFCC	National Fire Chiefs Council
NGED	National Grid Energy Distribution
NGET	National Grid Energy Transmission
NH	National Highways
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Project
OEMP	Operational Environmental Management Plan
PEA	Preliminary Ecological Appraisal
PFAS	per-and poly fluoroalkyl substances
PINS	Planning Inspectorate
PPW	Permitted Preliminary Works

<b>Abbreviation</b>	<b>Definition</b>
PRoW	Public Right of Way
PRoWMP	Public Right of Way Management Plan
PV	Photovoltaic
RAF	Royal Air Force
SAC	Special Area of Conservation
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SRN	Strategic Road Network
SWDS	Surface Water Drainage Strategy
TA	Transport Assessment
tCO <sub>2</sub> e	Tonnes CO <sub>2</sub> Equivalent
TEC	Transmission Entry Capacity
TCPA	Town and Country Planning Act
TPO	Tree Preservation Order
TTM	Temporary Traffic Management
UKHSA	UK Health Security Agency
WCA	Wildlife and Countryside Act
WCHAR	Walking, Cycling and Horse Riding Assessment
WHO	World Health Organisation
WMP	Water Management Plan
WSI	Written Scheme of Investigation
WRMP	Water Resources Management Plan
ZoI	Zone of Influence
ZTV	Zone of Theoretical Influence

## 2. Applicant's Responses to Deadline 3 and 3A Submissions

### 2.1 Comments on Deadline 3 Submissions

Table 2-1: Applicant's response to: Deadline 3 Submissions

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
Barry Smith [REP3-097]	Connection Agreement	There is no proof of Gate 1 & Gate 2 connection agreements within the NESO TEC Register. Currently all we have is the Applicant's verbal statement at ISH1. "The Applicant awaits confirmation from NESO of its confirmed connection date for the solar ..... and indicative connection date for the BESS ...." Hence, by definition, neither Gate 2 or Gate 1 approvals have been achieved.	<p>The Applicant respectfully disagrees with the conclusion reached in this response.</p> <p>Following ISH1, the Applicant produced a written note summarising connections reform. This was submitted as Appendix A to The Applicant's Written Summaries of Oral Submissions – Issue Specific Hearing 1 [REP1-046] and explains how NESO is managing the grid connection process in relation to generating stations and batteries and what the implications are for the Proposed Development. Paragraphs A.1.16 and A.1.17 of that Appendix, confirm the status of the Proposed Development's connection agreements and NESO's reprioritisation results.</p> <p>As detailed in this note, the connection registers (including the Transmission Entry Capacity (TEC) Register) are being updated incrementally, and the registers are not expected to be fully and completely updated until 2027 at the earliest.</p> <p>NESO updated its timeline for Connections Reform at <a href="https://www.neso.energy/industry-information/connections-reform/connections-reform-timeline">https://www.neso.energy/industry-information/connections-reform/connections-reform-timeline</a> on 13 Feb 2026. The timeline clearly states that:</p> <ul style="list-style-type: none"> <li>• The start of customer notifications about applications (transmission) took place on 8 December 2025</li> <li>• The final notifications process has started for all customers and NESO is working in priority order to send offers to customers. The timeline for final notifications lasts until mid-March 2027</li> </ul> <p>NESO's frequently asked questions page <a href="https://www.neso.energy/industry-information/connections/help-and-support/faqs">https://www.neso.energy/industry-information/connections/help-and-support/faqs</a> explains that only after customers have signed their offers, will NESO update any relevant registers, such as the TEC Register with project details. Therefore, it should not be surprising that no information is yet available on the TEC Register for this project or indeed many other projects.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
Barry Smith [REP3-097]	Climate Change	<p>The Table in response to GC.1.03 is more meaningful when including power output as in REP2-033 Table 8.1. Independent calculations (shown below) suggest the data provided by the Applicant equates to a load factor (efficiency) range of approximately 15 to 20%. Open-source information and UK Government official data indicate that the 2024 solar PV load factor was 9.5%. Given this figure, the Applicant cannot justify such unrealistically high predicted load factor figures for the proposed development.</p> <p>Load factor calculations (based upon figures presented in REP2-033, Table 8.1):</p> <p>The theoretical maximum (100%) annual power output would be 240MW x 24 x 365 = 2,102,400 MWh</p> <p>Lower Load Factor:  <math>(23.9 \times 663) + (47.9 \times 441) + (71.8 \times 421) + (95.8 \times 298) + (119.7 \times 284) + (143.7 \times 225) + (167.6 \times 170) + (191.6 \times 145) + (215.5 \times 460) = 317,477</math> MWh            317,477 divided by 2,102,400 = 15.3%</p> <p>Higher Load Factor:  <math>(23.9 \times 1011) + (47.9 \times 663) + (71.8 \times 441) + (95.8 \times 421) + (119.7 \times 298) + (143.7 \times 284) + (167.6 \times 225) + (191.6 \times 170) + (215.5 \times 145) + (239.5 \times 460) = 416,097</math> MWh            416,097 divided by 2,102,400 = 19.8%</p> <p>Furthermore, it appears the Applicant has applied a load factor of 15.4% in their calculation of a total energy generation figure of 19,438,499 MWh (APP-031 Chapter 6 Para 6.4.67). There is no evidence that such a high figure can be achieved in the UK; this would require either a 50% increase in sunshine hours each year which official Met Office data does not support or increased performance at an unrealistic scale from the panels as the physics associated with silicon PV panels are reaching their limits of efficiency. Using a realistic load factor of 10%, i.e. an increase of 10% over latest generation panels efficiency, the total energy generation figure should be 12,623,040 MWh.</p> <p>The Applicant's Green House Gas (GHG) emissions assessment of 110,110 tCO<sub>2</sub>e manufacturing emissions (APP-031 Table 6.7) for the solar PV panels is not worst case. The proposed Springwell Solar development estimate of GHG emissions is based on more up to date analysis and should be taken as worst case in accordance with the Rochdale Envelope. Manufacturing emissions are circa 386,872 tCO<sub>2</sub>e for initial manufacture and a similar amount for the replacement panels at the 30 year point. APP-031 Table 6.7 should therefore total 530,392 tCO<sub>2</sub>e. Table 6.8 then becomes 557,444 tCO<sub>2</sub>e. Table 6.10 becomes 748,994 tCO<sub>2</sub>e. Totalling the revised figures for Tables 6.8</p>	<p>The predicted load factor is as a result of the overplanting ratio – in effect, an overplanting ratio of 1.6 creates the scenario outlined by the IP in this comment, where effective sun hours are increased compared to the 240MW, meaning the yield assessment and load factor is in line with the load factor outlined in the IP's calculation. This has been used as the basis of the DCO Application. This is one of the inherent design choices made to overplant the DC capacity of the scheme compared to the grid connection.</p> <p>As noted in response to Deadline 2 submissions, p48 of [REP3A-025], the Raw Data and Emissions Factors (Appendix 8.1 of the Springwell Solar Farm ES [EN010149/APP/6.3]) for the Springwell Solar Farm sets out its emission factors and approach in the following reference, however it is not possible to trace the emission factor used for the solar panels. The Applicant would note that the emission factor is per m<sup>2</sup> of panel in Springwell, however MW capacity is likely to be the most representative functional unit and was used in Chapter 6: Climate Change of the ES [REP1-017]. The Applicant is unable to comment or compare the methodology with Springwell, but stands by the emission factors presented in the ES Chapter being applicable and representative using EPDs that are publicly available and representative of large solar manufacturers.</p> <p>As noted in response to Deadline 2 submissions, p49 of [REP3A-025], The Clean Power Action Plan target focuses on DESNZ figures for carbon intensity of electricity which do not include construction or embodied carbon, so therefore the figures here would not be applicable and the Proposed Development would be near 0gCO<sub>2</sub>e/kWh in practice when contributing to this target as it focuses on operational combustion emissions.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>(construction) and 6.10 (operation) plus the figure of 2,869 tCO<sub>2</sub>e from Table 6.12 (decommissioning) gives a reasonable worst case life time GHG emissions figure of 1,309,307 tCO<sub>2</sub>e compared with the Applicant's figure of 715,924 tCO<sub>2</sub>e.</p> <p>Applying a realistic load factor of 10% this gives a total 60 year generation figure of 12,623,040 MWh and using the lifetime GHG figure of 1,309,307 tCO<sub>2</sub>e results in a lifetime carbon intensity figure of 104 gCO<sub>2</sub>e/kWh.</p> <p>This figure is based on realistic Government approved data regarding efficiency (load factor) of solar farms and a Rochdale Envelope reasonable worst case assessment of GHG emissions based on the latest available data from the Springwell applicant, THIS FIGURE IS OVER DOUBLE THE GOVERNMENT'S 2030 CLEAN POWER ENERGY TARGET. On this basis the FGE development application should be refused.</p>	
<p>Barry Smith [REP3-097]</p>	<p>Overplanting</p>	<p>In terms of the overplanting ratio, the Applicant states "adopting an overplanting ratio of 1.6 results in an overplanting ratio of 1.02 at year 30 when accounting for module degradation and Nominal Operating Cell Temperature (NOCT) conditions." Yet REP2-033, Table 5.2 for NOCT conditions commences at Year 1 with an overplanting ratio of 1.17 not 1.6. REP2-033, Paragraph 5.3.1 states that NOCT better accounts for UK conditions, so an overplanting ratio greater than 1.2 cannot be justified. This results in a reduction of 139,250 panels, for the fixed south facing option, to 426,750 significantly reducing the required land for the array.</p> <p>At ISH3 the issue of overplanting was discussed. Referring to REP2-033 Table 5.2, it appears that the Applicant's argument is based on using Standard Test Conditions (STC) for year 1 with a starting point of 1.56 effective overplanting and the NOCT conditions for year 30 with an effective overplanting ratio of 1.02. Overplanting should be based on either STC or NOCT conditions, not a mix. If STC were used, Table 5.2 clearly shows 1.37 effective overplanting at Year 30; hence the Year 1 figure is too high. Therefore, using either STC or NOCT, a Year 1 figure of 1.6 is not justified.</p>	<p>The Applicant submitted an updated Solar Technology Technical Guide [REP3-036] to the Examination at Deadline 3 which provides further explanation on the use of STC and NOCT. As stated in the explanation on capacity factor, a reduction in the overplanting ratio reduces the capacity factor of the grid connection when measured at the grid connection point.</p> <p>There are large differences between NOCT and STC. The former is Nominal Operating Cell Temperature which is representative of real world conditions. The latter is Standard Test Conditions, which is the performance under specific laboratory conditions. The overplanting is based on NOCT due to its being real world conditions and therefore more relevant to the Proposed Development. The Solar Technology Technical Guide [REP3-036] clearly demonstrates why the overplanting designed into the Proposed Development is required and justified.</p>
<p>Barry Smith [REP3-097]</p>	<p>BESS Fires</p>	<p>The Applicant's response references REP2-029 Appendix B. This Appendix is titled 'Worldwide BESS Fire and Failure Incidents' yet it focuses on UK incidents with very little detail regarding numerous worldwide incidents. Many of these incidents have involved BESS constructed post the first issue of NFA 855 (2019) contrary to the Applicant's argument. In addition, contrary to the Applicant's statement, there have been 4 BESS fires in the UK (plus a further one in Ireland).</p>	<p>As set out in Appendix B Worldwide BESS Fire and Failure Incidents of the Applicant's Response to the Examining Authority's First Written Questions [REP2-029], it is acknowledged that the ExA's question related to worldwide fire incidents, however (as noted), the Applicant considers these to be less relevant due to the safety standards being lower than the UK in some countries, and therefore the safety history of BESS in the UK is the most relevant to the Proposed Development.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>“... there have been other BESS fires outside the UK. The Applicant considers these to be less relevant due to the standards being lower than the UK in some countries .....” In reality, BESS worldwide have been constructed to the same US legislation quoted by the Applicant as applicable for this development. Lithium-ion batteries are classed in the UK as articles not substances so are not covered by Control of Major Accident Hazards (COMAH). Currently, other than generic HSE legislation, there is no specific UK legislation covering BESS ( “Remarks on the Safety of Lithium-Ion Batteries for large scale BESS in the UK”, published in Fire Technology dated 21 Dec 24, by Professor Peter Edwards and Professor Peter Dobson).</p> <p>In terms of the BESS fires in the UK, the Applicant states “These fires would not have occurred if the principles and commitments in the Framework BSMP for the Proposed Development had been applied.” This statement implies that the proposed development will be 100% safe. The nuclear industry (which is regulated to a massive degree compared with the BESS industry) does not make such claims; it works to degrees of risk, probability and consequence. Hence, despite the Applicant’s predicted low risk and low probability, the consequences of a BESS fire can, in the worst case, be catastrophic. In this respect, the Applicant has not assumed a Rochdale envelope, worst-case scenario, which would include propagation beyond a single container.</p>	<p>Regarding the statement “In reality, BESS worldwide have been constructed to the same US legislation quoted by the Applicant as applicable for this development”, this is incorrect. There is no single global legislative framework governing BESS deployment, and safety standards in some countries are lower than those in the UK (or US, given Mr Smith mentions this guidance), hence the focus on UK BESS fire incidents in Appendix B Worldwide BESS Fire and Failure Incidents of the Applicant’s Response to the Examining Authority’s First Written Questions <b>[REP2-029]</b>.</p> <p>In the UK, although lithium-ion batteries are not currently regulated under Control of Major Accident Hazards Regulations 2015, this does not imply an absence of regulatory control. BESS developments are subject to a comprehensive framework including industry standards and guidance (such as guidance from NFCC, NFPA 855, and International Electrotechnical Commission (IEC) and Underwriters Laboratories (UL) standards (e.g. UL9540 / UL9540A testing)), the Health and Safety at Work etc. Act 1974, the Regulatory Reform (Fire Safety) Order 2005, planning controls, and oversight by bodies such as the Health and Safety Executive and local fire and rescue services.</p> <p>Regarding the Rochdale Envelope, this principle focusses on allowing design flexibility within an ‘envelope’ of minimum and maximum parameters rather than designing a specific, fixed parameter; it is not a principle intended to require rare, catastrophic events to be assessed. In fact the Environmental Impact Assessment process requires the assessment of ‘likely significant effects’. As noted in the Unplanned Emissions Assessment set out at Appendix 14-G to ES Chapter 6 <b>[APP-176]</b> a single module fire is unlikely, but if it were to occur “it is very unlikely, given the control measures, that the fire would spread to the rest of the modules in a cabinet, or from a single cabinet to a larger BESS container”. Nevertheless, the assessment concludes “Even if all the systems should fail, and a large-scale fire break out within a cabinet, then the resultant hydrogen fluoride concentration at the closest receptors would be below the level that UKHSA has identified as resulting in notable discomfort to members of the general population”.</p>
Barry Smith <b>[REP3-097]</b>	Grid Connection	The Applicant states “Under the commercial agreement between the Applicant and NGET, should no new substation at Navenby be available, it would fall to NGET to find an alternative point of connection for the Proposed Development.” REP2-051, states “NGET considers that the delivery of the proposed solar farm in the event that the proposed Navenby substation did not receive planning permission or was not built is a matter for the Applicant to clarify.” This is clearly not an area of common ground.	The Applicant has prepared a <b>Technical Note for the proposed National Grid substation near Navenby [REP3-046]</b> which clarifies the situation in the event (albeit one which the Applicant considers is unlikely to occur because of the reasons set out in that technical note) that the Navenby substation does not receive planning consent.

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
Barry Smith [REP3-097]	Swales	<p>In response to the ExA, the Applicant states “In the unlikely event of a BESS event, ..... the swales provide a secondary containment and temporary storage function. ....In the event of a fire, and prior to applying the fire water, the outfalls from the BESS areas will be closed via automatic penstock valves or similar systems, isolating the BESS areas drainage from the wider environment.” REP2-030 page 215 states “The Solar Stations, BESS Compound, and Onsite Substation will include some areas of concrete pads, therefore sealing the ground, within gravel compounds. The swales and access tracks will be crushed stone or gravel and therefore still able to drain, and not sealed as such.” This contradiction is extremely concerning. Will the swales be impermeable and therefore contain potentially contaminated firewater or permeable and ‘still able to drain’ thereby contaminating the land and affecting the protected drinking water area?</p>	<p>It should be noted that the Drainage Strategy General Arrangement (Annex C of the Framework SWDS [REP3-014]) differentiates between the BESS Attenuation Swales and the Infiltration Swales. As noted at paragraph 4.1.9 of the Framework SWDS [REP3-014], swales around all of the BESS areas (for both the centralised and distributed options) and Onsite Substation area will be lined with an impermeable membrane or similar impermeable barrier to prevent any pollution associated with fire water runoff from entering the ground. As explained further within the Framework SWDS [REP3-014] (e.g. at paragraphs 4.1.10 and 4.5.5), discharge of runoff from the attenuation swales will be controlled by penstocks at each location so that runoff from the BESS can be isolated prior to entering the infiltration swales.</p>
James Gallagher [REP3-082]	Traffic and Transport Assessment	<p>From the opening of the Enquiry, I have been concerned that the applicant's documents demonstrate a lack of understanding of the impact of construction traffic to and from sites. A simple example is that the applicant reports nil personal injury collisions (PIC) on Green Man Road (GMR) which, as a Navenby resident, I know to be incorrect (which I subsequently confirmed from www.crashmap.co.uk and contact with LRSP). I am not suggesting that the GMR PIC data in itself is significant but rather it is indicative of a wider understatement of the traffic impact.</p> <p>Due to other time commitments, I have not been able to do a full critique of the traffic assessment but have tried to review a few sample topics, such as the morning peak hour assessment. This has not been easy; I wrote to the applicant on 15th January 2026 and got a reply on 12 March (some eight weeks later). Delay in response by the applicant has made it difficult to challenge assessments that may be relied upon in the statement of common ground with LCC Highways. The applicant implies in Table 13-26 of Chapter 13: Traffic and Transport (APP-038) that no construction traffic associated with the principal site or connection corridor will transit junctions J9/10/11/12 during peak hours - this is not plausible for several reasons and I will cite three.</p> <p>Paragraph 7.4.11 of the volume 7.18 Framework CTMP says "staff arrivals have been assumed to take place between 07:00- 08:00". I understand that workers will arrive at the Principal site and then be transported to the connection corridor by shuttle bus - most having transferred from personal vehicles or shuttle buses bringing them from surrounding urban centres. The logistics of this mass transfer are not described by the applicant but unless early arrivals are to have long transfer waits, there would be a shuttle bus bring workers to the connection corridor between 7.00 and 8.00.</p>	<p>The road traffic collision data was requested from County Highways (LCC) for the study area which was agreed with LCC at an early stage in the process as part of the Transport and Traffic assessment in Chapter 13 of the ES [REP3-010]. This aligns with the HGV routeing. The single incident highlighted on Green Man Road occurred outside the extents of this study area, and beyond the extent of the road used by traffic travelling from the A15 to the site access.</p> <p>The shuttle bus movement carrying Cable Corridor (CC) workers from the Principal Site to the CC will occur between 07:00-08:00; however, to ensure a robust assessment, LCC requested that the Applicant consider and assess workers arriving at the Principal Site in the shoulder peaks to the (Proposed Development wide) network peak of 08:00-09:00, i.e. 07:00-08:00. Therefore, this shuttle bus is included in the subsequent hour traffic flows (08:00-09:00) instead, hence this movement does not feature in Table 13-26.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
James Gallagher [REP3-082]		<p>Second, not everyone visiting the connection corridor will use the shuttle bus. The applicant has not indicated the contractual status of workers (hourly paid employees vs self employed contractors). The latter will typically have their own tools in LGVs and, as time is money, wish to get on site as soon as they arrive in the area. The applicant says their contracts will address timing arrival but unless staggered, there is likely to be a build up of traffic in Navenby. The High Street has very limited parking but has shops that are attractive to passing trade (e.g. a traditional village bakery and newsagent/tobacconist). It already has peak time parking problems (parking in bus stops used by service and several school buses, parking on double yellow lines and blocking residents drives). I understand the applicant is not proposing to ban LGVs from use of Navenby High Street so it seems inevitable to me that between 7.00 and 8.00 there will be not only extra traffic but also problematic LGV parking in Navenby - neither of which is recognised by the applicant in relation to their project let alone the construction traffic from other schemes.</p>	<p>It is expected that 12 of the 30 vehicles travelling to and from the Cable Corridor site each day will be LGVs. These would travel to/from the site between 09:00 and 17:00, with demand spread over the period, avoiding specific peak impacts.</p>
James Gallagher [REP3-082]		<p>Third, there will be worker traffic (shuttle buses, LGVs and cars) going to the Principal site from Sleaford and areas further east. The distance from the Holdingham roundabout in Sleaford to the Principal site is about 17 miles via the A15 and 50% longer via the A46. It is untenable to suggest that none of this traffic will transit down the A15 through junction 12 (GMR/A15).</p> <p>Moving on from just the connection corridor, I think the applicant has presented a too optimistic assessment of the volume and timing of traffic. As examples, I cite a few further points on shuttles, as described in 7.4.13 to 7.4.17 of 7.18 Framework CTMP. Six main urban areas are identified as having shuttle buses. 7.4.14 states "two shuttle services would therefore be required to/from each area. This equates to a total of eight shuttle services in the morning" - why eight rather than twelve - (2 from 6 centres)? Paragraph 7.4.16.e say that "A shuttle service round-trip (e.g. from the Principal Site to local worker accommodation in Lincoln for example, and then back to the Principal Site) is expected to take around 15-30 minutes on average". The users of the shuttle are stated to be "Non-local Staff staying in Nearby Accommodation". I assume this means centralised accommodation (e.g. hotels) so one collection point is practical, rather than domestic accommodation (e.g. rented housing dispersed through the urban area) as the latter is more likely to involve multiple pick-up points and slower journeys. Looking on google maps on 15 March for car travel on Monday 16 March from a point central to most Lincoln hotels (i.e. the bus station) to the Principal compound at Haddington, a departure at 6.55 will take between 14 and 22 minutes one way and at 7.25 take between 14 and 24 minutes. By bus, it is likely to be slower than car and, allowing for boarding/unloading time, a 15 minute round trip is impossible and 30 minute round trip a very low probability. Travel time to other urban centres will be significantly longer. There are several</p>	<p>Worker travel to the site has been based on an assessment of distribution and assignment which results in traffic approaching the Principal Site from the A46 and not the A15. However, even an overly robust assumption that 25% of staff trips (including cars and shuttles) would use the A15 (56 total vehicles in the AM and PM peaks, and 112 vehicles daily), applying these numbers to Table 13-26 would still result in a less than 30% increase in traffic flows on all receptors on the A15 in the AM Peak, PM Peak and daily, which would be classified as insignificant in the context of the baseline flows according to the IEMA assessment criteria.</p> <p>LGVs are not relevant to the peak hours as they travel between 09:00 and 17:00, however, similarly if 25% of these (25 vehicles) in addition to the 112 staff vehicles were included in the daily total, the percentage increase in flows on A15 receptors would be less than 30%, and so would be classified as insignificant in the context of the baseline flows based on the IEMA assessment criteria.</p> <p>The six areas identified were grouped into four areas/ centres – Lincoln, Newark, Grantham/ Sleaford and Retford/ Worksop, with two shuttle buses assigned to each of these, hence eight shuttle buses in total. A subsequent exercise, using 2021 Census dataset TS001 (Number of usual residents in households and communal establishments) and factoring in local populations and travel time, determined that these eight shuttle buses would be sufficient, but would not be evenly distributed between the four centres listed above, but rather would equate to five collecting people from Lincoln (232 people) and three from other nearby centres (one from Newark, one from Grantham/ Sleaford &amp; one from Retford/ Worksop). This figure has not been challenged by LCC in its review of the submission and so is understood to be acceptable to LCC.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>implications of this including a need for more buses, the inability of buses to multi-trip and less flexibility to accommodate localised peaking (e.g. conflict with school traffic in the six centres). The restricted shuttle timings are also likely be unattractive to many users. For example, at the beginning and end of the working week, workers are likely to save time by driving straight to/from the compound from their weekend accommodation.</p> <p>The applicant has not indicated any mitigation for this (e.g. by requiring parking permits at sites and granting them only to those permanently living locally). The matters described above, although minor individually, are just examples of an assessment that understates the overall problem of construction traffic that is, in aggregate, very significant.</p>	<p>A single shuttle bus worker collection point from each local centre has been assumed, however the precise locations are not known at this stage. Journey times always vary and are dependent on precise locations and traffic conditions. However, it is considered that the 15–30-minute round trip travel time to/from a location in Lincoln (particularly south/ central Lincoln) from the Principal Site is generally achievable at non-peak (i.e. 06:00-07:00) time. Although it is acknowledged that round trips to some of the potential locations further away may take slightly longer, it has been assumed that each shuttle bus round trip will occur within a single hour, which offers a robust assessment in terms of impact on the network.</p> <p>Parking at the Principal Site is to be limited and will be adequately managed and controlled as set out in paragraph 7.4.2 and Section 7.6 of the Framework CTMP <b>[REP3-032]</b> and in this sense such 'ad hoc' parking by employees will be restricted preventing such from occurring this will be monitored by the Transport Co-ordinator within the Detailed CTMP. This will include ensuring that all staff report to the Principal Site on arrival and do not travel directly to the Cable Route Compound.</p>
<p>Thurlby Parish Meeting <b>[REP3-060]</b></p>	<p>Lack of Detail and Applicant Credibility</p>	<p>The Parish argues that vague and “indicative” plans make it impossible to properly assess the range of impacts.</p> <p><u>Significant Lack of Detail</u> It is a matter of record, and concern, that there are still so many aspects and issues either, or both, lacking in substantive detail or classified as “Indicative”. These include potential battery storage plans, footpath closures, screening timing, quality and effectiveness, plus Community Funding and others.</p> <p><u>Applicant Credibility</u> There is real disappointment with the applicant about both the “Lack of Detail” aspect and also the Community Fund. Despite warm indications, even promises, at the 2023/24 FGE Community Consultations, it now appears that the earliest any such funds might materialise will be the mid 2030’s at the earliest. There is considerable concern, because it is believed that the applicant will sell the entity, and any granted planning permission, to some unknown third party. It is not certain that Fosse Green will be around to deliver, nor be responsible and answerable for, any of their promises and future commitments. It is believed that this is the underlying reason for so much “Lack of Detail”.</p> <p>Consequently, we request that such future commitments are made a planning condition binding on any future owners.</p> <p>Thurlby Parish formally objects to the proposal and requests that it is dismissed.</p>	<p>Whilst the Applicant notes the IPs comments regarding a lack of detail, it should be acknowledged that the level of detail and information provided at this stage is appropriate, sufficient and in-keeping with the level of detail expected at this stage of a DCO application, as detailed design is undertaken post-consent. Indicative or illustrative plans, such as Figure 3-2A Indicative Fixed South Facing Site Layout Plan of the ES <b>[AS-022]</b>, are used within the DCO Application to contextualise the Proposed Development and demonstrate a likely design that could feasibly come forward within the parameters and controls sought for approval, including those set by the Proposed Development Parameters <b>[REP1-029]</b>, Design Commitments (which form Appendix A of the Design Approach Document <b>[APP-186]</b>), and the various framework management plans. The level of detail provided at this stage allows for a robust assessment of the Proposed Development in line with the Rochdale Envelope approach, as set out in Chapter 5: Environmental Impact Assessment Methodology of the ES <b>[APP-030]</b>, whereby the Rochdale Envelope provides a framework for assessing the maximum (and where relevant, minimum) parameters, including the limits of deviation (e.g. development extents or specific maximum heights) as relevant, for the Proposed Development where flexibility needs to be retained. This approach also ensures that the reasonable worst-case scenario is assessed. The result is that the impacts of the Proposed Development, as reported in the ES, will only be equal to or less than those concluded in the assessments of the ES.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
			<p>Regarding the timing of the community benefit fund, this would be available following the connection of the Proposed Development to the national electricity transmission network and the commencement of electricity generation. The community benefit fund would therefore only be implemented if the Proposed Development received development consent upon commencement of generation, whereby the Applicant would contribute to a community benefit fund for the operational lifetime of the Proposed Development (i.e. 60 years).</p> <p>Furthermore, it should be noted that the Proposed Development will deliver other benefits which are secured under the requirements set out in Schedule 2 to the Draft DCO [REP3A-023], including commitments to biodiversity net gain; the implementation of landscaping, permissive paths and habitat enhancements; and the provision of an employment, skills and supply chain plan. The provisions of a DCO and the commitments made by way of DCO requirements are enforceable by the Local Planning Authority, and the breach of any commitments under a DCO amounts to a criminal offence by the operator of the Proposed Development.</p>
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited [REP3-070]</p>	<p>Summary of Oral Representation at CAH2 Agenda Item 3.1</p>	<p>Fieldfisher summarised the concerns held by Prax relating to the Project as including (i) the balance of public interest against private loss in respect of the Project, (ii) whether risks or impediments have been managed by the Applicant, (iii) whether account has been taken of the physical and legal matters regarding the Application and (iv) whether adequate engagement had been provided by the Applicant.</p> <p>Prax's position remains as described in its submissions remained to date with particular focus on the technical matters outlined in AS-129.</p> <p>At CAH1 and ISH2, it was outlined that Prax were awaiting adequate safety data to be provided. Prax's agents originally chased this data on 2 April 2025 and safety data / risk analysis materials were subsequently provided by the Applicant on 29 January 2026. As set out in AS-129, however, the data provided is insufficient and based on incorrect underlying calculations.</p> <p>In the Applicant's representation REP2-032, it stated that the risk assessment it had provided, concluded that there was "no corrosion risk" to the Pipeline. As set out in AS-219, the Applicant's reliance on that risk assessment, and thus the conclusions presented in REP2-032, is incorrect and potentially dangerous as it contains unproven assumptions on the potential interference from the Project with the Pipeline.</p> <p>Since that original data was provided, Prax has been continuing to chase for further data and risk assessment to be carried out. As of 10 March 2026,</p>	<p>Following a meeting with BPA and Fieldfisher on 24 March, the Applicant has agreed to update the modelling report. These updates are ongoing, and the updated modelling report will be shared with BPA engineers as soon as practical to facilitate further discussion. The Applicant intends to submit this to the Examination at Deadline 5, subject to confirmation from BPA / Prax that it does not contain commercially sensitive information.</p> <p>The Applicant has undertaken soil testing since receiving BPA's comments on the original modelling. The results of this soil testing have shown that the original modelling used a more conservative worst-case assumption which will therefore have overestimated the potential impact of the AC current on the Prax pipeline. Where BPA/Prax expressed concerns in relation to other assumptions upon which the modelling was based, the Applicant has discussed these with BPA and updated the assumption in the revised modelling which is under preparation. Critically, the existing National Grid overhead line is now included following a request for its inclusion by BPA to determine the existing baseline situation, before adding the Proposed Development. The updated modelling report will be shared with Prax's agents, BPA in early April 2026 with the aim of reaching agreement on this matter by Deadline 5.</p> <p>The Applicant will continue to engage with Prax, BPA and Fieldfisher, and as noted, intends to share the updated modelling report shortly.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>following a meeting between BPA (as agents for Prax) and AECOM (as agents for the Applicant), it was confirmed that AECOM would be carrying out further investigations and testing. In the absence of such data being provided, Prax has no way of assessing whether the Project can go ahead safely and whether any mitigation work required can be guaranteed. It should be noted that Pipeline is a piece of nationally important infrastructure and must be protected, especially given the current global focus on such matters.</p> <p>The Applicant is currently unable to demonstrate that it has adequately assessed the risks or impediments of the Project in respect of the Pipeline.</p> <p>Crucially if the safety data shows that mitigation is in fact required to keep the Pipeline safe, the Applicant has no means of assessing whether said mitigation can be carried out within the Order limits and pursuant to Order powers. By way of example BPA is currently dealing with another DCO project (Norwich-Tilbury) where the mitigation required falls significantly outside order limits. 1.8 In the absence of further satisfactory risk analysis and safety data being provided, the risks to the Pipeline and the potential for damage to the Pipeline cannot be said to have been adequately taken into account by the Applicant and neither has the balance of public vs private loss test been met.</p> <p>Notwithstanding that the data provided by the Applicant is based on incorrect calculations, the initial assessment by Prax's agents concluded (on the basis of that part of the data that could tentatively be relied on) that there is in any event a material risk posed by the Project to the Pipeline (as further outlined in AS-129).</p> <p>Prax is in liquidation and as such would prefer as such to reach an agreement with the Applicant in order to withdraw from the Examination. However, that remains impossible while there remains a continued lack of engagement from the Applicant.</p> <p>On 26 November 2025, in the all (only) all-parties meeting to date, Fieldfisher suggested that if safety issues could not be adequately resolved in time, the only way to address this would through bespoke protective provisions which would need to include confirmation that the Project would not be energised until such time as necessary safeguards had been put in place.</p> <p>Fieldfisher has received draft protective provisions from the Applicant's solicitors, but these are generic in nature and do not adequately address the concerns above.</p>	<p>The Applicant's legal representatives are reviewing the draft protective provisions provided by Fieldfisher on behalf of Prax though it should be noted that the parameters being discussed between the respective technical experts are hoped to address the majority of the concerns, such that the Applicant's preferred protective provisions can be incorporated in the draft DCO <b>[REP3A-023]</b>.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>Fieldfisher note (and welcome) that the Examining Authority require an active dialogue between Prax, the Applicant and their respective agents so that appropriate safety parameters can be identified in order to inform the basis of any protective provisions to ensure that Prax's interests are addressed whilst allowing the Applicant to maintain the desired flexibility in the Project.</p> <p>BPA and Prax continue to reserve the right to make further representations during the examination process.</p>	
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited <b>[REP3-070]</b></p>	<p>Risks to PRAX / the Pipeline</p>	<p>Risks to Prax / the Pipeline Prax's Pipeline forms part of a pipeline network comprising critical national infrastructure which has the ability to supply key end users including both Heathrow and Gatwick Airport. The Pipeline therefore forms a key part of the national fuel security / resilience matrix and its continued safe, uninterrupted use, operation and maintenance is vital.</p> <p>To date, there has been no genuine consultation by the Applicant in respect of the fundamental and obvious risks which the Project poses to BPA / Prax (risks which are particularly pertinent given the current global focus on fuel security). We enclose, at Annex A, a timeline showing the engagement between Prax / the Applicant / their respective agents to date.</p> <p>Failure to address these risks adequately could lead to catastrophic consequences as a result of the potential for accelerated corrosion of the Pipeline (which, if resulting in instability or rupture) would have a significant impact not only on the national fuel supply but also on the environment.</p> <p>Until such time as meaningful and substantive progress is made in respect of ascertaining the fundamental risks posed by the Project and the mitigation required and to be facilitated by the Applicant, BPA / Prax have no comfort in respect of the following:</p> <p>(a) ensuring that Prax's existing land rights and ability to deal with the Pipeline will not be sterilized or interfered with save by agreement;</p> <p>(b) that there will be no interference (either in the short or long term) with the Pipeline or BPA/Prax's ability to access, use, repair, maintain, repair and replace it in line with its contractual, statutory and regulatory requirements;</p> <p>(c) that Prax will be indemnified in respect of any damage to the Pipeline and any claims relating thereto (especially in light of the fact that the Pipeline is critical to the UK fuel supply and energy security);</p>	<p>The Applicant has prepared a Statement of Common Ground with Prax / BPA <b>[REP3A-019]</b> which was published at Deadline 3A on 24 March which details the engagement undertaken to date. The Applicant is confident that the detailed design can deliver a Proposed Development which will result in negligible effects on the Prax pipeline, through either increasing the distance between the pipeline and the cable circuit, or by changing the angle of the crossing. However, it is acknowledged that Prax require comfort that this can be achieved through detailed modelling, and the Applicant is working hard to update its previous modelling report to take account of comments from Prax's agent, BPA.</p> <p>At a meeting with BPA and Fieldfisher on 24 March, the Applicant provided an update on the soil testing findings and changes to the model. The Applicant considers this to have been a productive meeting and has committed to sharing the updated modelling report as soon as practical with BPA. During this meeting, the Applicant provided verbal confirmation that it would meet a minimum vertical offset of 600mm from the Prax pipeline, with the updated modelling intended to demonstrate that this offset is adequate. A suitable offset will be reviewed with BPA in due course following their review of the updated report. The Applicant considers that a design solution can be found that Prax will be satisfied with; AC interference can be mitigated by either increasing the distance between the cable circuit and Prax pipeline and/or increasing the angle of crossing so that it occurs at or close to 90 degrees, both of which have the potential to reduce the impact on the pipeline to negligible or none. The Applicant is committed to continuing to engage with BPA/Prax in order to establish appropriate parameters in this case.</p> <p>With regards to the final point on testing, the Applicant has completed the requested soil testing and will share the results of this with BPA. In short, the testing demonstrated that the modelling had taken a more conservative worst-case assumption, which increased the modelled impact of the Proposed Development on the Prax pipeline. The Applicant does not intend to change this assumption in the model and is satisfied that it provides Prax and BPA with assurance that the modelling does not underestimate impacts.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
		<p>(d) that there will be no working over or in close proximity to the Pipeline without BPA/Prax consent not to be unreasonably withheld;</p> <p>(e) that any and all safeguards agreed will benefit not only BPA/Prax but also the successors in title to the ownership / operatorship of the Pipeline (given that Prax intends to sell this asset).</p> <p>Prax would be happy to work with the Applicant to reach a pragmatic solution, but this does require a genuine commitment by the Applicant to engage with the issues that Prax has raised. The parties have spoken directly on 10 March 2026 and further testing in relation to the concerns raised by Prax will be carried out (albeit there remains no meaningful progress as yet). It remains of paramount important that the safety of the Pipeline and, by extension, national fuel infrastructure is protected along with Prax's land rights and interests.</p>	
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited <b>[REP3-070]</b></p>	<p>Protective Provisions</p>	<p>As set out in AS-129, the information provided by the Applicant to date is incorrect and insufficient. As a result, Prax is unable to assess whether:</p> <p>(a) The Pipeline can be crossed safely (including in compliance with British Safety Standards and compliance with the Pipeline Safety Regulations 1996)</p> <p>(b) If the Pipeline can be crossed safely what mitigation works might be required</p> <p>(c) Whether the dDCO can in fact deliver the rights necessary to Prax to carry out any necessary mitigation</p> <p>(d) Whether the necessary mitigation works would incur significant works and consequently cost which would need to be forward funded</p> <p>As a result, the generic protective provisions provided by the Applicant which are based on the assumption that any risk can be dealt with within the Order rights and pursuant to a standard method statement / consent procedure post vesting fails to address or acknowledge the points summarised above.</p> <p>At the one all parties call in November 2025, Fieldfisher confirmed that stand-alone protective provisions could be drafted but that these would need to be widely drafted, in order to prohibit any works / energisation over the Pipeline until proven safe and no threat to the integrity thereof.</p> <p>Given the issues outlined above BPA / Prax consider it more appropriate to negotiate stand-alone bespoke protective provisions as suggested to the Applicant in the all-parties call on 26 November 2025. Bespoke draft protective provisions were sent to the Applicant's solicitors on 18 March 2026.</p>	<p>A status update on the soil resistivity testing and modelling has been provided above. The Applicant plans to share the updated model with BPA, Prax's agents in due course. As detailed above, the Applicant considers that once appropriate parameters have been agreed, the pipeline can be crossed safely. The updated modelling is expected to demonstrate no significant effect associated with the Proposed Development; the Applicant will discuss the results with Prax's agent, BPA and whether to introduce a minimum offset or restricted crossing angle. In which case, the draft DCO <b>[REP3A-004]</b> could deliver the necessary mitigation without a need to change the Order Limits. Likewise, the concerns as to the costs of any mitigation works are not applicable.</p> <p>The Applicant's legal representatives are reviewing the draft protective provisions provided by Fieldfisher on behalf of Prax. Whilst the Applicant remains open to negotiating bespoke protective provisions, it is hoped that the Applicant's preferred protective provisions can be adopted in the event that parameters for the crossing of the pipeline are agreed between the parties.</p>

Interested Party	Theme	Deadline 3 Submissions	Applicant Response
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited <b>[REP3-070]</b></p>	<p>Status of the Pipeline</p>	<p>At CAH2, the Examining Authority requested confirmation as to whether the Pipeline formed part of the Core Fuel Sector for the purposes Sections 268 and 269 of the Energy Act 2023 (the "EA 2023").</p> <p>The Pipeline transports gasoline, diesel and jet fuel to key end users including both Heathrow and Gatwick Airport, which includes crude oil-based fuels. As such, the fuel transported by the Pipeline includes "core fuels" as defined in section 268(4) EA 2023. 3.</p> <p>Whilst Prax is likely to benefit from the statutory protections afforded by Part 12 EA 2023, Prax remains committed to working pragmatically with the Applicant to adequately address Prax's significant concerns but cannot do so unilaterally.</p> <p>As a matter of priority, BPA / Prax require the Applicant to engage in order to adequately assess the potential risks posed to the Pipeline and Prax's continued ability to operate, access, repair, remain and repair it during and after construction of the Project and for the Applicant to guarantee that all necessary mitigation measures and land rights necessary to protect the Pipeline (and by extension the environment) from risk of harm over the short and long term, can be delivered by the Order and within the Order limits.</p>	<p>The Applicant and Prax's agents BPA have continued to liaise with one another following CAH2. The soil testing is completed, several emails have been exchanged, and the parties met on 24 March 2026. BPA awaits the updated modelling report, which the Applicant intends to share shortly. A further meeting will be setup to discuss the report once BPA and Fieldfisher have had an opportunity to review it.</p> <p>The Applicant's legal representatives are reviewing the draft protective provisions provided by Fieldfisher on behalf of Prax. Whilst the Applicant remains open to negotiating bespoke protective provisions, it is hoped that the Applicant's preferred protective provisions can be adopted in the event that parameters for the crossing of the pipeline are agreed between the parties.</p> <p>The Applicant does not accept that there has been any "lack of engagement" as claimed by BPA/Prax. The Statement of Common Ground <b>[REP3A-019]</b> submitted by the Applicant at Deadline 3A sets out a record of engagement which more accurately reflects the position than that presented unilaterally by Fieldfisher.</p>

## 2.2 Comments on IP Post Hearing Submissions

**Table 2-2: Applicant's response to: IP Post Hearing Summaries, including written summaries of oral submissions and any responses to any hearing action points**

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
James Gallagher [REP3-083]	Cumulative Traffic Impact	<p>I am finding obstacles to engagement in relation to the cumulative traffic impact and would like to elaborate on a few of these. First, I wish to establish a point of principle. APP 164 contains minutes of a Fosse Green Energy - Transport Scoping meeting held on 17/12/23 at which names were redacted but it appears to have been attended by the applicant's representatives and LCC officers. The AECOM minutes (minute ref 7) state that "IF – emphasised need for a 'worst case assessment'".</p> <p>During ISH 1 session 4 at 13.39, the applicant's representative noted that "section 2.6 of EN3 sets out that where flexibility is sought, as is the case with the proposed development, applicants should assess the worst case, environmental, social and economic effects of the proposed development to ensure that the impact of the project as it may be constructed have been properly assessed". However, in the applicant's response on page 222 of REP2-030 to my comments in REP1-104, the applicant expresses a wish to avoid a scenario that would "overestimate the impact on traffic and transport". The response goes on to say "Current available information shows the proposed energy generating and BESS projects in the area will connect to the proposed NGET substation near Navenby NESO at different years". In short, the applicant is considering only the best case, using only one set of assumptions (these being the ones that minimise the cumulative traffic impact). My view is that a range of assumptions should be considered including a reasonable worst case as emphasised by IF back in 2023.</p> <p>Second, I wish to comment on the applicant's failure to provide accurate information. A fuller list of examples of misleading information is contained in REP1-104 and my submission for deadline 3 so I will not repeat all of it here but just address the information provided by the applicant in relation to the cumulative impact of construction traffic. In REP1-104, I pointed out errors in the information provided by the applicant in relation to the timing of other schemes (e.g. that the Wellingore BESS would not need an EIA). I contested several of the applicant's assumptions that there would be no temporal overlap with other schemes that would connect to the proposed Navenby Substation (NGNS). Underpinning my view was a recognition that commercial logic would incentivise companies to avoid having significant capital investment idle and not generating revenue. Indeed, this commercial logic is recognised by the applicant; paragraph 2.1.2 of Grid Connection Statement (APP 200) states "The applicant intends to negotiate an advancement in the connection queue post consent". As such, the most likely scenario is one where all the schemes seek to align the end of their</p>	<p>A reasonable worst case cumulative assessment, based on information available at the time, was undertaken by the Applicant and was accepted by LCC.</p> <p>Regarding the proposed Navenby Substation connection, it is understood that only the proposed Springwell Solar Farm (Planning Inspectorate Reference: EN010149) and (if consented) the Proposed Development will connect to the proposed Navenby Substation between 2030 and 2035. The connection dates for the other schemes will be post 2035 (at the earliest). On this basis it could only be Springwell which connects at a 'similar' time to the Proposed Development; however it is also understood that, due to the way National Grid operates, only one scheme/ development will be able to undertake connection works at any one time, meaning there would be a temporal separation between the two.</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
		<p>construction period with the NGNS commencing operation. No consideration was given in the assessment of the cumulative impact on construction traffic transport to this advancement by the applicant nor similar timing decisions by other projects.</p> <p>The applicant's response in REP2-030 did not address any of my specific points but stated "Lincolnshire County Highways have reviewed the assessment on traffic and transport (Chapter 13 [APP-038]) and the Applicant will provide an update on points of agreement and disagreement in its Statement of Common Ground with LCC at Deadline 3." This is a disingenuous and discourteous evasion of the points I made. My fear is that LCC Highways based their LIR response on the traffic data supplied by the applicant regarding both Fosse Green traffic and that of other schemes that the applicant has identified as having a potential cumulative impact. Did the applicant reveal the advancement intention to LCC as that would completely alter the temporal overlap with other schemes? Assumptions about scheme timing have a major impact on the cumulative traffic assessment and I am concerned that the numerous deficiencies in the applicant's assumptions may have misled LCC Highways.</p> <p>To clarify this, I would be pleased if LCC could advise the ExA whether Highways audited the assumptions used by applicant regarding scheme timings or whether they accepted the applicant's timings. If, as I suspect, Highways accepted that the applicant had made an appropriate assessment of scheme timings, then the Highways conclusion that the cumulative impact is acceptable now needs reconsideration based upon a range of plausible scenarios.</p> <p>This leads me to the third point. By not responding to criticisms at deadline 2, the applicant is asking the public to wait until the statement of common ground is published after deadline 3A on 24 March. I do not know how quickly it will be published but, at best, it will leave the public less than a week to respond at deadline 4 (on 31 March). It is therefore crucial that the statement of common ground should be supported by a publicly available cumulative traffic assessment that is explicit about the range of temporal scenarios considered and provides a clear evaluation of the worst case assessment.</p>	

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<p>Marianne Overton [REP3-069]</p>	<p>Agriculture and Land Use - Soils</p>	<p>In weighing the impacts and benefits, the applicant appears to have undervalued the potential impact on soil resources, at page 216, regarding restoration of land to its former quality, the Applicant states “The Framework Soil Management Plan ..... contains industry standard good practice mitigation measures to reduce impacts on soil which will ensure that the ALC grade will be unaltered through operations and decommissioning of the Proposed Development.” This needs to be secured through Requirement 20 of the draft DCO.</p> <p>Why it is important; The Soil Association summarise: “Fertile, healthy soils are vital for our food security. Globally, they store an estimated 9.8 billion tonnes of carbon. If managed well, they can reduce greenhouse gas emissions; but if badly managed, soils turn from a store to a source of emissions. Soils can also help prevent floods and reduce the impact of droughts; but badly managed soils lose the ability to absorb and filter water, damaging water supplies and increasing flood risk. The government is committed to placing soil at the heart of UK farming, confirmed by the Secretary of State for Environment, Food and Rural Affairs (Defra).” (Ref To plough or not to plough” Tillage and Soil sequestration.) In the quote from the Framework Soil Management Plan (7.10), the applicant claims no adverse impact on soil but provides no secure evidence. Our group asked Professor Dobson to comment on the impact of solar installations on Lincolnshire farmland. He has read most of around 40 papers on the topic selected the most relevant and describes this as “work in progress” Professor Dobson comments: “I must emphasise that there are really no proper studies on the effect of solar panels on agricultural land in the UK conditions.” Comment By Professor Peter J Dobson. (Oxford University) “There have been many claims that land occupied by solar panels can be restored to agricultural use at the end of life. This is highly dubious and will be very expensive. This comment is in two parts: the evidence that soil is damaged by solar installations and the issue of returning it to agriculture.</p> <p>Damage to the land by solar installations: The construction of supports for the solar panels involves pile-driving steel supports of around 8 metres into a depth of up to 4 metres. This will result in serious damage by soil compaction and disruption of land drains. Once installed, the land under and around the solar panels will suffer from major changes in the fungal and microbiome activity and a consequential reduction in carbon matter in the soil. This damage is likely to be permanent. There are very few independent published studies of this, and many of those are produced by groups with an interest in energy rather than agriculture. Furthermore, of the 100 or so studies, most were applicable to the dry arid regions that exist in Southern Europe and the USA and for some of the scrubland desert regions of China. Among the significant studies is one in Italy by Moscatelli et al (1) that showed that after 7 years the soil was significantly</p>	<p>The Applicant acknowledges that land under solar panels may experience some changes to the soil biota and plant productivity, but this does not mean there will be a decline in the carbon content of the soil. A significant body of research, summarised by the British Society of Soil Science, indicates that the conversion of arable land to grassland is a land use change leading to enhanced carbon sequestration.</p> <p>The Applicant considers that interpretation of the data in the paper by Moscatelli et al is partial. It should also be noted that the paper presents data for only 18 small sample plots in Italy. The analysis provided of the paper’s findings compares only data for soils under the PV panels and the gap between panels, disregarding the control plots in adjacent agriculture, from which differences from the PV areas were not significantly different. Therefore, the assertion that measures were dramatically reduced under the panels cannot be substantiated from the data. Rather, the data suggest that these measures increased in the inter-panel rows. Soil water holding capacity increased in the gaps between panels relative to the soils beneath the panels and the control, but there was no significant difference between PVs and the control. Elevation of pH to 6 over the control should be interpreted as a positive outcome for agriculture. Moreover, the paper concludes that: ‘the striped pattern of soil properties may take time to recover homogeneity but shouldn’t compromise the future re-conversion to agricultural land use’. Furthermore, the test area for the paper (being in Italy) is also a different climate from England, with different soil and weather conditions. The Applicant has been guided by the UK scientific literature. Research carried out on soil health under solar PV in the UK, presents the following key findings:</p> <ul style="list-style-type: none"> <li>• Welsh Government / ADAS report (2023): identified risks of soil degradation during construction (compaction, loss of topsoil) – with vulnerability greatest where construction occurs during wet periods. The alleviation of deep compaction can be resolved by equipment such as a bulldozer and winged tine. It identified that ‘a soil resources and management plan is key’ to minimise or prevent compaction.</li> <li>• Lancaster University (2025) reports on a study of 32 UK solar farms in the summer of 2021 and was prepared collaboratively between the University of York, UK Centre for Ecology and Hydrology, and Lancaster University. The study identified that ‘poor management can lead to soil compaction and reduced fertility’ but added ‘Solar farms can be designed and managed to deliver positive plant and soil outcomes.’</li> </ul> <p>The Applicant is committed to both high quality construction and to remediation of the land upon decommissioning and rejects the assertion that the solar panels will cause significant damage to the soil structure and drainage. Decommissioning would not leave in situ any materials to adversely impact</p>

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		<p>altered in terms of nitrate, phosphate and carbon content under the panels and in the gaps between rows of panels. Microbial activity was greatly reduced under the panels, and the soil quality became patchy. There are no studies of the changes in good agricultural land covered by solar panels for tens of years.</p> <p>The lesson learned from the scientific publications to date is that studies are not available for solar installations more than 7 years old, but all of the evidence from scores of papers does show that the population of soil bacteria are very much altered under panels, soil fungi less so." Quote from the Abstract of Moscatelli et al (1). "The main results showed that seven years of soil coverage reduced soil fertility with a significant reduction in water-holding capacity and soil temperature, while pH increased. Under the panels soil organic matter was dramatically reduced -61% and -50% for TOC and TN respectively compared to the gap area, including a parallel decrease in microbial activity. The effect of the installations induced significant changes in soil chemical and biochemical properties." The French and UK Governments agreed to increase soil carbon by 0.4% annually to 2050 then to get 40% of UK soil into sustainable management by 2028, 60% by 2030 (This is contradicted by implementation of panels and the impermeable permanent surfaces of the Battery storage units and the solar industrial sites.</p> <p>The poorer water-holding capacity under panels also has a knock-on impact for flooding, and part of the site does flood as the river regularly overflows its banks, near Bassingham. This is exacerbated as the steel supports are pile driven into the ground, breaking the drainage pipes in the field, increasing the likelihood of flooding events. Professor Dobson continues, "The most detailed studies by Siggers et al (2), were made in Colorado (USA), which has a latitude of 40 degrees North and is at high altitude of 1500metres. This study is excellent in that it cites specific detail of the sampling methodology, which has not been reported for any of the other published work.</p> <p>Remediation of the land after solar installations have been removed: "The acts of installing the solar panels will cause significant damage to the soil structure and drainage; As mentioned above there are many alterations to the nutrient composition and microbial population during operation and there will be further serious damage to the soil when the panels, and especially the steel supports are removed."</p> <p>Leaving the steel supports in situ could prevent full return to agriculture in reducing the opportunity for ploughing. Ploughing was traditionally deeper to control weeds and reduce use of herbicides. If the industry moves to still less chemical application to keep the waterways clean, then deeper ploughing is likely to be needed. There is little or no assurance of the practicality of cutting off the</p>	<p>normal agricultural practices, including cultivation. The Applicant rejects the negative assertions regarding soil health. Whilst recognising that a new equilibrium of soil biota and nutrients may establish, this should not be interpreted as either better or worse than the existing environment. The same dynamic soil processes would respond to restoration post-decommissioning.</p> <p>The Soil Management Plan to be produced following consent will establish methods for soil stripping, storage on-site and re-use. There are no proposals to export or import soil from or to the site. This will be substantially in accordance with The Framework Soil Management Plan [REP3-022].</p> <p>The Framework Soil Management Plan (SMP) [REP3-022] was updated at Deadline 3 to reflect intent to retain all soils on-site for sustainable re-use. Section 6.7 of the Framework SMP has been amended to remove reference to the commercial sale of materials and the section now reads as follows: <i>"It is not anticipated that soil will be exported. Soils are to be retained on site for sustainable re-use. Soil volumes will be quantified to determine depth of topsoil/subsoil layers and shallow rock features."</i></p> <p>With regards to the water-holding capacity under panels, this will not change following the introduction of solar PV. The soil is still available beneath the panels to absorb the rainwater. This is assessed in Chapter 9 Water Environment [REP3-009] with additional detail provided in Framework Construction Environmental Management Plan [REP3-016] and Appendix 9-C: Flood Risk Assessment [REP3-012].</p>

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		<p>steel 600mm below the ground surface, without removing the soil and causing further disruption to the soil, archaeology and to the process of decommissioning.</p> <p>The NKDC Local Impact Report describe removal and replacement of soil, but no clarity as to exactly where from or where to or how much, so not included in the traffic movements, noise and disturbance, particularly for adjacent villages such as Bassingham, looking out onto the panels, battery storage site and substation. The applicant's soil management plan describes removal and sale of soil off-site, sale of any commercial sand and gravel which would involve a quarrying operation, and landfill. All this without enough information to assess the impact. Then there is soil placement, where HGV's bring new soil on decommissioning, but again without enough information to assess the impact. In particular, the impact on the dwellings closest to substation and batteries would be hard hit. The impact of much of this application seems to be left to our imaginations, which makes weighing up the benefits and harm particularly difficult for the Inspector.</p> <p>Recommendation: "The Developers and/or Operators of the site must take financial responsibility for the work that will be entailed in restoring agricultural function to the land." This supports the requirement for a bond and a percentage of the profits to be laid aside annually for decommissioning and soil restoration.</p>	
<p>Gordon and Sue Kobish [REP3-088]</p>	<p>Cumulative Schemes</p>	<p>So far as I can see, there is a conflict of land use around Clay Lane (TOTH) and Stocking Wood area. Much of that land is designated for solar panels by FGE. It is however already used for intensive crop growing (239 acres/ 93 hectares) supplying a Digester producing electricity (1). This facility at South Hykeham is of enough 'Significant Importance' as to warrant avoidance of it by the re-alignment of the route of Lincoln's Eastern Bypass (2). On Clay Lane there is also an associated digestate lagoon with a storage capacity of 8378 cubic metres.</p> <p>This South Hykeham digester also operates a similar operation at Thurlby with a similar storage lagoon and land use) (3) where FGE has designated land for 'landscaping and habitat creation'. This is hardly compatible with intensive crop growing for the South Hykeham digester. How will the digester continue? – or will FGE's scheme simply replace one carbon neutral electricity production system with another?</p>	<p>As noted in Chapter 12: Socio-Economics and Land Use of the ES [AS-016], the agricultural land required temporarily for construction and operation constitutes 0.09% of the total farmland in the East Midlands, with approximately 50% of the on-site agricultural land comprising non-food producing land. As such, it is considered unlikely that the temporary removal of this land as a result of the Proposed Development would have a material impact upon the biomass availability for local anaerobic digestion facilities.</p> <p>The Proposed Development includes many fields that can continue to be used to grow arable crops. Some of these will be for bird mitigation land as managed arable, whilst other fields are not for bird mitigation but are within the Order limits because they may have buried cabling between fields of solar PV, and after the installation of which can continue to be farmed. In total, when considering both the BMV and non-BMV land, 489ha (or 48%) of the Principal Site can continue to be used for arable farming during operation (181ha Managed Arable for Bird Mitigation and 308 ha of Retained Arable/Grassland). Verbal evidence from the landowners in 2024 indicates c 40% of the Principal Site is currently used to grow crops for energy sources.</p>

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			<p>There will be no impact on the arable crop production potential in the Cable Corridor following installation; 100% of this land will be available for growing crops after the soil is backfilled and reinstated.</p> <p>The Applicant therefore disagrees that the Proposed Development would have a detrimental impact on the digester business.</p>
<p>Thorpe-on-the-Hill Parish Council <b>[REP3-059]</b></p>	<p>Stepping Out Routes</p>	<p>The PC does not believe that adequate consideration has been given to properly mitigating the potential effects of the proposed scheme on these routes. The following pages of this document contains reminders of the routes themselves which have been copied from the promotional leaflets. The diagram on page 4 is taken directly from the applicant's documents FGE 2.2 Works Plans APP-008 EN010154 and shows the layout of solar arrays in the area surrounding the SO routes. The final layout on page 5 shows what the PC considers to be a much-improved mitigation scheme. This is based upon the following design principles:</p> <ul style="list-style-type: none"> <li>• Avoid any corridors where the SO routes would pass through solar arrays on both sides of the path creating tunnel effects. As a compromise solar arrays on one side of paths, where views are less important, are included</li> <li>• Try to retain key views to Tunman Wood from the village and from Tunman Wood back to the village</li> <li>• Try to retain key views identified in Thorpe on the Hill's Neighbourhood plan</li> <li>• Maintain, so far as is possible, open views which are characteristic of the locality rather than restrictive hedgerows which block key views</li> <li>• Avoid changes which impact the integrity of the applicant's proposal by requiring different access points or new parcels of land</li> </ul> <p>Thorpe PC cannot claim professional planning expertise however, these simple revisions which are shown on page 5 appear very practical and do not require wholesale design changes to the applicant's proposals. They would result in a reduction in area of solar arrays in the affected areas close to the SO routes but it might possible to recoup these elsewhere. If implemented, the PC believes they would enable many of the key features and benefits of the SO routes to be retained.</p> <p>Note: This submission builds upon REP1-134</p>	<p>The Applicant intends to update the permissive path network at Deadline 5 of the Examination to ensure the Stepping Out Routes within the Order Limits are available for the duration of the 60-year operational phase of the Proposed Development.</p> <p>The Applicant has updated Figure 3-2A: Indicative Fixed South Facing Site Layout Plan <b>[AS-022]</b> and Figure 3-2B Indicative Single Axis Tracker Site Layout Plan <b>[AS-023]</b> to include additional permissive paths to facilitate the Stepping Out Routes and has shared this in draft with NKDC and LCC to facilitate further discussions with the councils. The Applicant hopes this amended plan will be in an agreed form for submission to the Examination at Deadline 5.</p> <p>The additional permissive paths suggested by the Applicant include two small deviations from the NKDC Stepping Out Routes, as illustrated on Figure 3-2A. In one case the alternative route is considered more favourable for walkers due to routing through open grassland or arable fields rather than using the existing farmer track with solar PV array on both sides. In the second case, a small stretch of the Stepping Out Route that is not required to complete the circular walk has been removed.</p> <p>The updated Figure 3-2A and 3-2B is provided as part of the Deadline 4 submission. The Landscape Mitigation Plan within the Framework LEMP <b>[REP3-028]</b> and Streets Rights of Way and Access Plans <b>[REP2-004]</b> (which secure the indicative locations of the permissive paths) will be amended accordingly and submitted to the Examination at Deadline 5.</p> <p>The updated length of proposed permissive paths to be provided for the operational lifetime of the Proposed Development is 10.2km. For context, the length of these two Stepping Out Routes together within the Order limits and excluding PRoW is 1.8km. The net difference therefore is 8.4km.</p> <p>With regards to the Parish Council's suggested removal of 10 fields of solar PV in the vicinity of Thorpe on the Hill and Morton/Tunman Wood, this would directly reduce the generating capacity of the Proposed Development. The Applicant does not consider this can be relocated elsewhere onsite without needing to</p>

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			<p>reconsult and introduce new significant effects. As noted in the Statement of Need [APP-184], there is an urgent need for renewable energy in the UK and the Applicant has sought to maximise the generation potential for the grid connection agreement whilst already balancing considerable environmental and technical constraints.</p>
<p>Andrew Keeling [REP3-086]</p>	<p>The Impact on Serviced Accommodation</p>	<p>The applicant's assessment of the visitor economy impact of the FGE project focuses purely on the impact on serviced accommodation (hotels, B&amp;Bs and pub accommodation). The applicant provides an analysis of the supply of serviced accommodation within a 30- and 60 minute drive from the FGE site and data on current occupancy levels. From this analysis they assert that existing serviced accommodation businesses will be able to accommodate the likely demand for accommodation from contractors working on the construction of the FGE solar farm. The applicant further claims that the demand from FGE contractors could provide a positive benefit in terms of boosting occupancy for local hotels, B&amp;Bs and pub accommodation during quieter periods.</p> <p>This assessment is fundamentally flawed for a number of reasons:</p> <p>a) The applicant fails to understand that contractors will only be looking to use budget priced accommodation. They will not be able to afford to stay in the luxury and 4-star hotels that are included in the applicant's data on current serviced accommodation provision. The supply of accommodation that FGE contractors will be able to afford will be lower than the figures presented by the applicant.</p> <p>b) Contractors will not want to travel from hotels that are an hour away from the FGE site. Only the 30-minute drive time supply of serviced accommodation will be a realistic option for contractors. Para 12.7.23 of Chapter 12 of the Environmental Statement states that within the 30-minute drive time radius at peak seasonal occupancy 'there would be a 4% deficit in capacity'. So FGE contractor demand will not be fully accommodated as the applicant asserts.</p> <p>c) Most importantly, the applicant's analysis fails to take account of the weekly pattern of demand for hotels in the area. I expand on this issue below.</p> <p>I undertook a study of the Lincoln hotel market in 2017. This included interviewing all of the hotels in Lincoln city centre and most of the hotels in the immediate vicinity of the FGE site. My research found that hotels were consistently fully booked and turning business away on Tuesday and Wednesday nights for most of the year, and frequently also on Monday nights, through a combination of demand from business visitors, contractors working on construction and</p>	<p>The assessment set out within Chapter 12: Socio-Economics and Land Use of the ES [AS-016] focuses on serviced accommodation (hotels, B&amp;Bs and inns), as this represents the primary accommodation typology typically used by temporary construction workforces and provides a clear, consistent and measurable evidence base. This scope is proportionate and consistent with standard socio-economic and EIA practice. While wider accommodation types are not relied upon in the baseline assessment, they nonetheless contribute to the overall resilience of the local accommodation market.</p> <p><b>Type and Cost of Accommodation Used by Contractors</b></p> <p>The Applicant does not accept that construction contractors will only seek budget-priced accommodation or that higher-quality hotels are therefore irrelevant to the assessment. Accommodation decisions may also be driven by factors including availability, proximity to site and negotiated corporate rates, rather than published room tariffs or hotel star classifications.</p> <p>Large, professionally managed hotel chains in urban centres routinely accommodate contractor workforces through block bookings and discounted weekday corporate rates, including mid-market hotels.</p> <p>The ES therefore considers the wider serviced accommodation market when assessing capacity and resilience, rather than artificially restricting the assessment to a narrow subset of accommodation types.</p> <p><b>Travel-to-Work Distances and Accommodation Capacity</b></p> <p>Within Chapter 12: Socio-Economics and Land Use of the ES [AS-016] the Applicant acknowledges that the 30-minute drive-time catchment represents the primary accommodation area for construction workers, and this is explicitly reflected in the ES assessment. The inclusion of a 60-minute drive-time catchment provides wider contextual information on market capacity. It does not</p>

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		<p>development projects, and UK and overseas tourists during the summer months. These are the key nights that FGE contractors will require accommodation. While this research is clearly now out-of-date, I doubt that these patterns of demand for hotel accommodation will have changed much since 2017. Lincoln's economy and appeal as a tourist destination have continued to grow (other than during the COVID-19 pandemic) and there have been no new hotel openings to increase hotel capacity. I think it highly likely that hotels in Lincoln and in the immediate vicinity of the FGE site are still consistently filling and turning business away on Tuesday and Wednesday nights, and frequently also on Monday nights. The applicant's contention that existing hotels will be able to accommodate demand from FGE contractors is highly unlikely to be valid therefore.</p> <p>The claim that FGE contractor demand will boost hotel occupancy at quieter periods is equally unlikely to be valid. If FGE contractors are able to secure hotel rooms locally, they will merely be frustrating or displacing demand from other markets, in particular business visitors and contractors working on other projects. This may be a disbenefit to the local economy if FGE contractor demand frustrates demand from other markets, in particular UK and overseas tourists, that are likely to spend more in the local area.</p>	<p>represent an assumption that contractors would routinely commute from that distance.</p> <p>The ES, within Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b>, acknowledges (at paragraph 12.7.23) that accommodation within the 30-minute catchment may experience pressure during peak seasonal periods, including a limited shortfall under worst-case scenarios. However, Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b> does not conclude that contractor demand cannot be accommodated overall, nor that any resulting effect would be significant in EIA terms. The assessment takes account of the scale, phasing and duration of the construction workforce and recognises the ability of the accommodation market to respond to short-term fluctuations.</p> <p><b>Weekly Hotel Demand Patterns and the Lincoln Hotel Market</b></p> <p>The Applicant notes the reference to a study of the Lincoln hotel market undertaken in 2017. While such historic qualitative observations are acknowledged, the Applicant does not consider that market conditions identified nearly a decade ago can be determinative of current or future impacts associated with the Proposed Development.</p> <p>The ES assessment, within Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b>, is based on contemporary datasets (including CoStar, VisitEngland), current occupancy information and recognised analytical methodologies, rather than anecdotal or historic evidence. It assumes that availability varies over time. Periods of higher demand are factored into the analysis using occupancy data and worst-case assumptions. The assessment also does not rely solely on city-centre accommodation.</p> <p>The assessment considers the wider accommodation market, modern operational practices such as negotiated rates and block bookings, and the temporary and phased nature of construction demand.</p> <p>Notwithstanding the reference made to a study of the Lincoln hotel market undertaken in 2017, the Applicant does not consider that qualitative market conditions observed nearly a decade ago can be determinative of current or future effects associated with the Proposed Development. The socio-economic assessment is based on contemporary datasets, current occupancy levels and recognised EIA methodologies, rather than anecdotal or historic evidence.</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response																																																															
			<p>In addition, the local accommodation market is not static and can respond flexibly to periods of increased demand. Beyond traditional serviced accommodation, there is capacity within the wider short-stay accommodation market, including professionally managed self-catering and short-term let accommodation, which provides additional elasticity of supply at peak times. While this accommodation is not relied upon within the ES baseline, its availability further supports the conclusion that short-term pressures can be managed without significant adverse effects.</p> <p><b>Visitor Economy and Alleged Displacement Effects</b> Construction workers contribute to the local economy through expenditure on accommodation, food and services, particularly during weekdays when business demand is already prevalent. Any displacement effects would be temporary, localised and reversible, and would not materially affect the overall functioning of the visitor economy or the attractiveness of Lincoln and surrounding settlements as tourist destinations.</p>																																																															
<p>Andrew Keeling [REP3-086]</p>	<p>The Impact on Non-Serviced Accommodation</p>	<p>The applicant and Councils fail to understand that the most significant visitor economy impacts will be felt by the non-serviced accommodation businesses in the area. There are a number of holiday lodge parks, touring caravan and camping sites, holiday rental properties and an eco-cabin site in the areas immediately surrounding the FGE site, including three fairly sizeable businesses.</p> <p style="text-align: center;"><b>NON-SERVICED ACCOMMODATION IN THE VICINITY OF THE FGE SITE</b></p> <table border="1" data-bbox="685 1230 1516 1749"> <thead> <tr> <th>Establishment</th> <th>Location</th> <th>Number of Units/Pitches</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Holiday Parks</b></td> </tr> <tr> <td>Cathedral View Holiday Park</td> <td>Thorpe-on-the-Hill</td> <td>57</td> </tr> <tr> <td colspan="3"><b>Holiday Lodge Parks</b></td> </tr> <tr> <td>Thorpe Park Lodges</td> <td>Thorpe-on-the-Hill</td> <td>14</td> </tr> <tr> <td colspan="3"><b>Touring Caravan &amp; Camping Sites</b></td> </tr> <tr> <td>Oakhill Leisure</td> <td>Norton Disney</td> <td>52</td> </tr> <tr> <td>The Railway Inn</td> <td>Thorpe-on-the-Hill</td> <td>10</td> </tr> <tr> <td>Skybarn Farm</td> <td>Haddington</td> <td>5</td> </tr> <tr> <td>Grove Farm</td> <td>Norton Disney</td> <td>6</td> </tr> <tr> <td colspan="3"><b>Glamping Sites</b></td> </tr> <tr> <td>The Green Man Eco Pods</td> <td>Norton Disney</td> <td>3</td> </tr> <tr> <td colspan="3"><b>Holiday Cottages/ Airbnb Entire Homes</b></td> </tr> <tr> <td>Cottage in Norton Disney</td> <td>Norton Disney</td> <td>1</td> </tr> <tr> <td>The Reading Room</td> <td>Norton Disney</td> <td>1</td> </tr> <tr> <td>Hop Hill</td> <td>Aubourn</td> <td>1</td> </tr> <tr> <td>Barn House</td> <td>Aubourn</td> <td>1</td> </tr> <tr> <td>The West Wing at Landings</td> <td>Bassingham</td> <td>1</td> </tr> <tr> <td>Tiny House</td> <td>Swinderby</td> <td>1</td> </tr> <tr> <td>The Wren's Nest</td> <td>Swinderby</td> <td>1</td> </tr> <tr> <td>Standacre Farm House</td> <td>Bassingham</td> <td>1</td> </tr> </tbody> </table> <p>The applicant fails to identify any of these businesses and has made no attempt to speak to them to try to understand why their customers come to stay with them and how their businesses could be impacted by the FGE proposal. I have not</p>	Establishment	Location	Number of Units/Pitches	<b>Holiday Parks</b>			Cathedral View Holiday Park	Thorpe-on-the-Hill	57	<b>Holiday Lodge Parks</b>			Thorpe Park Lodges	Thorpe-on-the-Hill	14	<b>Touring Caravan &amp; Camping Sites</b>			Oakhill Leisure	Norton Disney	52	The Railway Inn	Thorpe-on-the-Hill	10	Skybarn Farm	Haddington	5	Grove Farm	Norton Disney	6	<b>Glamping Sites</b>			The Green Man Eco Pods	Norton Disney	3	<b>Holiday Cottages/ Airbnb Entire Homes</b>			Cottage in Norton Disney	Norton Disney	1	The Reading Room	Norton Disney	1	Hop Hill	Aubourn	1	Barn House	Aubourn	1	The West Wing at Landings	Bassingham	1	Tiny House	Swinderby	1	The Wren's Nest	Swinderby	1	Standacre Farm House	Bassingham	1	<p>As set out in the Applicant's Response to Lincolnshire County Council's Local Impact Report Submission [REP1-053], provided at Deadline 2 [REP2-031], the Applicant undertook a review of nearby holiday and caravan parks during the Examination. In its Local Impact Report, the Council noted that "there is no mention of the small caravan/holiday park developments in the area" within Chapter 12: Socio-Economics and Land Use of the ES [AS-016]. In response, the Applicant carried out a desk-based review, which identified three holiday or caravan parks within approximately 2 km of the Proposed Development: Cathedral View Holiday Park, Oakhill Leisure and Heath House Caravan Park. While Heath House Caravan Park is not explicitly listed alongside the other two parks in this particular representation, it was identified during the review and assessed by the Applicant.</p> <p>Following this initial review, and in response to Deadline 2 submissions, the Applicant undertook a broader review of additional non-serviced accommodation assets, as reported within the Applicant's Responses to Deadline 2 Submissions [REP3A-025]. These assets included accommodation in Thorpe-on-the-Hill; two touring caravan, motorhome and camping sites at Haddington and Norton Disney; an eco-cabin site at Norton Disney; and a number of holiday rental properties. These additional assets were not identified within Chapter 12: Socio-Economics and Land Use of the ES [AS-016] and were reviewed by the Applicant following their identification during the Examination in order to respond to matters raised by third-party representations.</p>
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		<p>spoken to these businesses either but I have spoken to hundreds of similar accommodation businesses in my career. The holiday homes at the Cathedral View Holiday Park are all privately owned and the site is well screened from the surrounding fields. I suspect that this business will not be too perturbed by the FGE project therefore. With regard to that area's other non-serviced businesses however, in my experience their customers are likely to be primarily looking to escape to the country for a relaxing break, peace and quiet and to enjoy countryside activities such as walking, cycling, fishing, birdwatching and sometimes more active outdoor pursuits. Their countryside setting is a key part of their market appeal. You only have to take a look at the websites of some of these businesses to understand the key selling points that they are using to promote themselves. The following quotes from some of their websites amply illustrate this point.</p> <p>'Our business aim is to offer peace, relaxation, mindfulness and personal and family time away in a quiet rural location, away from the hustle and bustle of daily life. We want to allow people to re-set and spend time with nature in the great outdoors.' Grove Farm, Norton Disney</p> <p>'It is easy to fall in love with our ideal setting within the beautiful quiet Lincolnshire countryside' Oakhill Leisure, Norton Disney</p> <p>'Leave your troubles behind, recharge your batteries and enjoy the outstanding natural beauty of the countryside' Skybarn Farm, Norton Disney</p> <p>I don't think it unreasonable to suggest that the change to the rural landscape that surrounds these non-serviced accommodation businesses, that everybody agrees is going to occur as a result of the FGE project, is likely to impact on their ability to continue to attract customers that are looking for such experiences, thus affecting their future trading and investment potential, and possibly threatening their future viability.</p>	<p>The Applicant's review focuses on receptors with a credible pathway for likely significant effects, applying the agreed EIA methodology and drawing on the findings of the relevant technical disciplines, including landscape and visual, noise and vibration, traffic and transport, and air quality.</p> <p>For Oakhill Leisure and Heath House Caravan Park, the Applicant concluded that, having regard to their distance from the Order Limits and the residual effects reported in the air quality, noise, transport and landscape and visual assessments, these sites would not experience likely significant adverse effects during any phase of the Proposed Development. Accordingly, no significant socio-economic or amenity effects are anticipated for these businesses.</p> <p>Cathedral View Holiday Park, located closest to the Proposed Development, was assessed in greater detail. That review concluded that there would be no significant adverse residual effects in respect of noise, vibration, traffic or air quality. Visual effects during construction were assessed as minor, non-significant and temporary, with negligible effects during operation, reflecting the site's existing screening, distance, and the incorporation of mitigation and design measures. In accordance with the socio-economic and land use assessment methodology, this equates to no significant effect on socio-economic receptors. There is therefore no evidence to suggest that visitor bookings, trading performance, future investment potential or long-term business viability would be materially affected.</p> <p>As part of early-stage engagement and design development, the Applicant made a series of changes to the Proposed Development to reduce visual impacts on sensitive receptors, including in the vicinity of Cathedral View Holiday Park, where additional buffers from the Solar PV Areas were incorporated. Furthermore, as documented in the Consultation Report Appendices <b>[APP-024]</b> and Chapter 4 of the ES (Alternatives and Design Evolution), proposed permissive paths were amended following consultation feedback to improve connectivity and recreational opportunities, including:</p> <ul style="list-style-type: none"> <li>- a route from Tunman Wood to Fosse Lane, including a link to Cathedral View Holiday Park via PRoW LL/TOTH/6A/1; and</li> <li>- a route from Cathedral View Holiday Park to Fosse Lane, providing a circular walk and a safer recreational route.</li> </ul> <p>It is also noted that, as set out in the Consultation Report <b>[APP-023]</b>, the Applicant contacted sensitive stakeholders and interest groups, including Cathedral View Holiday Park, during consultation to discuss the Proposed Development and receive feedback.</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
			<p>Applying the same assessment review approach as above to the additional non-serviced accommodation identified within this representation and having regard to the residual effects reported in the ES, the Applicant considers that these businesses would also not experience likely significant adverse socio-economic or amenity effects during any phase of the Proposed Development.</p> <p>The Applicant acknowledges that many non-serviced accommodation businesses promote their rural setting, tranquillity and access to countryside activities as part of their market appeal. However, a change to the surrounding landscape does not, in itself, equate to a significant adverse socio-economic effect or a threat to business viability. These matters have been assessed within the ES, and effects on landscape character and visual amenity have been found to be localised, mitigated and not significant in EIA terms once mitigation is taken into account.</p> <p>The Applicant also notes that the representation relies on general professional experience and inferred customer behaviour, rather than site-specific engagement or quantitative evidence demonstrating likely changes in occupancy rates, revenue or customer demand attributable to the Proposed Development. While such experience is acknowledged, the ES appropriately relies on objective assessment, technical evidence and defined significance thresholds.</p> <p>The Applicant further notes that similar conclusions have been reached for other consented and comparable energy infrastructure projects in Lincolnshire, including Gate Burton Energy Park and Tillbridge Solar Project, where it was concluded that there would be no significant adverse effects on visitor accommodation, including non-serviced accommodation, in terms of reduced occupancy, economic performance or business viability.</p> <p>In summary, non-serviced accommodation has been considered in a proportionate, evidence-based and policy-compliant manner. In the absence of significant adverse residual environmental effects, there is no evidential basis to conclude that the Proposed Development would materially affect visitor demand, booking patterns, future investment potential or the long-term viability of nearby non-serviced accommodation businesses.</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
<p>Andrew Keeling <b>[REP3-086]</b></p>	<p>The Impact on Future Investment in Visitor Accommodation</p>	<p>The applicant and Councils also fail to consider how the FGE project might affect future investment in visitor accommodation in the area, in terms of investment in existing accommodation businesses, and the development of new ones. There is evidence I believe of potential for new investment in non-serviced accommodation in the area, which I think is likely to be deterred if the FGE scheme goes ahead:</p> <ul style="list-style-type: none"> <li>• A site at Thurlby is currently being marketed for a lakeside holiday lodge park with planning permission for 103 holiday lodges. I can provide you with the marketing materials for this site if required.</li> <li>• I believe that there could be potential opportunities for farmers, other land owners and pubs to diversify into a range of non-serviced visitor accommodation options, including touring caravan and camping sites, motorhome stopovers, glamping sites, eco lodges and cabins, and holiday cottages – as some have done recently.</li> </ul>	<p>The Applicant does not consider that the Proposed Development would materially constrain or deter future investment in visitor accommodation in socio-economic or planning terms. Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b> assessed likely significant effects, based on defined receptors and credible pathways, rather than speculative or hypothetical changes in investor behaviour. The ES therefore does not seek to predict whether individual landowners or developers might or might not choose to bring forward visitor accommodation proposals in the future, particularly where no such proposals form part of the baseline or are consented and committed developments.</p> <p>In relation to the site at Thurlby referenced as being marketed for a lakeside holiday lodge park with planning permission for 103 lodges, the Applicant notes that this location lies outside the immediate vicinity of the DCO Site and has not been identified as a receptor likely to experience significant adverse residual environmental effects. Where development proposals benefit from planning permission, they are progressed with an understanding of the surrounding planning context, including the presence of existing and emerging infrastructure. The Applicant is not aware of any evidence demonstrating that the presence of solar infrastructure in the wider area would undermine the deliverability or viability of such consented schemes. The Applicant taking forward the proposed holiday lodge park at Thurlby is aware of and involved in the Proposed Development.</p> <p>More generally, the possibility that landowners, farmers or pubs could choose to diversify into non-serviced visitor accommodation in the future represents an aspirational opportunity rather than a defined receptor. Such diversification is influenced by a wide range of factors, including access, market conditions, planning policy, capital availability and individual business circumstances. The ES cannot reasonably assess effects on unknown, un-proposed or unsubmitted schemes, nor is it required to do so under EIA Regulations or Planning Inspectorate guidance.</p> <p>The Applicant acknowledges that rural setting and landscape character can influence investment decisions in visitor accommodation. However, potential changes to landscape character arising from the Proposed Development have been assessed comprehensively through the Landscape and Visual Impact Assessment <b>[APP-035]</b>, Noise and Vibration <b>[APP-036]</b> and Transport <b>[APP-038]</b> chapters of the ES. With mitigation in place, residual effects have been found to be localised, limited and not significant in EIA terms. In the absence of significant adverse residual effects, there is no evidential basis on which to</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
			<p>conclude that future investment would be deterred to a degree that gives rise to a significant socio-economic effect.</p> <p>National and local planning policy does not require applicants to safeguard speculative future commercial investment opportunities, nor to demonstrate that infrastructure development will positively support all potential future land-use diversification. Instead, the test is whether a proposal gives rise to unacceptable or significant adverse effects. The ES demonstrates that this is not the case.</p>
<p>Andrew Keeling [REP3-086]</p>	<p>The Impact on Village Pubs</p>	<p>The applicant and Councils fail to understand that the areas immediately surrounding the FGE site attract visiting walkers and walking groups, including those visiting their friends and relatives in the area, and visiting cyclists and cycling groups, that often frequent the pubs in Bassingham, Aubourn, Norton Disney and Thorpe-on-the-Hill. The degradation of the walking routes and countryside around these villages that will result from the FGE project is, I think, likely to result in a loss of this trade for these businesses.</p>	<p>Chapter 12: Socio-Economics and Land Use of the ES [AS-016] recognises the presence of public rights of way (PRoW) and recreational use of the countryside. The ES assesses potential impacts on walkers, cyclists and other users through the Landscape and Visual Impact Assessment [APP-035], Traffic and Transport Assessment [APP-038], Noise and Vibration Assessment [APP-036], and the Public Rights of Way Management Plan [REP2-019], rather than through the socio-economic chapter alone.</p> <p>With mitigation in place, residual effects on PRoW users would be localised, temporary during construction and not significant in EIA terms during operation. Importantly, no routes would be permanently severed, and access would be retained throughout the construction phase, subject to management measures.</p> <p>As set out in the Applicant's submissions and the Consultation Report, the design of the Proposed Development has evolved in response to consultation feedback, including in relation to recreational access. Notably, new permissive paths and improved connections have been incorporated into the scheme, enhancing recreational connectivity across the Order Limits. This includes routes linking:</p> <ul style="list-style-type: none"> <li>- Tunman Wood to Fosse Lane, with connections towards Cathedral View Holiday Park; and</li> <li>- Cathedral View Holiday Park to Fosse Lane, providing circular and safer recreational routes.</li> </ul> <p>These measures are intended to maintain and enhance walking and cycling opportunities, rather than degrade them, and provide additional route choice for local residents and visitors.</p> <p>The Applicant does not agree that the Proposed Development would result in a loss of trade for local pubs or businesses reliant on recreational visitors. The socio-economic assessment draws a clear distinction between changes to recreational routes or landscape and demonstrable impacts on business performance. While it is acknowledged that the area attracts walkers and cyclists, there is no evidence to suggest that the Proposed Development would deter such</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
			<p>visits to a degree that would materially affect local trade. Furthermore, during the construction phase of the Proposed Development, there is likely to be increased usage of local pubs and cafes, which may have a positive effect on local trade.</p> <p>The ES does not assume that visitor activity would cease, nor that landscape change would automatically translate into reduced footfall or spending. Effects on recreational users have been assessed as not significant, and the introduction of additional permissive routes is expected to continue to support use of the area by walkers and cyclists visiting friends, relatives and local facilities.</p> <p>In line with the approach set out in the Applicant's Response to Deadline 2 Submissions <b>[REP3A-025]</b> the ES focuses on credible pathways for likely significant effects, supported by technical assessments and defined significance thresholds.</p> <p>In the absence of significant adverse residual effects on access, amenity or landscape character, there is no evidential basis to conclude that the Proposed Development would materially reduce recreational visitation or threaten the viability of nearby pubs or businesses.</p>
<p>Alistair King <b>[REP3-087]</b></p>	<p>Mega Watts</p>	<p>In September 2023 Fosse Green Energy issued an 'Information Booklet' to local residents describing it's proposed solar farm.</p> <p>On the first page (after cover page) it declared in a headline in large print: "The project is anticipated to have a generating capacity of c.350MW peak dc, with an export capacity of 240MW peak ac. This is enough clean energy to power in the region of 110,000 homes."</p> <p>It restated in two very large boxes on the third page "350 MW and 110,000 Homes".</p> <p>This will have been the first that local people heard of the project. The two main messages from the brochure were very clear and obviously deemed the most important messages about the project that the company wished to impart on all interested parties.</p> <p>There will have been very good reason for this. Large hard headed investment companies and their marketing/communications advisers think very carefully about the reaction they want to achieve in their target audience.</p>	<p>The reference to the 110,000 homes was included within the Fosse Green Energy Non-Statutory Consultation Information Booklet (September 2023)<sup>1</sup> and was intended to convey that the Proposed Development generates the equivalent annual energy consumption of 110,000 homes. The calculation for the 110,000 was completed using the Ofgem data at the time of publication.</p> <p>The statement was intended to convey the capacity and generating potential in broader terms that members of the public, who do not have a deep technical understanding of generation types, are able to clearly understand. The references to the number of homes that could be powered by the Proposed Development were intended as a general illustration of its scale.</p> <p>Electricity generated by the Proposed Development will be exported to the national grid and cannot be directly supplied to specific local communities or result in reduced electricity tariffs for nearby residents.</p>

<sup>1</sup> Fosse Green Energy (2023) Non-Statutory Consultation Information Booklet. Available at: <https://fossegreenenergy.co.uk/assets/images/pdf/fosse-green-booklet.pdf>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
		<p>In this case they presumably wished to soften up their audience and get them on-board with the project by portraying how good it is, and thus minimise the likelihood of objections. This was clearly designed to give them as easy a ride as possible through the application process.</p> <p>The problem is that their facts were wholly misleading. The Advertising Standards Authority may not have jurisdiction over such a brochure, however its guidelines are entirely applicable here if the public is not to be misled. They state that wherever claims are objective and measurable, then the context and assumptions should be made clear. This was not done here.</p> <p>1. Mega Watt claim A Mega Watt is a measure of capacity not energy produced. The only things of interest in terms of trying to justify the use of this land to the detriment of the public is (a) amount of energy produced and (b) when it is produced (over daily and seasonal cycles). Neither of these pieces of qualifying information was provided.</p> <p>a) Amount of energy produced. To estimate the amount of energy produced we have to know the 'capacity factor'. It sounds technical, but simply speaking in terms of solar power this is just how often the sun shines or how much daylight we have over a period of 24 hours, or over the four seasons. For our latitude and weather patterns this has been shown empirically to give a capacity factor of around 10 to 11.5%. This compares with traditional generators achieving greater than 90%. So, as portrayed by the applicant the MW figure should either be properly qualified, or better still they should state the expected energy to be produced (in MW hours) over a period of a year.</p> <p>b) When the Energy is Produced The capacity of solar farms runs in accordance with a 24 hour (daylight) cycle and 365 day seasonal cycle. This is obvious, but obscured in the MW claim. The key problem with these natural cycles is that they run almost diametrically opposite to the consumer usage cycle. This means that solar power has to be supported by grid balancing at a huge extra cost.</p>	
<p>Alistair King [REP3-087]</p>	<p>Homes Powered</p>	<p>2. Homes Powered Claim The proposed Fosse Green solar farm cannot and will never 'Power 110,000 Homes'. This is because, as stated above, the energy is generated on a very different cycle to the consumer usage cycle. This can be partly offset by the applicant's use of batteries. However, by their own admission their batteries</p>	<p>The references made by the Applicant in 2023 to the number of homes that could be powered by the Proposed Development were intended as a general illustration of its scale. Electricity generated by the Proposed Development will be exported to the national grid and cannot be directly supplied to specific local communities or result in reduced electricity tariffs for nearby residents.</p>

Interested Party	Theme	IP Post Hearing Submissions	Applicant Response
		<p>would only cover about two hours of output/demand. And that is assuming they get fully charged during the day, which is highly unlikely from solar during the winter months. So, their batteries will only play a small part in flattening out the energy provision cycle. This means, as for all solar, that a high degree of grid balancing will be required by energy from other sources. The last solar auction round, AR7, achieved a strike price of about £65 per MWh, index linked and guaranteed through the Contract for Differences mechanism for 20 years. However, it has been estimated that full grid integration costs (including balancing for periods of no solar) can be of the order of an additional £30 per MWh. This is incorporated into electricity prices for consumers but not reflected as a solar cost.</p>	<p>Further information on the operational methods of the BESS can be found in the Solar Technology Technical Guide <b>[REP3-036]</b>.</p>

## 2.3 Comments on Issue Specific Hearing (ISH) 3 and 4 Action Points

Table 2-3: Applicant's response to: Response to ISH3 and ISH4 Action Points

Interested Party	Theme	Issue Specific Hearing (ISH) 3 and 4 Action Points	Applicant Response
NKDC [REP3-051]	Construction Working Hours	<p>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):</p> <p>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;</p> <p>b) Saturday: 09:00 to 13:00 – all activities, except percussive piling within 400m of residential <b>properties</b>;</p> <p>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</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicant notes the Council's Environmental Health Officer's acceptance of the proposed construction hours, including the limited extension beyond the Council's standard hours where activities are appropriately restricted.</p> <p>The Applicant also notes the recommendation to include additional controls on noise between the hours of 18:00 and 19:00. In response, the Framework CEMP [REP3-016] has been updated to include a specific commitment restricting activities during this period to those which would not give rise to disturbance at sensitive receptors.</p> <p>The Framework CEMP [REP3-016] has been updated at Table 6, Reference NV-C1, to include the following and has been submitted at Deadline 4:</p> <p><i>“r. Activities to take place between 18.00 and 19.00 would include deliveries, plant and equipment movements, unloading, maintenance, general preparation work and personal movement to and from site. This will include operation of plant or machinery, but in mobilisation only, so less likely to cause a disturbance to local residents or businesses unless covered by an exemption.”</i></p> <p>The Applicant considers that this update to the Framework CEMP appropriately reflects the Council's recommendation and provides a proportionate control to ensure that no unacceptable noise effects arise during this period.</p>
LCC [REP3-049]	PRoW Naming	<p>LCC have reviewed the definitive map in relation to naming conventions for public rights of way and consulted with PRoW colleagues. LCC use a parish reference, then a path and link reference in line with BS7666.</p> <p>For example TOTH/18/1</p>	<p>The “LL” designation referenced in the Streets, Rights of Way and Access Plans [REP2-004], Draft DCO [REP3A-004] and the Public Right of Way Plan [AS-020] all align to the Public Right of Way GIS datasets provided by Lincolnshire County Council to the Applicant.</p> <p>A screenshot of this GIS dataset is provided below for clarity.</p>

Interested Party	Theme	Issue Specific Hearing (ISH) 3 and 4 Action Points	Applicant Response																																																								
		<p>LCC is unsure of the meaning of the additional LL at the beginning of the reference. However, we would note that the subsequent characters used by the applicant are in line with the naming convention above.</p>	<table border="1"> <thead> <tr> <th>OBJECTID *</th> <th>Shape *</th> <th>Name</th> <th>FolderPath</th> </tr> </thead> <tbody> <tr><td>1</td><td>Polyline Z</td><td>LL Aby 267/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 267</td></tr> <tr><td>2</td><td>Polyline Z</td><td>LL Aby 265/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 265</td></tr> <tr><td>3</td><td>Polyline Z</td><td>LL Aby 268/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 268</td></tr> <tr><td>4</td><td>Polyline Z</td><td>LL Aby 264/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 264</td></tr> <tr><td>5</td><td>Polyline Z</td><td>LL Aby 265/2</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 265</td></tr> <tr><td>6</td><td>Polyline Z</td><td>LL Aby 266/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 266</td></tr> <tr><td>7</td><td>Polyline Z</td><td>LL Aby 263/2</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 263</td></tr> <tr><td>8</td><td>Polyline Z</td><td>LL Aby 262/1</td><td>Lincolnshire Rights of Way/Footpath/LL Aby 262</td></tr> <tr><td>9</td><td>Polyline Z</td><td>LL Add 48/1</td><td>Lincolnshire Rights of Way/Footpath/LL Add 48</td></tr> <tr><td>10</td><td>Polyline Z</td><td>LL Add 48/2</td><td>Lincolnshire Rights of Way/Footpath/LL Add 48</td></tr> <tr><td>11</td><td>Polyline Z</td><td>LL Add 49/1</td><td>Lincolnshire Rights of Way/Footpath/LL Add 49</td></tr> <tr><td>12</td><td>Polyline Z</td><td>LL Add 273/1</td><td>Lincolnshire Rights of Way/Footpath/LL Add 273</td></tr> <tr><td>13</td><td>Polyline Z</td><td>LL Add 273/2</td><td>Lincolnshire Rights of Way/Footpath/LL Add 273</td></tr> </tbody> </table>	OBJECTID *	Shape *	Name	FolderPath	1	Polyline Z	LL Aby 267/1	Lincolnshire Rights of Way/Footpath/LL Aby 267	2	Polyline Z	LL Aby 265/1	Lincolnshire Rights of Way/Footpath/LL Aby 265	3	Polyline Z	LL Aby 268/1	Lincolnshire Rights of Way/Footpath/LL Aby 268	4	Polyline Z	LL Aby 264/1	Lincolnshire Rights of Way/Footpath/LL Aby 264	5	Polyline Z	LL Aby 265/2	Lincolnshire Rights of Way/Footpath/LL Aby 265	6	Polyline Z	LL Aby 266/1	Lincolnshire Rights of Way/Footpath/LL Aby 266	7	Polyline Z	LL Aby 263/2	Lincolnshire Rights of Way/Footpath/LL Aby 263	8	Polyline Z	LL Aby 262/1	Lincolnshire Rights of Way/Footpath/LL Aby 262	9	Polyline Z	LL Add 48/1	Lincolnshire Rights of Way/Footpath/LL Add 48	10	Polyline Z	LL Add 48/2	Lincolnshire Rights of Way/Footpath/LL Add 48	11	Polyline Z	LL Add 49/1	Lincolnshire Rights of Way/Footpath/LL Add 49	12	Polyline Z	LL Add 273/1	Lincolnshire Rights of Way/Footpath/LL Add 273	13	Polyline Z	LL Add 273/2	Lincolnshire Rights of Way/Footpath/LL Add 273
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## 2.4 Comments on Notes from Open Floor Hearing (OFH) 1 Oral Submission

Table 2-4: Applicant's response to: Notes from OFH1 Oral Submission

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response																																												
Thorpe on the Hill Parish Council <b>[REP3-058]</b>	Cumulative Traffic	<p>A recent NKDC planning application (25/1612/FUL) proposes a Satellite Feedstock Storage facility at Haddington Lane. This application is yet another example of industrialisation of an agricultural landscape. Also, of major concern is the potential impact upon traffic. The applicant for this scheme envisages 9000 extra HGV movements into the area, though several responses from residents point to flaws in this calculation.</p> <p>These additional HGV movements have only recently emerged and therefore were probably outside the modelling for the FGE scheme and worst-case scenarios. Additionally, the entrance to the Feedstock Storage Facility is directly opposite Construction and access point C-003. Field 4/16 from Land Plans APP-007.</p> <p>The fact that these two site entrances lie opposite one another close to the brow of a hill on a de-restricted road presents a significant risk of accidents and should be reviewed carefully.</p>	<p>The Transport Statement for this scheme (Application Ref. 25/1612/FUL) shows that operation of the anaerobic digestion plant (ADP) will commence in 2030 and it will therefore be fully operational during the Proposed Development peak construction year (2032) assessed in Chapter 13: Traffic and Transport of the ES <b>[REP3-010]</b>. The ADP Transport Statement shows the daily operational phase traffic associated with the development and is shown below:</p> <p>1.12.14 The proposed development traffic generation by month is provided as <b>Appendix I</b> and the maximum harvest/non-harvest traffic generation is summarised in the table below:</p> <table border="1"> <thead> <tr> <th rowspan="2">Activity</th> <th colspan="2">Harvest Period 2-Way Traffic</th> <th colspan="2">Non-Harvest Period 2-Way Traffic</th> </tr> <tr> <th>Car</th> <th>HGV</th> <th>Car</th> <th>HGV</th> </tr> </thead> <tbody> <tr> <td>Staff</td> <td>6</td> <td>0</td> <td>2</td> <td>0</td> </tr> <tr> <td>Servicing and Maintenance</td> <td>0</td> <td>0</td> <td>0</td> <td>0</td> </tr> <tr> <td>Crop Delivery (Harvest)</td> <td>0</td> <td>75</td> <td>0</td> <td>0</td> </tr> <tr> <td>Crop Export (JiT)</td> <td>0</td> <td>0</td> <td>0</td> <td>15</td> </tr> <tr> <td>Solid Digestate Export</td> <td>0</td> <td>0</td> <td>0</td> <td>6</td> </tr> <tr> <td>Liquid Digestate Export</td> <td>0</td> <td>0</td> <td>0</td> <td>8</td> </tr> <tr> <td><b>Totals</b></td> <td><b>6</b></td> <td><b>75</b></td> <td><b>2</b></td> <td><b>29</b></td> </tr> </tbody> </table> <p><b>Table 1.01: Daily 2-Way Vehicle Trips Associated with the Proposed Development</b></p> <p>The two-way flows for the (busier) harvest period, a 46-day period in September/October, equate to 81 movements over the day, made up of 6 car movements and 75 HGV movements. Assuming a 12-hour working day, as specified within the ADP Transport Statement, this equates to a maximum generated two-way traffic flow of 6 HGV and 1 car movement per hour, including during the AM and PM peak hours. During non-harvest periods (i.e. the remaining 319 days of the year) the flows are significantly lower than these.</p> <p>The ADP Transport Statement shows that flows associated with the proposed ADP are shown to interact with the Proposed Development traffic network on Haddington Lane, classified as receptor L9 in Chapter 13: Traffic and Transport of the ES <b>[REP3-010]</b>. Since the peak hourly and daily cumulative traffic flows for the ADP listed above, in combination with Proposed Development traffic, fall well below the 30% impact threshold defined by Rule 1 of the IEMA Guidelines<sup>2</sup> for non-sensitive receptors at receptor L9, the cumulative traffic effects of the ADP in combination with the Proposed Development are considered to be Not Significant.</p>	Activity	Harvest Period 2-Way Traffic		Non-Harvest Period 2-Way Traffic		Car	HGV	Car	HGV	Staff	6	0	2	0	Servicing and Maintenance	0	0	0	0	Crop Delivery (Harvest)	0	75	0	0	Crop Export (JiT)	0	0	0	15	Solid Digestate Export	0	0	0	6	Liquid Digestate Export	0	0	0	8	<b>Totals</b>	<b>6</b>	<b>75</b>	<b>2</b>	<b>29</b>
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<sup>2</sup> Institute of Environmental Management and Assessment (2023). *Guidelines for Environmental Assessment of Traffic and Movement*.

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			<p>Construction accesses will be managed in line with the controls set out in the Framework CTMP [REP3-032]. The provision of a detailed CTMP (which is to be substantially in accordance with the framework), is secured under Requirement 14 of Schedule 2 to the Draft DCO [REP3A-004]. By virtue of the same requirement, the detailed CTMP must be submitted to the relevant planning authority for approval, in consultation with National Highways, and must be implemented as approved. As defined in paragraph 1 of Schedule 2 to the draft DCO [REP3A-004], for the purposes of Requirement 14, the relevant planning authority is Lincolnshire County Council.</p>
<p>Thorpe on the Hill Parish Council [REP3-058]</p>	<p>Community Liaison Group &amp; Benefit Fund</p>	<p>At a recent Community Liaison meeting, representatives from local parishes met the Applicant who confirmed their intention to establish a Community Benefit Fund. I understand that such funds cannot form part of planning considerations but this concerns policy matters. The applicant explained how this fund would operate and be administered once the project is operational and grid connection in place.</p> <p>Having familiarised ourselves with NKDC's policy entitled Large Scale Energy – Community Benefit Policy, which was adopted in January 2024, we took some comfort from the fact that this states the following under point 3 page 2:</p> <p>“... this policy will be relevant to both applications made for planning permission where the electricity generation to the grid is under 50MW/year and for Nationally Significant Infrastructure Projects (NSIPs) that seek a Development Consent Order for electricity generation at 50MW/year or over.”</p> <p>However, at our recent meeting the Applicant claimed that this policy does not apply in this case, despite the fact that to our eyes it appears to have been created specifically to cover exactly these types of projects.</p> <p>The applicant is proposing to commit to an annual payment based upon £400 per MW to this fund, rather than the £500 specified in the NKDC policy under point 28 page 5. How can this 20% reduction in contribution be justified? Is the applicant suggesting that this project has less impact than other similar schemes, and if so, please could they provide the evidence, or is this simply a means to maximise their own returns at the expense of local communities?</p> <p>The applicant claims that this project will be able to power 110,000 homes, which leads many of the local population to expect that they will somehow be the beneficiaries of locally cheap electricity.</p>	<p>From the outset, the Applicant has acknowledged the importance of engaging constructively with local communities and has voluntarily committed to establishing a Community Benefit Fund to provide ongoing support to communities in the vicinity of the Proposed Development.</p> <p>The Applicant notes that Community Benefit Funds are not a material consideration in the determination of an application for development consent under the Planning Act 2008. As such, the proposed fund is offered on a voluntary basis and does not form part of the application or the assessment of impacts. This approach is consistent with established practice across solar Nationally Significant Infrastructure Projects (NSIPs).</p> <p>In response to the points raised in relation to the proposed Community Benefit Fund and the applicability of the North Kesteven District Council (NKDC) Large Scale Energy – Community Benefit Policy (January 2024), the Applicant recognises that the policy states that it is intended to be relevant to both local planning applications and applications for NSIPs. However, it is important to note that the policy does not form part of the statutory development plan. It is not part of a national policy statement and therefore is not a matter to which the Secretary of State must have regard and does not carry determinative weight in the DCO decision-making process.</p> <p>NKDC's Large Scale Energy Community Benefit Policy is designed to provide a framework for councils within the district when entering into a Community Benefit Agreement with a developer for the provision of a Community Benefit Fund, as opposed to being a determinative framework for a fund.</p> <p>The Applicant has nonetheless had regard to the policy as a material local document and as an expression of local expectations, alongside wider industry practice and guidance. The proposed contribution of £400 per MW per annum has been derived having regard to comparable community benefit arrangements for large-scale solar and energy NSIPs across England. The Applicant is mindful that the level of Community Benefit Fund must not have an adverse effect on the overall viability and deliverability of the Proposed Development. The Applicant fully understands and appreciates the need to strike an appropriate balance between delivering a community benefit and ensuring that the project remains financeable.</p>

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
		<p>Looking at published population figures for the affected villages there are approximately 10,000 people living in the area. The applicant's contribution equates to an equivalent of less than £10/person. This is a far cry from a meaningful reduction in utility bills that many expect.</p>	<p>The Applicant does not consider that the proposed contribution reflects a reduced level of impact, nor is it intended to suggest that the effects of the Proposed Development are lower than other NSIPs. Rather, it reflects a reasonable and proportionate level of voluntary contribution when considered against the wider market context.</p> <p>It should also be noted that there is currently no nationally prescribed rate for community benefit contributions for solar NSIPs, and the NKDC figure of £500 per MW per annum is not a mandatory requirement.</p> <p>The references made by the Applicant to the number of homes that could be powered by the Proposed Development are intended as a general illustration of its scale. Electricity generated by the Proposed Development will be exported to the national grid and cannot be directly supplied to specific local communities or result in reduced electricity tariffs for nearby residents.</p> <p>The Community Benefit Fund is intended as a separate mechanism to provide localised benefits. The Applicant will continue to engage with local stakeholders to ensure that the fund is administered in a way that delivers meaningful and tangible benefits to the communities most affected by the Proposed Development.</p> <p>With the Applicant's early formation of the Community Liaison Group having held now 2 meetings, the Applicant remains committed to ongoing engagement to ensure the fund is effectively targeted and delivers real value to local communities. The Applicant will continue to work collaboratively with local parishes representatives as the Proposed Development progresses.</p>
<p>Thorpe on the Hill Parish Council <b>[REP3-058]</b></p>	<p>Shooting Rights</p>	<p>A long-standing resident of Thorpe on the Hill, who formerly farmed some of the affected fields no longer owns this land, but he has retained the shooting rights. Has the applicant considered such rights and do they propose to acquire the rights by Compulsory Acquisition?</p>	<p>As set out in section 1.4 of the Statement of Reasons <b>[REP1-013]</b> the Applicant is seeking to acquire freehold and leasehold land in relation to which it is proposed to extinguish easements, servitudes and other private rights and is also seeking to acquire new rights and impose restrictive covenants. In relation to the latter, where the exercise of existing easements, servitudes and other private rights is inconsistent with the rights and restrictions acquired pursuant to the Order, these are to be extinguished.</p> <p>However, whilst the Applicant is seeking the compulsory acquisition powers set out above, the Applicant is continuing to seek to acquire the land, the rights and other interests in, on and over the land, the temporary use of land, and to secure the removal of rights and interests affecting the land within the Order Limits which may impede the Proposed Development. This is an ongoing process, and the Applicant is continuing to seek to enter into discussions to acquire land and rights by agreement wherever possible.</p> <p>The approach of seeking compulsory acquisition powers in the Order parallel to discussions seeking to acquire land by agreement accords with paragraph 26 of the</p>

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
<p>Thorpe on the Hill Parish Council <b>[REP3-058]</b></p>	<p>Lincoln &amp; Witham Landscape Recovery</p>	<p>As a minor landowner, TOTH PC is a contributor to the Lincoln &amp; Witham Valley Landscape Recovery project which is nearing the completion of a DEFRA funded feasibility study which may result in a multi-million-pound grant application for a project of 30-year duration to enhance the landscape in the very same geographic area planned for the FGE solar development. The two projects are not mutually exclusive, but it further demonstrates the apparent strategic deficit and lack of a so-called joined up plan. Members of the public will be rightly perplexed by the same land being industrially developed by one project and at the same time being subjected to a recovery process.</p>	<p>Compulsory Acquisition Guidance (Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013)).</p> <p>As part of ongoing discussions with the Forestry Commission, it was confirmed to the Applicant 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 Lincoln and Witham Landscape Recovery Project (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. As things stand, there is no conflict.</p> <p>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. The Applicant intends to submit this formal confirmation to the Examination and will do so at the earliest opportunity following receipt.</p>
<p>Thorpe on the Hill Parish Council <b>[REP3-058]</b></p>	<p>Land Use</p>	<p>The applicant has stated that about half of the agricultural land falling within the project boundary is used for non-food crops such as biofuel. In so doing the applicant implies that less weight should be applied to the loss of crops for human consumption. However, the applicant has not addressed, and the Enquiry should now consider, the loss of the output from FGE land on, for example, local bio-digestion units. We feel that this matter has been given inadequate consideration as it is clear that a considerable investment has been made in local bio-digestion facilities and evidence in the form of two recent local planning applications suggests a continuing push to develop more.</p> <p>If FGE is consented and proceeds it seems likely that alternative sources of crops to feed the bio-digestion sites will be sought to replace the production lost to the Solar development. This in turn would likely impact food production capacity elsewhere.</p>	<p>As noted in Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b>, the agricultural land required temporarily for construction and operation constitutes 0.09% of the total farmland in the East Midlands and is unlikely to result in an impact on agricultural production. As such, the loss of non-food producing land (approximately 50% of this 0.09% figure) as a result of the Proposed Development is not considered to result in the need for alternative land to compensate for the loss of biomass. Given it would not be necessary to relocate any non-food producing land, there would be no impact upon wider food production capacity.</p>
<p>Luke Daniels</p>	<p>Plans</p>	<p><b>Note – Mr Daniels spoke at Compulsory Acquisition Hearing 2 (CAH2) due to the time constraints of Open Floor Hearing 1 (OFH1). Although Mr Daniels did not submit a post-hearing summary to the Examination at Deadline 3, the Applicant has sought to summarise his submissions in order to provide a written response.</b></p>	<p>The Applicant refers to its previous statement in Written Summaries of Oral Submissions – CA Hearing 2 <b>[REP3-044]</b> that [REDACTED] has not been omitted from the plans, and that any instances of [REDACTED] not being shown or labelled are as a result of the base mapping utilised. Regardless, [REDACTED] has been considered and assessed as required by the ES – for example, with regard to impacts to the heritage significance of the Grade II Listed Property, the ES Appendix 7-D: Detailed Heritage Asset Setting Assessment <b>[APP-127]</b> provides an appropriate</p>

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
		<p>Mr Daniels made submissions with regard to a number of concerns, summarised as follows:</p> <p>██████████ does not appear on the majority of maps and plans produced by the Applicant. Whilst Mr Daniels explained that he has been told that this is due to ██████████ not being shown on the OS Map which is required to be used as a base by the Applicant, he wanted to highlight this as a point of concern.</p>	<p>assessment of any harm to the asset from the Proposed Development, including from the location of the centralised BESS.</p> <p>Further, as reported in the updated Landscape and Visual Impact Assessment (Chapter 10 of the ES <b>[AS-117]</b>), the removal of solar PV in Field 46 adjoining the Grade II Listed Property, and the amendment of proposed landscaping (as set out in the Landscape Mitigation Plan, which forms Appendix A of the Framework LEMP <b>[REP3-028]</b>) results in the assessment of visual effects at this property reducing from Moderate Adverse (Significant) effects in Years 1 and 15 (Winter) of operation, and Minor Adverse (Not Significant) in Summer Year 15, to Minor Adverse (Not Significant) at Year 1 Winter, and Negligible Adverse at Year 15 Winter and Summer.</p> <p>The above examples detail how ██████████ has been explicitly considered and assessed within the ES.</p>
Luke Daniels	Communication	<p>██████████ is an historic asset; a grade II listed building built in 1790. In March 2025, Mr Daniels received a letter from the Applicant with regards to the Proposed Development which stated "please note your property is not affected" – Mr Daniels explained that he felt this was inaccurate due to the significant adverse operational effects which would be experienced.</p>	<p>Regarding the letter referred to by Mr Daniels, Mr Daniels was issued a S42(1)(d) (persons interested in land under s44 (subsoil interests only)) consultee letter on 3<sup>rd</sup> March 2025 – a copy of this letter can be found on page 89 of the Consultation Report Appendices <b>[APP-024]</b> This letter writes to inform of the start of statutory consultation and states "You have been identified as a person with an interest in land potentially affected by the Proposed Development...". It goes on to say "Please note, your property is not affected. We may need to do some limited work just within the highway next to your property. Although this will not affect your property, and no activity will need to take place on your property itself, you technically have an interest in part of the subsoil beneath the tarmac of the highway". The letter is clear that direct works by the Applicant are not required as part of the application within Mr Daniels' property. It was not a reference to environmental effects arising from matters such as landscape and visual or noise and vibration.</p> <p>It should be noted that, following the removal of solar from Field 46 as per Change Request 1 <b>[AS-103]</b>, the ES does not establish any significant adverse operational effects at ██████████</p>
Luke Daniels	Operational Noise	<p>Mr Daniels described the operational noise levels as akin to a constant noise of refrigerator hum or moderate rainfall, and he stated that his research had shown sound damping walls of up to four metres are suggested for this type of noise in close proximity. Although Mr Daniels acknowledged that hedges would provide a level of screening, he asked what screening he would have in the 15 years of this noise it would take for such hedges to be established to the extent that they can provide a sound buffer.</p>	<p>Table 11-22 of Chapter 11: Noise and Vibration of the ES <b>[APP-036]</b> presents the summary of residual effects with regards to the results of the operational noise assessment, which has been based on a series of reasonably worst-case assumptions (such as the wind blowing from the source to the receiver).</p> <p>With reference to R26 (██████████) in Table 11-22 of Chapter 11: Noise and Vibration of the ES <b>[APP-036]</b>, operational noise levels from the Proposed Development at ██████████ are considered to be Not Significant in both centralised and distributed BESS design iterations.</p> <p>It should be noted that the Framework OEMP <b>[REP3-018]</b> (ref. NV-01) makes a commitment that the final operational noise levels from the Proposed Development will be no higher than those predicted in Chapter 11: Noise and Vibration of the ES <b>[APP-036]</b>; modelling will be undertaken at the detailed design phase (as secured by</p>

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			<p>measure NV-01 of the Framework OEMP <b>[REP3-018]</b> to confirm the noise levels at sensitive receptors will not exceed these thresholds. The provision of a detailed OEMP, which is to be substantially in accordance with the Framework, is secured under Requirement 13 of Schedule 2 to the Draft DCO <b>[REP3A-004]</b>. Furthermore, Requirement 16 of Schedule 2 to the Draft DCO <b>[REP3A-004]</b> ensures that all parts of the Proposed Development which emit operational noise are designed in accordance with the relevant operational noise rating levels set out in Table 11-21 of Chapter 11: Noise and Vibration of the ES <b>[APP-036]</b> are that the relevant operational noise rating levels are complied with for the operational lifetime of the Proposed Development.</p>
Luke Daniels	Direction Description	Mr Daniels noted that he considers the description of the directions of the Proposed Development respective to his property to be incorrect as the field in which the BESS is to be located is to the south.	<p>As shown on a number of plans submitted to the Examination, such as Figure 3-2A Indicative Fixed South Facing Site Layout Plan of the ES <b>[AS-022]</b>, the Centralised BESS is located south-east of [REDACTED] Figure WQ1-2 in Appendix A of Applicant's Response to the Examining Authority's First Written Questions <b>[REP2-029]</b> illustrates the separation/offset of the Centralised BESS (as per Work No.2 of the Works Plans <b>[AS-105]</b>) from [REDACTED] showing a 275m offset between the Centralised BESS and the property.</p>
Luke Daniels	BESS Fires	Mr Daniels expressed concern about the risk of a BESS fire given the proximity to his property.	<p>The Applicant has undertaken a variety of assessments to address any potential areas of risk from the BESS – for example, Appendix 14-G: Unplanned Emissions Assessment of the ES <b>[APP-176]</b> provides an assessment of the potential consequences of unplanned emissions to air from the Proposed Development BESS, and Chapter 9: Water Environment of the ES <b>[REP3-008]</b> includes an assessment of the potential impact on groundwater or surface water from firewater runoff in the event of a BESS fire.</p> <p>As noted at paragraph 4.5.8 of the Framework BSMP <b>[REP3-030]</b>, based on the distance to residential properties (there are no residential properties located within 150m of a BESS enclosure, with [REDACTED] located approximately 275m from the centralised BESS and over 200m from the nearest distributed BESS) and the anticipated short-term nature of a fire incident, the assessment concludes that there will not be exceedances of safe levels of Acute Exposure Guidance Levels<sup>3</sup> (AEGs) at receptor locations (inclusive of [REDACTED] in the unlikely event of a BESS fire incident.</p> <p>The Proposed Development includes embedded design mitigation and protection measures to reduce fire risk, during the operation of the BESS, as detailed in the Framework BSMP <b>[REP3-030]</b>. An example of these measures is an automatic cooling system which will be integrated into the BESS to stop or reduce the risk of a cell from overheating and failing and triggering a chain reaction in neighbouring cells (thermal runaway).</p> <p>Under Requirement 7 of Schedule 2 to the Draft DCO <b>[REP3A-004]</b> a detailed BSMP must be submitted to LCC (as the relevant planning authority) for approval in</p>

<sup>3</sup> AEGs are air quality thresholds used to describe the health effects of short-term exposure (typically minutes to hours) to airborne chemicals.

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			consultation with Lincolnshire Fire and Rescue and the Environment Agency. The BSMP must prescribe measures to facilitate safety during construction, operation and decommissioning of the BESS and the detailed BSMP must be substantially in accordance with the Framework BSMP <b>[REP3-030]</b> .
Luke Daniels	Landscape and Visual Impact	In terms of the landscape and visual impact assessment, Mr Daniels noted that during ISH3 the Applicant stated the methodology for assessing the impact uses the person as the receptor and that some views are deemed to be more important than others. Mr Daniels asked who determines which views are important.	<p>The approach to defining the landscape and visual impact assessment study area has been described within Appendix 10-B: Landscape and Visual Impact Assessment Methodology of the ES <b>[APP-149]</b>. Furthermore, Chapter 10: Landscape and Visual Amenity of the ES <b>[AS-117]</b> (ref. Section 10.3) sets out the iterative nature of agreeing the representative viewpoints with AAH Consultants; the consultant team appointed by LCC and NKDC to review and engage with the Applicant on landscape and visual matters.</p> <p>Table 10-5 of Chapter 10: Landscape and Visual Amenity of the ES <b>[AS-117]</b> sets out the criteria used to determine the sensitivity of visual receptors.</p>
Luke Daniels	Request of Documents	Mr Daniels submitted that he requested a landscape master plan in May 2025 but does not believe he received this.	The Applicant does not have a record of this request from Mr Daniels from May 2025 but in any case the Landscape Mitigation Plan was published by the Planning Inspectorate in mid-August 2026 for Mr Daniels and others to view. The Applicant reached out to Mr Daniels following the DCO submission to then discuss the removal of solar PV in Field 46 next to [REDACTED] and changes to landscape screening and habitat enhancement. Further updates were provided via email between September and November 2025, with a presentation via MS Teams of the updated landscape mitigation plan and photomontage. Mr Daniels will have access to all available documentation and drawings now via the Examination Library.
Luke Daniels	Noise Levels	Referring to a Windel Energy Limited project in Carlisle, he noted that, although the site was screened from residents, it was considered that a 100m distance from the project would result in unacceptable noise levels for residents.	<p>As noted above, with reference to R26 ([REDACTED] in Table 11-22 of Chapter 11: Noise and Vibration of the ES <b>[APP-036]</b>, operational noise levels from the Proposed Development at [REDACTED] are considered to be Not Significant.</p> <p>The Applicant notes the reference to a Windel Energy Limited project in Carlisle. However, noise effects are inherently site-specific and are therefore assessed on a case-by-case basis, taking into account factors such as the characteristics of the source, local topography, screening, background noise levels and the proximity and sensitivity of receptors. As such, it is not appropriate to apply a fixed separation distance or draw direct comparisons between different schemes. The assessment for this Proposed Development has been undertaken in accordance with relevant guidance and as mentioned above, operational noise levels from the Proposed Development at [REDACTED] are considered to be Not Significant.</p>
Luke Daniels	Technology	Noting that technology is always changing, he asked what would become of the area if the Applicant determined solar was no longer required.	The Applicant is seeking consent for a solar photovoltaic (PV) electricity generating facility, with an onsite BESS and other associated infrastructure, along with an import and export connection to the national transmission network at the proposed National Grid substation near Navenby. Flexibility is not sought in the DCO Application for a non-solar development – the flexibility retained within the parameters sought for approval relates to the solar and battery technology to be utilised at detailed design

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
Luke Daniels	Proximity to Solar and Construction Noise/Vibration	In terms of the visual impacts, Mr Daniels stated that when leaving his gate, he would be faced with solar panels 3 – 4 metres in height. However, he explained that given [REDACTED] is an old undertaker's cottage with no foundations; his major concern is the impact of piling and constant drilling on the structural integrity of his property.	<p>stage – i.e. either fixed south facing or single access tracker solar PV panels; and either centralised or decentralised BESS arrangement.</p> <p>Regarding the proximity of [REDACTED] to the Solar PV Array Areas, as illustrated on the Works Plans [AS-105] the Solar PV Array in the field opposite the entrance to [REDACTED] has been offset from Basingham Road. Furthermore, as set out in the Framework LEMP [REP3-028], existing hedgerows (such as those adjoining Basingham Road) will be managed to allow for appropriate screening for visual receptors. This will involve filling gaps and thickening hedgerows with a broader range of native species, where needed (ref. paragraph 5.2.9).</p> <p>Regarding potential vibration effects at [REDACTED] due to activities such as piling during the construction phase, [REDACTED] (receptor 'R26' as per Table 11-5 of Chapter 11: Noise and Vibration of the ES [APP-036]), is situated (from the nearest solar PV field to the [REDACTED] building) approximately 50m east of Field 44. Section 11.7 of Chapter 11: Noise and Vibration of the ES [APP-036] does identify a potential significant adverse effect at [REDACTED] from the vibration associated with the piling in Field 44.</p> <p>However, this potential has been identified based on the worst-case assumption that large percussive piling rigs would be used for the solar PV structures. In practice, smaller ramming machines, which produce less vibration, would be used. These smaller rigs were not used in the assessment due to the lack of reliable vibration data concerning their use. The Framework CEMP [REP3-016] (ref. NV-C1), secured under Requirement 12 of Schedule 2 to the draft DCO [REP3A-004], provides a commitment to undertaking a risk assessment in order to identify the probability of significant levels of vibration at residential properties (including [REDACTED] should driven piling be utilised. This risk assessment will identify the techniques least likely to cause disturbance to occupants of surrounding residential properties. This is likely to conclude that significant levels of vibration would not be reached. In the unlikely event that significant levels of vibration are unavoidable, details will be provided in the risk assessment covering how exposure would be limited as far as reasonably practicable. Furthermore, a commitment is made to work with residents to schedule the piling to minimise the disruption caused, including advance warning and delaying any piling until after 10am. It is important to note that even the predicted worst-case levels are only potentially significant in terms of annoyance and are far below any threshold that would have the potential to lead to building damage, even for unreinforced or light framed structures, and that they fall within a range for which the British Standard on construction vibration (BS5228-2) states: "It is likely that vibration of this level in residential environments will cause complaint, but can tolerated if prior warning and explanation has been given to residents."</p>
Luke Daniels	Construction Traffic	With regards to traffic, Mr Daniels submitted that the Proposed Development would result in 100 HGVs passing his property on a daily basis, where presently there are only approximately 20 HGVs passing per year.	The increase in traffic on the section of Basingham Road that runs past [REDACTED] during the construction phase of the Proposed Development is expected to be around 300 vehicles per day, as shown in Table 2 of Appendix 11-D Construction and Operational Noise Modelling [APP-159]. Calculating a roadside traffic noise level,

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			<p>using the Calculation of Road Traffic Noise standard, with and without the extra 300 vehicles does not lead to an increase of over 3 dB in the LA10, 18h noise. As such, this is not expected to be a large enough change in traffic noise exposure to result in a significant effect at [REDACTED]</p> <p>Unlike noise exposure, traffic vibration is assessed on individual events and as such the vibration from a heavy goods vehicle during the construction phase of the Proposed Development would be the same as the vibration from any equivalent heavy goods vehicle on Bassingham Road in the baseline situation. Although there would be an intensification in the number of vehicle movements as a result of construction traffic, such vibration levels are not considered significant and as such were scoped out of the EIA (as agreed as part of the EIA Scoping Opinion provided in Appendix 1-B EIA Scoping Opinion of the ES [APP-199]). Evidence indicates that vibration from the passing of heavy goods vehicles, even on a relatively poor road surface, is likely to be negligible at nearby properties. Such evidence is set out within reference 11-22 of Chapter 11: Noise and Vibration of the ES [APP-036] and within <a href="#">Appendix 12.9 of the Lower Thames Crossing ES [TR010032, APP-449]</a>, which presents a review of published literature regarding groundbourne vibration from road traffic and considers the magnitude of vibration which is considered acceptable. With reference to Table 11-9 of Chapter 11: Noise and Vibration of the ES [APP-036], vibration levels would be far below that which would have the potential to cause building damage to unreinforced or light framed structures, meaning there is no risk of building damage at [REDACTED] from construction traffic vibration.</p> <p>Notwithstanding the above, the Framework CTMP [REP3-032] commits to a temporary 40 mph speed limit along the section of Bassingham Road outside [REDACTED]. As a result, construction traffic passing [REDACTED] would not be travelling at a high speed and, under such circumstances, vibration at [REDACTED] as a result of construction traffic is expected to be negligible.</p> <p>As noted above, the provision of a detailed CTMP (which is to be substantially in accordance with the framework), is secured under Requirement 14 of Schedule 2 to the Draft DCO [REP3A-004]. By virtue of the same requirement, the detailed CTMP must be submitted to the relevant planning authority for approval, in consultation with National Highways, and must be implemented as approved. As defined in paragraph 1 of Schedule 2 to the draft DCO [REP3A-004], for the purposes of Requirement 14, the relevant planning authority is Lincolnshire County Council.</p>
Luke Daniels	Operational Lighting	Mr Daniels asked whether the security lighting, which will be controlled by motion sensors, would be set off by animals at night.	<p>With regards to operational lighting, as secured within the Framework OEMP [REP3-018] (ref. LV-O3), the lighting for the Proposed Development has been designed to avoid light pollution and adverse effects, including the following:</p> <ul style="list-style-type: none"> <li>• No areas of the Proposed Development will be continuously lit.</li> <li>• Operational lighting will be triggered by Passive Infra-red Detector (PID) systems, which will be installed around the perimeter of the Proposed Development.</li> </ul>

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			<ul style="list-style-type: none"> <li>• Lighting will be directional with care to minimise potential for light spillage beyond the Order Limits particularly towards neighbouring properties, habitats, highways or waterways.</li> <li>• Lights installed will be of the minimum brightness and/or power rating capable of performing the desired function.</li> <li>• Light fittings will be used to reduce the amount of light emitted above the horizontal (reduce upward lighting).</li> <li>• The lighting of the primary substation will be motion sensor triggered, that would operate from dusk.</li> <li>• Low level lighting on specific operational units will be triggered by motion sensors, from dusk.</li> <li>• The inward facing CCTV cameras will typically use night-vision technology and will not require additional lighting.</li> </ul> <p>With regards to the potential for animals to activate security lighting controlled by motion sensors, the final security system would be designed to minimise false activations and avoid unnecessary disturbance (such as that caused by animals). This would typically include the careful positioning of sensors such that ground level, small animal triggers are avoided and the use of appropriately specified sensors capable of differentiating between human activity and animals. Most security systems now use AI animal detection to distinguish between humans and animals to avoid false alerts. The detailed specification of the security system would be secured at the detailed design stage.</p> <p>Production of a detailed OEMP, which is to be developed substantially in accordance with the Framework plan, will be secured under Requirement 13 of the Draft DCO <b>[REP3A-023]</b>.</p>
Luke Daniels	BMV Land	In terms of the land upon which the BESS is to be located, Mr Daniels submitted that this is 69% grade 3b agricultural land and 28% grade 3a agricultural land which he does not consider to be suitable for development due to being a finite resource.	BMV agricultural land has been taken into account both in selecting the site for, and in the sensitive design of, the Proposed Development, in order to minimise the impact on BMV land and agricultural operations. The Design Approach Document <b>[APP-186]</b> explains the design vision and principles that were developed at an early stage to provide a framework for design evolution. Design Principle 2 as detailed in Section 3.9 of the Design Approach Document <b>[APP-186]</b> , relates to being sensitive to existing agricultural land and reducing development on BMV land. As set out in Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b> (ref. paragraph 12.7.44), given that all infrastructure (including the BESS) within the Principal Site will be removed upon the decommissioning of the Proposed Development, the permanent loss of BMV land as a result of the Proposed Development relates to the permanent loss of 1.5ha (3.7 acres) of Grade 3a to ecological enhancements, which is noted as likely to be beneficial to the soil resource, although it is acknowledged that the magnitude of impact relates to the withdrawal of land from agricultural production, and therefore is established as a minor adverse effect.

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			<p>The Applicant is applying for a 60-year operational period for the Proposed Development. Under Requirement 20 of Schedule 2 to the Draft DCO [REP3A-004], decommissioning works must commence no later than 60 years following the date of final commissioning of the Proposed Development. At the end of its operational life, the land will be returned to the current owners and available for its current use, although the landowners would choose how the land is to be used and managed.</p>
<p>Luke Daniels</p>	<p>Property Value</p>	<p>Having purchased the property and spent a significant amount on refurbishing it, Mr Daniels is concerned as to the potential loss of property value resulting from the Proposed Development. He noted that this would prevent future generations of his family from benefitting from the value.</p>	<p>National Planning Practice Guidance advises that in general, planning is concerned with land use in the public interest. As a result of this, the protection of purely private interests such as the impact of a development on the value of neighbouring property could not be considered as a material planning consideration and is not a matter for assessment under the 2017 EIA Regulations. As a result of this, an assessment of the effects of development on property value was not required as part of the socio-economic assessment within the EIA for the Proposed Development.</p> <p>In consideration of available research into the impact of similar development on property prices, a study conducted by Maddison et al 2023 from the University of Birmingham<sup>4</sup> concluded that “<i>properties located less than 750m south of an operational solar farm greater than 5MW capacity suffer a 5.4% reduction in relative prices</i>”. The research found that only in certain circumstances do solar farms incur disamenity impacts, which the paper concludes is due to “(1) proximity to the solar farm; (2) a view of the solar farm unobscured by undulations of the land, vegetation, or buildings; and (3) glare from the solar farm”. There are several residential dwellings that are 750m south of solar PV proposed within the Proposed Development, however it should be noted that there are no glint and glare effects or unobscured views of the Proposed Development from these locations, which the research has identified as the cause for effects on house prices.</p> <p>Chapter 10: Landscape and Visual Amenity [AS-117] identifies no likely significant visual effects greater than minor adverse following establishment of the planting at any residential receptors. It acknowledges therefore there may be an impact on visual amenity at some residences but this would not meet the criteria of unobscured views that the research concludes is needed to affect house prices. The Applicant therefore considers that any impacts on house prices, should this occur, would be more likely to occur during construction activity and not operation, and would therefore be temporary (given the transient nature of construction across the DCO Site).</p> <p>On the basis of the metrics considered by the relevant research, as noted above, the Applicant is confident that local property prices will not be affected by the Proposed Development, and notes that this is not a material planning consideration.</p> <p>The ES evidences how design principles to limit impacts on properties have been achieved as part of the design of the Proposed Development, including:</p>

<sup>4</sup> Maddison, Ogier, Beltran (2023), The Disamenity Impact of Solar Farms: A Hedonic Analysis

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			<ul style="list-style-type: none"> <li>• While residents of some dwellings would experience significant adverse visual effects during year 1 of operation, in most cases these effects would reduce in magnitude due to the establishment of mitigation planting and would be not significant. No residential property would experience a visual effect which was so overbearing that it would render the dwelling an unpleasant or unattractive place to live. There are no unobscured views for residences within 750m south of solar PV, nor any glint and glare effects on these residences; and</li> <li>• Following the implementation of appropriate mitigation, no significant adverse environmental effects are expected from the Proposed Development on air quality, traffic and transport and water resources.</li> </ul>
Luke Daniels	Site Selection	Mr Daniels explained that it seems developers are consistently targeting greenfield sites as this looks easier on paper and it seems to be less of a concern if a serious incident occurs in proximity to a Hamlet compared to a housing estate.	Appendix A: Site Selection Report of the Planning Statement <b>[AS-098]</b> demonstrates how the Applicant has sought to identify a suitable site that is as least environmentally constrained as possible whilst delivering the benefits of large-scale solar with regards to the contribution to the delivery of the UK Government's commitment to achieve net zero emissions by 2050.
Luke Daniels	BESS	In relation to the BESS, Mr Daniels submitted that given BESSs are still fairly new, there is not enough information about how they age and therefore the risk they pose is too great to be in close proximity to a grade II listed building.	<p>The <a href="#">Renewable Energy Database</a> managed by Department for Energy Security and Net Zero (DESNZ) logs the energy generation and storage facilities in the UK. It shows that as of January 2026 (the latest data set available at the time of writing) there are 136 BESS facilities currently operational in the UK, with a total capacity of 3,269MW (3.3GW) and BESS facilities ranging from having commenced operation in 2006 up to the present day, with most sites becoming operational in the last few years.</p> <p>The Framework BSMP <b>[REP3-030]</b>, developed in consultation with Lincolnshire Fire and Rescue Services, recognises the evolving nature of standards and guidance regarding BESS and, as such, notes (ref. paragraph 1.2.8) that the BESS will be designed in accordance with the UK and internationally recognised good practice guidance available at the time.</p> <p>Section 5: Pre-construction Requirements of the Framework BSMP <b>[REP3-030]</b>, outlines the key risk assessment tools to be utilised at the detailed design stage together with detailed consequence modelling.</p> <p>The selected BESS, as mandated under NFPA 855 (2026 Revision), will have been subject to Large Scale Fire Testing (LSFT) as part of UL 9540A tests and / or 3rd party full scale destruction testing. This testing involves burning the full BESS system to validate safe equipment spacing and performance test active and passive mitigation systems integrated into the BESS design.</p> <p>Through the described test program and detailed risk assessment tools the Applicant will demonstrate that the selected BESS design will not cause any significant offsite impacts to sensitive receptors if a BESS failure occurs.</p> <p>Please see above response in relation to the proximity of the BESS to [REDACTED]</p>
Luke Daniels	Planning Regime	Mr Daniels also submitted that the Applicant had indicated that as the Proposed Development is being determined under the national planning	As set out in Section 2.2 of the Planning Statement <b>[AS-098]</b> , the Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under s14(1)(a), s15(1) and s15(2) of the Planning Act 2008 (PA 2008). Therefore, the

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
		<p>regime (as opposed to the local planning regime) and therefore, it would be going ahead.</p>	<p>application for development consent must be determined by the Secretary of State under the consenting regime for NSIPs.</p> <p>For the Proposed Development, the Planning Inspectorate has appointed an Examining Authority (ExA) to examine the DCO Application. Following the close of the Examination period, the ExA will provide a written recommendation to the Secretary of State who must, under s104(2) of the PA 2008, have regard to the following in deciding an application for development consent:</p> <ul style="list-style-type: none"> <li>- any relevant NPS;</li> <li>- the appropriate marine policy documents (if any) (not applicable to the Proposed Development);</li> <li>- any local impact report submitted by a local host authority;</li> <li>- any matters prescribed in relation to development of the description to which the application relates;</li> <li>- and any other matters which the Secretary of State thinks are both important and relevant to their decision.</li> </ul> <p>In deciding whether to grant development consent for the Proposed Development, the Secretary of State will need to consider the balance of potential adverse effects against the urgent need and critical national priority for the Proposed Development, as set out in Government policy. The Application is in no way pre-determined.</p>
<p>Luke Daniels</p>	<p>BESS Screening and Siting</p>	<p>Mr Daniels submitted that whilst he appreciated that the Applicant has removed the previously proposed solar PV array from Field 46 of the Proposed Development, these would have provided screening for the BESS. Therefore, he will have views of about 50m of a field before the fences surrounding the BESS. Although he noted that the Applicant has proposed mitigation planting, he remains concerned about the proximity of the BESS to his property. Mr Daniels stated that he considered the Applicants reasoning as to why the BESS could not be sited further into the fields is for convenience due to the size of the transformers.</p>	<p>Regarding visual impact, prior to the removal of solar from Field 46, Chapter 10: Landscape and Visual Amenity of the ES [APP-035], which was supported by a series of photomontages within Figure 10-10 of the ES [APP-098] (VP35b in relation to the view from [REDACTED] identified potential significant adverse effects in Years 1 and 15 (Winter) of operation of the Proposed Development in relation to the visual impact of the Proposed Development at [REDACTED]</p> <p>As noted by Mr Daniels, the Applicant has amended the design of the Proposed Development to remove the Solar PV Array from Field 46 and also amend the landscaping design to allow for open views from [REDACTED] across Field 46, with screening planting proposed adjoining the north-western extent of the BESS Compound in order to reduce visual impact. This is secured via the Works Plans [AS-105], Framework LEMP [REP3-028] and other secured Plans, that were updated and submitted to the Examination as part of Change Request 1 [AS-103].</p> <p>In light of these design changes, the visual impact at [REDACTED] has reduced to not significant in Years 1 and 15 of operation of the Proposed Development, as set out in the updated version of Chapter 10: Landscape and Visual Amenity of the ES [AS-117], supported by an updated set of photomontages within Figure 10-10 of the ES [AS-119].</p> <p>Regarding the siting of the centralised BESS, the proposed location (as per the Works Plans [AS-105]) benefits from the woodland immediately adjoining to the north (outside of the Order Limits) which provides screening from Aubourn. Furthermore, the</p>

Interested Party	Theme	Notes from OFH1 Oral Submission	Applicant Response
			field in which the centralised BESS is situated benefits from a lower surface water flood risk, and fewer watercourse crossings for access, than a number of others in the locality.

## 2.5 Comments on IP Deadline 3A Submissions

Table 2-5: Applicant's response to: IP Deadline 3A Submissions

Interested Party	Theme	IP Deadline 3A Submission	Applicant Response
Roy David Martin [REP3A-040]	Indicative Site Plans	When will the site plans move from 'indicative' to final to allow us to understand fully what we are being invited to comment on	<p>Whilst the Applicant notes the IPs comments regarding a lack of detail, the level of detail and information provided at this stage is appropriate, sufficient and in-keeping with the level of detail expected at this stage of a DCO application, as detailed design is undertaken post-consent.</p> <p>Indicative or illustrative plans, such as Figure 3-2A Indicative Fixed South Facing Site Layout Plan of the ES [AS-022], are used within the DCO Application to contextualise the Proposed Development and demonstrate a likely design that could feasibly come forward within the parameters and controls sought for approval, including those set by the Proposed Development Parameters [REP1-029], Design Commitments (which form Appendix A of the Design Approach Document [APP-186]), and the various framework management plans. The level of detail provided at this stage allows for a robust assessment of the Proposed Development in line with the Rochdale Envelope approach, as set out in Chapter 5: Environmental Impact Assessment Methodology of the ES [APP-030]. The Rochdale Envelope provides a framework for assessing the maximum (and where relevant, minimum) parameters, including the limits of deviation (e.g. development extents or specific maximum heights) as relevant, for the Proposed Development where flexibility needs to be retained. This approach also ensures that the reasonable worst-case scenario is assessed. The result is that the impacts of the Proposed Development, as reported in the ES, will only be equal to or less than those concluded in the assessments of the ES.</p>
Marianne Overton [REP3A-035]	Grid Connection and Deliverability	<p>There is currently no confirmed Gate 2 grid connection evident for the Fosse Green development.</p> <p>If such a connection had been secured, it would be visible on the relevant Government registers.</p> <p>There is also no Gate 2 grid connection for the associated battery storage proposals.</p> <p>Proposals for a substation at Navenby have not yet been submitted for determination.</p>	<p>Following ISH1, the Applicant produced a written note summarising connections reform. This was submitted as Appendix A to <b>The Applicant's Written Summaries of Oral Submissions – Issue Specific Hearing 1 [REP1-046]</b> and explains how NESO is managing the grid connection process in relation to generating stations and batteries and the implications of this for the Proposed Development. Paragraphs A.1.16 and A.1.17 of that Appendix, confirm the status of the Proposed Development's connection agreements and NESO's reprioritisation results.</p> <p>As detailed in this note, the connection registers (including the Transmission Entry Capacity (TEC) Register) are being updated incrementally, and the registers are not expected to be fully and completely updated until 2027 at the earliest.</p>

Interested Party	Theme	IP Deadline 3A Submission	Applicant Response
			<p>NESO updated its timeline for Connections Reform at <a href="https://www.neso.energy/industry-information/connections-reform/connections-reform-timeline">https://www.neso.energy/industry-information/connections-reform/connections-reform-timeline</a> on 13 Feb 2026. The timeline clearly states that:</p> <ul style="list-style-type: none"> <li>• The start of customer notifications about applications (transmission) took place on 8 December 2025</li> <li>• The final notifications process has started for all customers and NESO is working in priority order to send offers to customers. The timeline for final notifications lasts until mid-March 2027</li> </ul> <p>NESO's frequently asked questions page <a href="https://www.neso.energy/industry-information/connections/help-and-support/faqs">https://www.neso.energy/industry-information/connections/help-and-support/faqs</a> explains that only after customers have signed their offers, will NESO update any relevant registers, such as the TEC Register with project details. Therefore, it should not be surprising that no information is yet available on the TEC Register for the Proposed Development or indeed many other projects.</p> <p>The Applicant has prepared a <b>Technical Note for the proposed National Grid substation near Navenby [REP3-046]</b> which sets out the policy context in relation to the grid connection and confirms there are no obvious reasons why the proposed Navenby substation is likely to be refused planning consent.</p>
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited <b>[REP3-032]</b></p>	<p>Statement of Common Ground</p>	<p>the Applicant has not adequately consulted with BPA/Prax to consider and mitigate the risks of the interaction of the Project with the Pipeline and therefore does not have sufficient reliable data to evidence:</p> <p>(a) that the Project can be delivered safely; or</p> <p>(b) that that any necessary mitigation can be delivered by the Order rights within the Order limits; or</p> <p>(c) that the Project will have "no likely effect" on the Pipeline (indeed BPA/Prax are of the opinion that this statement is incorrect and that the Project will indeed have a material adverse impact on the Pipeline as set out further in AS-129)</p>	<p>The Applicant and Prax's agents (BPA) have continued to liaise with one another following CAH2. The soil testing has been completed, several emails have been exchanged, and the parties met on 24 March 2026.</p> <p>The Applicant is updating the modelling report, as requested by BPA and the revised report will be shared with BPA and Fieldfisher (BPA's legal representatives) shortly. A further meeting will be setup to discuss the revised modelling report once BPA and Fieldfisher have had sufficient opportunity to review and consider it.</p> <p>Once appropriate parameters for the pipeline crossing have been agreed, the Applicant's legal representatives will seek to negotiate protective provisions with Fieldfisher as appropriate.</p> <p>The Applicant would like to reiterate to the Examining Authority that it considers that a design solution can be found; AC interference can be mitigated by either increasing the distance between the cable circuit and Prax pipeline and/or increasing the angle of crossing so that it occurs at or close to 90 degrees, both of which have the potential to reduce the impact on the pipeline to negligible or</p>

Interested Party	Theme	IP Deadline 3A Submission	Applicant Response
			<p>none. The Applicant is committed to continuing to engage with BPA/Prax in order to establish the appropriate parameters.</p> <p>At a meeting with BPA and Fieldfisher on 24 March, the Applicant provided verbal confirmation that it would meet a minimum vertical offset of 600mm from the Prax pipeline, with the updated modelling intended to demonstrate that this offset is adequate. A suitable offset will be reviewed with BPA in due course following their review of the updated report. The modelled effects and any commitments needed to reassure Prax will be discussed with Prax's agents, BPA and Fieldfisher following sharing of the updated modelling report.</p> <p>As detailed above, the Applicant considers that any necessary mitigation can be delivered through agreeing appropriate parameters, and this will ensure that the pipeline can be crossed safely such that no additional mitigation will be required. In which case, the draft DCO <b>[REP3A-004]</b> could deliver the necessary mitigation without a need to change the Order Limits.</p>
<p>British Pipeline Agency Limited as agents for Prax Downstream UK Limited and Prax Lindsey Oil Refinery Limited <b>[REP3-032]</b></p>	<p>Update negotiations on Protective Provisions</p>	<p>On 26 November 2025, (the only all parties meeting offered by the Applicant to date), Fieldfisher explained that unless and until such time that adequate safety analysis could be carried out in relation to the impact of the Project on the Pipeline, the Applicant would not be in a position to confirm whether significant works outside of the Order Limits/ powers would be required in order to adequately and safely protect the Pipeline.</p> <p>Fieldfisher confirmed at that meeting, that it would be happy to create bespoke draft protective provisions based on the Net Zero Teesside DCO (EN010103). Solely in this context that Fieldfisher referred to the precedent protective provisions for private pipeline operators within the Net Zero Teesside DCO by way of example including those benefitting CATS North Sea Limited.</p> <p>The Applicant's solicitor together with Fieldfisher agreed that in the absence of the necessary data (in respect of the impact of the Project on the safety of the Pipeline) progress in respect of the draft protective provisions would be problematic. The Applicant's solicitor therefore confirmed that protective provisions could not usefully be negotiated in the absence of any meaningful risk analysis which would thereafter be prioritised.</p> <p>BPA / Prax continued to chase the Applicant (and its agent, AECOM) for the basis on which that safety data would be provided. Fieldfisher similarly chased the Applicant's solicitor and urged engagement in that regard as can be seen in the timeline engagement submitted as part of the written representation submitted on behalf of Prax on 20 March 2026.</p>	<p>The Applicant does not accept there has been any "lack of engagement" as claimed by BPA/Prax. The Statement of Common Ground <b>[REP3A-019]</b> submitted by the Applicant at Deadline 3A sets out a record of engagement which more accurately reflects the position than that presented unilaterally by Fieldfisher.</p> <p>Whilst the Applicant notes Prax's view that "the provisions provided are generic in nature and unsuited to govern the specific concerns relating to the crossing of an operational fuel pipeline," the Applicant has reiterated that in order to progress the matter, Prax should provide comments and proposed amendments to the draft protective provisions which would address its concerns so that the Applicant's legal representatives are able to consider these. The Applicant has also made clear that it understands the request for Prax to be afforded bespoke protective provisions and that the draft provided by the Applicant's legal representatives is intended to provide a starting point in order to negotiate such bespoke protective provisions.</p> <p>As noted above, the Applicant does not consider it productive to continue to focus on the areas of disagreement with BPA/Prax, but rather considers that the parties should focus on agreeing appropriate parameters for the crossing of the pipeline so that appropriate protective provisions can then be negotiated between legal representatives. In this respect, productive discussions were held on 24 March 2026 between the parties, and the Applicant is hopeful that appropriate</p>

Interested Party	Theme	IP Deadline 3A Submission	Applicant Response
		<p>The sole response as to the basis on which the safety data to be provided by the Applicant came from the Applicant's solicitor to Fieldfisher by way of email, confirming that the methodology and scope of that risk analysis had already been set. Risk data was eventually provided on 29 January 2026 and, as set out in AS-129, the data was both inadequate in its scope and incorrect in its calculations.</p> <p>As outlined in AS-129, the risk analysis provided to date by the Applicant does not address the key issue as to whether the Project as drafted and the Order Limits as defined are sufficient to deliver any mitigation which might be needed in third party land, as is repeated throughout the submissions made by / on behalf of BPA / Prax to date.</p> <p>The Applicant's solicitors provided draft protective provisions on 20 February 2026.</p> <p>On 24 February 2026, the Applicant re-circulated the same draft protective provisions with minor name change amends.</p> <p>On 24 February 2026, Fieldfisher confirmed to the Applicant's solicitor that the provisions provided were generic in nature and unsuited to govern the specific concerns relating to the crossing of an operational fuel pipeline.</p> <p>On 9 March 2026, Fieldfisher made clear again to the Applicant's solicitors that the draft protective provisions were inadequate and that Prax required bespoke provisions and agreement relating to any area where the Project crosses the Pipeline.</p> <p>At CAH2 Fieldfisher stated that it was happy to provide draft protective provisions based on precedented Net Zero Teesside protective provisions by 18 March (highlighting to ExA that these would need to include drafting to deal with the continued lack of critical safety data).</p> <p>Accordingly, Fieldfisher supplied draft protective provisions to the Applicant's solicitor on 18 March 2026.</p> <p>The only response to the draft protective provisions provided to the Applicant's solicitor on 18 March 2026 was an email from the Applicant's solicitor on 23 March 2026 stating that: "<i>Our understanding from Fieldfisher's representations at CAH1 and subsequent correspondence was that the draft protective provisions were to be based on those provided for CATS North Sea Limited in the Net Zero Teesside Order 2024. Accordingly, the Applicant has taken the</i></p>	<p>parameters can be agreed, such that the parties can then seek to agree protective provisions based on the Applicant's preferred draft provisions.</p>

Interested Party	Theme	IP Deadline 3A Submission	Applicant Response
		<p><i>approach of preparing draft protective provisions based on those provisions. However, Fieldfisher have since drafted protective provisions based on those provided for Exolum (Exolum Seal Sands Ltd and Exolum Riverside Ltd) in the Net Zero Teesside Order 2024 [...]As you will appreciate, given your client's preferred protective provisions have been provided only four working days in advance of the deadline for submission of agreed protective provisions to the Examination, the Applicant will be incorporating its preferred draft protective provisions and will explain the position in writing to the Examining Authority."</i></p> <p>As evidenced by the transcript of CAH2 and the written representations within the project library, Fieldfisher did not require protective provisions based on those for CATS North Sea Limited at CAH2 or in any subsequent representation. In any event, the draft protective provisions provided by the Applicant are either not based on those preceded by CATS North Sea Limited in Net Zero Teesside or amended so significantly vis a vis pipeline protection as to be unrecognisable as such (we are happy to provide a tracked change version of those two documents if required).</p> <p><b>Summary</b> At CAH2, Fieldfisher agreed that it would supply to the Applicant's solicitors' protective provisions based on a Net Zero Teesside precedent by 18 March 2026, which Fieldfisher has done.</p> <p>Despite the Applicant's claims to the contrary, there has been no 'change of position' from BPA / Prax vis a vis the protections it is seeking, and it would like to see urgent engagement on its drafted protective provisions pursuant to the action points from CAH2 (EV8-002).</p> <p>While we appreciate there is no legal basis to require cost cover the Applicant has to date only offered one undertaking on non-standard / unacceptable terms of £6,500 relating only to protective provisions (on the basis that that is what has been offered to statutory undertakers). In light of the Prax liquidation and the considerable technical complexities in this case, this untypical approach by the Applicant has not been helpful.</p>	

## 2.6 Comments from any party on any submissions and any information received at Deadline 2

Table 2-6: Applicant's response to: Comments from any party on any submissions and any information received at Deadline 2

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
LCC [REP3A-029]	Archaeology	<p>The issues flagged in LCCs response to Deadline 1 remain outstanding. REP2-014 Framework CEMP Table 2: Cultural Heritage, section CH-C1e makes reference to 'no-dig solutions' for preservation in situ areas. LCC considered this will need to be informed by sufficient understanding of the surviving archaeology to ensure such measures will not damage or destroy the archaeology to be protected. The full extent of any preservation in situ areas or areas identified for further archaeological work will need to be fenced off to ensure that there are no groundworks, plant movement, storage or any other developmental works which may cause damage to the currently surviving archaeology.</p> <p>These measures will need to be included in an agreed Archaeological Management Plan and an Archaeological Clerk of Works will be responsible for ensuring these measures are put in place and maintained.</p> <p>REP2-016 Framework OEMP Table 4: Cultural Heritage, section CH-02 states that 'The detailed OEMP will include an action plan detailing the required mitigation in the event that unforeseen activities associated with maintenance and replacement of components, including potential for replacement piles in different location, threaten the preservation of known buried archaeological remains. If potential for archaeological impacts is identified, appropriate mitigation measures would be agreed with the local authority.'</p> <p>These measures will need to be included in an agreed Archaeological Management Plan and an Archaeological Clerk of Works will be responsible for ensuring these measures are put in place and maintained.</p> <p>The Archaeological Clerk of Works will need to be included in the operational site team to ensure that any proposed work which may impact on currently surviving archaeology across the Order Limits are mitigated effectively as required through the lifetime of the scheme.</p> <p>REP2-018 Framework DEMP Table 2: Cultural Heritage section CH-D1 states that 'The decommissioning phase is not expected to result in any impact beyond the already-disturbed footprint of the Proposed Development. Therefore, it is not anticipated that decommissioning activities will have a direct physical impact upon buried archaeological remains. However, if such impacts are identified when methods for the removal of all infrastructure are confirmed, appropriate measures will be agreed within the detailed DEMP. If deemed necessary, an</p>	<p>The Applicant considers that all matters raised in LCC's response have been addressed in the revised Framework Written Scheme of Investigation (Framework WSI) [REP3A-027] submitted to the Examination at Deadline 3A. Whilst it is acknowledged that there are differences of opinion regarding the perception of current / ongoing effects of ploughing, versus the benefits of the cessation of ploughing during operation alongside as yet unknown effects of decommissioning, the Applicant understands that LCC acknowledges that these matters can be managed post-consent. Under Requirement 11 of Schedule 2 to the Draft DCO [REP3A-004] prior to the commencement of any part of the Proposed Development, a scheme for additional trial trenching for that part must be submitted to and approved by LCC (in consultation with Historic England) and additional trial trenching must be undertaken for that part. Requirement 11 also requires that the Framework WSI must be updated to account for the results of the additional trial trenching for each part. This must also be submitted to and approved by LCC in consultation with Historic England prior to the commencement of the Proposed Development and therefore, LCC will have ample opportunity to ensure that adequate mitigation is implemented.</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>Archaeological Clerk of Works and Archaeological Management Plan can be agreed.' LCC does not agree. The effects of decommissioning works are not known for buried archaeology including the removal of the supporting structure of the proposed solar arrays, what measures will be used to deal with areas of compaction from infrastructure, and what ground impacts will occur in restoring the solar array areas to agricultural use after decades without cultivation, how that soil would be restructured and recultivated and whether there would be compaction counter measures which would cause deep disturbance.</p> <p>Evaluation has shown that archaeology survives 30cm from the current ground surface, the use of typical restoration measures such as ripping and rotavating would destroy without identification or recording archaeology which will have survived the lifetime of the scheme. Given that the decommissioning impacts including arable reversion across the scheme are not known maximum impacts should be assumed until they are, particularly as these future impacts may not be known until after the construction phase. Reasonable levels of evaluation and mitigation therefore need to take these future unknown developmental impacts into account as this situation allows the potential for currently surviving archaeology across the Order Limits to survive the construction and maintenance phases only to be destroyed by works at the end of the scheme's lifetime.</p> <p>All Management Plans should include adequate measures to deal with developmental impacts which could damage or destroy currently surviving archaeology. These measures include archaeological mitigation such as preservation in situ areas to ensure they will be protected through to the end of the lifetime of the scheme, and for sufficient evaluation to inform reasonable fit for purpose mitigation for those areas where the archaeological potential has not been determined which will be subject to developmental ground impacts.</p> <p>The Management Plans should therefore be agreed with Lincolnshire County Council. An Archaeological Clerk of Works will also be necessary and the Archaeological Management Plan will need to include any mitigation required during the decommissioning process and subsequent reversion to arable land.</p>	
<p>LCC [REP3A-029]</p>	<p>Landscape</p>	<p>There is disagreement between LCC and the applicant about the effects of the proposal on local and regional landscape character with AAH judging that there is a general understating of magnitude (scale and permanence) within the assessment. The applicant judges that the mitigation planting 'would allow the solar PV infrastructure to integrate into the landscape framework such that the changes to the landscape character at a regional and district level would not be significant'. This reliance on mitigation planting to protect landscape character is</p>	<p>The Applicant considers that the content of LCC's submission largely reflects the position conveyed within the Local Impact Report [REP1-053]. The Applicant has therefore already addressed these matters in the Applicant's Response to Local Impact Reports [REP2-031], specifically with regard to the following:</p> <ul style="list-style-type: none"> <li>- Proposed Development duration</li> <li>- Landscape Character Impacts – Assessment Conclusions</li> </ul>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>of concern and places great importance on the LEMP which must be robust enough to guarantee successful establishing of the proposed planting. As a minimum, the applicant will need to commit to regular monitoring and replacement planting during establishment (15 years) and during the ongoing operation of the project (60 years). The applicant argues that the Secretary of State has confirmed that the 60-year consent lifespan is 'temporary and reversible for the majority of the land'.</p> <p>LCC remain concerned that for 'the majority' of the land, in this case, it will not be possible to return to the original land use (agriculture) – particularly if concrete foundations and other obstructions are left abandoned in the land at decommissioning. Again - the phrase 'removal of above ground infrastructure' is used by the applicant.</p> <p>LCC are concerned about the effects of the development on the Principal site and the LLCAs 03: Tunman Hill and LLCA 06: Thurlby Fenland. These are assessed as Moderate adverse (not significant) during operation, however, LCC believe there will be direct and long terms effects that will be significant. Once again, heavy reliance is placed on the 'establishment and maturation' of mitigation planting.</p> <p>The applicant's response suggests perceived changes would be limited 'to a small geographic extent and therefore only a subtle alteration to the landscape character'. This might be the case if only individual LCTs and LLCAs were affected, but LCC have concerns about the cumulative understating of several LCTs and LLCAs (LCT 4a: Wooded Vales, LLCA 03: Tunman Hill, LLCA 08: Thurlby Fenland etc) which if considered together will result in adverse effects that are extensive.</p> <p>LCC remain concerned that for key PRowS full visual integration is not achievable due to the scale and proximity of the development. As the applicant points out 'substantial alterations to views are inevitable'. Of specific concern is that the LVIA did not consider all key PRowS with oversight regarding the 'the Stepping Out Walks' (13.26) which are of most value to local residents. The LVIA is more focused on long distance routes like "the Viking Way' will be used seasonally and by visitors to the area which are assessed as having a higher value. The GVLA3 guidance suggests that promoted walks of all kinds should be assessed as having a higher value (p114 - indicators of value).</p> <p>LCC notes that the Bassingham and Villages Circular Trail is another locally promoted route that was not explicitly recognised in the LVIA. It is also noted that views that have been assessed as Minor Adverse (Not significant) by year 15 will</p>	<ul style="list-style-type: none"> <li>- Visual Impacts – Stepping Out Walks</li> <li>- Cumulative Landscape and Visual Impacts – NSIP Schemes</li> <li>- Residential Visual Amenity</li> </ul> <p>Since the submission of LCC's LIR <b>[REP1-053]</b> on 20 January 2026 the Applicant has met with LCC and its appointed landscape representative (AAH Consultants) on 23 February 2026 and 18 March 2026, and discussions are ongoing as recorded in the Statement of Common Ground between the Applicant and LCC submitted to the Examination at Deadline 4.</p> <p>As part of these discussions, it has been clarified and agreed that provision of a detailed LEMP is appropriate i.e. prior to the commencement of the Proposed Development the Framework LEMP <b>[REP3-028]</b> is to be developed into a detailed LEMP, substantially in accordance with the Framework, as secured under Requirement 8 of Schedule 2 to the Draft DCO <b>[REP3A-004]</b>. At Deadline 2, the Framework LEMP <b>[REP2-021]</b> was updated to clarify the length of time which is to be covered by the detailed LEMP, as well as provisions for replacement planting, in order to address concerns raised by LCC. The wording of these updates was agreed with LCC to be suitable to ensure the successful implementation and on-going management of planting.</p> <p>The Applicant believes that the concern raised by LCC about the restoration of the land within the Order Limits following the decommissioning of the Proposed Development may be misplaced. The Framework DEMP <b>[REP3-020]</b> states, at paragraph 1.1.4, that '<i>decommissioning comprises the removing of all solar PV array infrastructure including modules, mounting structures, cabling inverters and transformers and concrete foundations to those elements...</i>'. Furthermore, paragraph 1.1.5 of the Framework DEMP <b>[REP3-020]</b> notes that '<i>post-decommissioning, the landowner is expected to return the land to its pre-development use.</i>' The Framework DEMP is to be developed into a detailed DEMP, substantially in accordance with the Framework, as secured under Requirement 20 of Schedule 2 to the Draft DCO <b>[REP3A-004]</b>. By virtue of the same Requirement, the detailed DEMP must be submitted to the relevant planning authority for approval, in consultation with LCC (in its capacity as the local highway authority and waste planning authority), National Highways, and the Environment Agency, and must be implemented as approved.</p> <p>The Applicant also notes that, to date, LCC has not raised any concerns regarding the methodology adopted for the Landscape and Visual Impact Assessment <b>[APP-149]</b>, and that the scope of visual receptors and representative viewpoints was agreed with AAH Consultants on behalf of LCC in</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>'substantially reduce' but not eliminate views of the Solar PV. LCC's position is that if there are still views of the Solar PVs at 15 years, then this should be assessed as significant.</p> <p>LCC remain concerned that cumulative effects of this project, when combined with other NSIP and infrastructure projects, is understated. The scale and extent of these developments combined is likely to result in transformative and fundamental change across the region.</p> <p>RVAA – LCC remain concerned about the properties that are expected to experience significant adverse effects.</p> <p>As previously stated, LCC sees the LEMP as a critical element of the proposal, and without robust and detailed planting proposals, and long-term maintenance plans, potentially, the LVIA will have no accuracy in reality. It is essential that the applicant commits to long term maintenance and this is a condition of the DCO.</p>	<p>November 2024 (see Technical Memo 3 at Appendix A of LCC LIR <b>[REP1-053]</b>). This agreed scope included recreational users of PRowS TOTH/6/1 and TOTH/6A/1, as well as recreational users of TOTH/7/2, TOTH/21/1, TOTH/6/2 and TOTH/6/3 which form part of the Stepping Out Network.</p>
<p>LCC <b>[REP3A-029]</b></p>	<p>Ecology</p>	<p>Framework Landscape and Ecological Management Plan (Revision 5) (REP2-021) LCC notes the updates made in REP2-021 and has the following comments to make:</p> <ul style="list-style-type: none"> <li>• The Council welcomes the clarification provided at 5.3.3 which confirms that all habitats will be managed for the lifetime of the development and that any necessary replacement planting will be undertaken.</li> <li>• The Council welcomes the commitment at 7.1.9 to sharing monitoring reports with the host authorities and Lincolnshire Wildlife Trust.</li> <li>• The Council has provided the Applicant with suggested wording for a draft Terms of Reference for the proposed Ecological Advisory Group (7.1.9) which should be included in the Framework LEMP.</li> </ul>	<p>The Applicant notes these comments. The Framework LEMP <b>[REP3-028]</b> was updated at Deadline 3 to include more detail on the proposed Ecological Advisory Group (EAG). As noted at paragraph 7.1.9 of the Framework LEMP <b>[REP3-028]</b>, the Terms of Reference of the Ecological Advisory Group (or similar) will be drafted following receipt of any future consent and agreed as part of the agenda for the first group meeting.</p>
<p>LCC <b>[REP3A-029]</b></p>	<p>Ecology</p>	<p>Applicant's Response to the Examining Authority's First Written Questions (Revision 1) (REP2-029) and Written Summaries of Oral Submissions Issue Specific Hearing 1 (Appendix D – Action Point 8) (Revision 1) (REP1-046)</p> <p>The Council has reviewed REP2-029 (ENC.1.12) and Appendix D – Action Point 8 of REP1-046 and has the following comments to make:</p> <p>The Applicant identifies that mitigation for ground-nesting birds requires:</p> <ul style="list-style-type: none"> <li>• A minimum of 64 ha of permanent grassland.</li> </ul>	<p>The Applicant welcomes the Council's review of Applicant's Response to the Examining Authority's First Written Questions <b>[REP2-029]</b> and Written Summaries of Oral Submissions Issue Specific Hearing 1 (Appendix D – Action Point 8) <b>[REP1-046]</b> and notes its agreement that the proposed ground-nesting bird mitigation areas are appropriate, necessary, and proportionate.</p> <p>The Applicant also notes the Council's agreement with the approach to BNG, including that biodiversity uplift arises from embedded mitigation and good design practice.</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>• A minimum of 181 ha of managed arable land to be managed to provide for the requirements of skylark, lapwing and other ground-nesting species.</p> <p>These areas are secured through the Framework LEMP and their purpose is to mitigate for the loss of existing arable nesting habitat and ensure no likely significant effect on ground-nesting bird populations. The Council agrees that the areas identified are appropriate and necessary and that their scale is justified.</p> <p>The Applicant also states that:</p> <ul style="list-style-type: none"> <li>• None of the areas identified as bird mitigation have been included solely for BNG delivery.</li> <li>• Permanent grassland established for bird mitigation contributes positively to BNG calculations, due to conversion from intensive arable use.</li> <li>• Managed arable mitigation areas have negligible influence on BNG calculations because they will continue to be managed as arable land.</li> <li>• Reducing these areas would create new significant ecological effects, particularly on skylark and lapwing.</li> </ul> <p>The Council agrees with the Applicant's reasoning that the biodiversity uplift results from good design practice and the provision of necessary mitigation, rather than from identifying separate land solely for BNG.</p> <p>The Council is concerned about the potential for cumulative impacts on ground nesting bird species arising from the number of similar developments across the County. The Council believes that each development should ensure that it provides adequate mitigation for its own impacts on ground nesting birds to avoid the potential for cumulative impacts as far as possible. The Council considers that a reduction in the size or quality of the identified bird mitigation areas would be unacceptable, as it would risk compromising the provision of effective mitigation for ground-nesting birds. Such a reduction would also be likely to negatively impact the predicted BNG outcomes, particularly given the contribution that habitat enhancement associated with the bird mitigation areas makes to the Applicant's BNG calculations. The Council therefore agrees with the Applicant's approach to defining land requirements for both ground-nesting bird mitigation and BNG and is of the opinion that the areas identified are necessary, appropriate, and proportionate.</p>	<p>The Applicant confirms that no reduction in the extent or quality of the identified mitigation areas is proposed and that these measures will be delivered as set out in the Framework LEMP <b>[REP3-028]</b>.</p>
<p>LCC <b>[REP3A-029]</b></p>	<p>Waste</p>	<p>Framework Construction Environmental Management Plan <b>[REP2-014]</b> - LCC notes there are no changes within the document relating to waste matters. Waste stream forecasts would be included in the SWMP. However, LCC will need to see full construction waste arisings forecasts as soon as possible so that they can be taken into account as part of cumulative arisings in the DCO decision.</p>	<p>A meeting between the Applicant and LCC's Waste Officer took place on 4 March 2026 to address the 'under discussion' issues within the SoCG between the Applicant and LCC (submitted to the Examination at Deadline 4). In particular, forecasts for waste arisings (SoCG Reference 3.1.6) were discussed and it was</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>Framework Operational Environmental Management Plan <b>[REP2-016]</b> As above, LCC notes there are no changes within the document relating to waste. However, LCC will need to see full operational waste arisings forecasts as soon as possible so that they can be taken into account as part of cumulative arisings in the DCO decision.</p> <p>Framework Decommissioning Environmental Management Plan <b>[REP2-018]</b> Again, there are no changes relating to waste. It would however be helpful to see waste arisings forecasts within the DEMP, but LCC notes that Table 14-26 of ES Chapter 14 (APP-039) does give those cumulative tonnages so that they can be taken into account of in the DCO decision.</p> <p>Applicant's Response to the Examining Authority's First Written Questions <b>[REP2-029]</b> GC.1.16 re waste management asks both Applicant and LCC whether ES adequately addresses impact of operational wastes. LCC would note that the Applicant says yes but LCC (REP2-043) said arisings forecasts are needed in order to demonstrate impacts. These are still missing/incomplete (or need signposting where they are). LCC would also note in our Teams conversation with the Applicant on 4th March around the draft SoCG, they suggested they'll be providing those figures soon, but they don't seem to have arrived yet.</p> <p>Applicant's Response to Written Representations <b>[REP2-030]</b> LCC continues to be concerned regarding the capacity at recycling facilities, particularly for PV panels and cumulatively alongside other projects.</p> <p>Applicant's Response to Local Impact Reports <b>[REP2-031]</b> Despite various arisings forecasts in a number of sections of this document, LCC continues to be concerned (as per item 18.23) regarding the capacity at recycling facilities, particularly for PV panels and cumulatively alongside other projects.</p>	<p>noted that forecasts for waste arisings are outlined in <b>Chapter 14: Other Environmental Topics [APP-039]</b> of the Environmental Statement as follows:</p> <ul style="list-style-type: none"> <li>• Construction – refer to Table 14-24 Estimated Construction Waste, the specific waste management route would be confirmed by the construction contractor however the wastes listed are recyclable or recoverable;</li> <li>• Operation – refer to paragraph 14.5.84 Component Replacement Waste; and</li> <li>• Decommissioning – refer to Table 14-25 Estimated Decommissioning Waste, the specific waste management route would be confirmed by the decommissioning contractor however the wastes listed are recyclable or recoverable.</li> </ul> <p>Assuming a 2-year construction period and a failure rate of 0.05%, as outlined in the operational Component Replacement Waste section (paragraph 14.5.84) of Chapter 14 Other Environmental Topics of the ES <b>[APP-039]</b>, failed panels during the construction phase of the Proposed Development would result in 78 m<sup>3</sup> of waste.</p> <p>The failure rate of 0.05% is based on a 2017 study by the National Renewable Energy Laboratory (NREL) (Ref 2) which found a median annual failure rate of 5 per 10,000 panels for solar photovoltaic (PV) systems installed between 2000 and 2015. This is equivalent to an annual failure rate of 0.05%. The study analysed data from over 4,500 globally deployed panels and 50,000 installed systems. With the improvement of panel reliability this failure rate is considered a worst-case scenario.</p> <p>In summary solar panel waste is as follows:</p> <ul style="list-style-type: none"> <li>• Construction – 39 m<sup>3</sup> of solar panel waste per year, 78 m<sup>3</sup> total.</li> <li>• Operation (ad hoc replacement) – 39 m<sup>3</sup> of solar panel waste per year.</li> <li>• Operation (full replacement) - 77,190 m<sup>3</sup>.</li> <li>• Decommissioning - 77,190 m<sup>3</sup>.</li> </ul> <p>The Applicant notes LCC's ongoing concern regarding the current capacity of recycling facilities, and maintains that the availability of facilities which reuse, recycle, or recover end-of-life solar PV panels will continue to expand (and new companies emerge) as the quantities of this waste stream increase.</p>
LCC <b>[REP3A-029]</b>	Planning	<p>Development Consent Order (Revision 3) <b>[REP2-006]</b> As stated within LCCs response to ExQ2 DCO.2.27, LCC would consider it incredibly helpful should the applicant notify the Council of the date of final</p>	<p>In response to LCC's request, the Framework CEMP has been updated, to be submitted to the Examination at Deadline 4, to note the following at Paragraph 2.4.2 "The Applicant will inform Lincolnshire County Council of the date of final</p>

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		<p>commissioning, once it has occurred. LCC consider this should be secured through the appropriate management plan, whether this be the CEMP or OEMP.</p> <p>Framework Operational Environmental Management Plan <b>[REP2-016]</b> LCC welcomes the inclusion of paragraph 6.1.4 within the fOEMP. Which partly addresses LCCs concerns surrounding potential early cessation. However, as stated within ISH4, LCC currently considers that Requirement 13, in conjunction with the Framework OEMP, does not currently provide a suitable mechanism to trigger early decommissioning if the project ceases to permanently generate energy before the end of the 60 year period for which consent is sought.</p> <p>LCC would suggest that the applicant considers the wording used in the Framework OEMP in the Springwell Solar Farm project which it considers provides an appropriate grace period and mechanism to address such a scenario. LCC would also request that the Applicant reviews the final sentence of the current iteration of paragraph 6.1.4 of the Framework OEMP which may require re-drafting for clarity.</p>	<p><i>commissioning once it has occurred. The Proposed Development will be operational for 60 years from the date of final commissioning."</i></p> <p>The Applicant has provided further explanation on the reasoning for the wording in Paragraph 6.1.4 of the Framework OEMP <b>[REP3-018]</b> in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b> (reference DCO.2.27).</p> <p>The Applicant does not see a need for a clause to decommission the Proposed Development if it ceases to generate electricity early. The Applicant is already incentivised to ensure the Proposed Development generates electricity in order to receive revenue from the project. In the unlikely event it is not producing electricity for a lengthy period, the ongoing operational costs would mean the Applicant is financially incentivised to decommission the Proposed Development early, without needing a clause that forces this to happen. It is therefore considered sufficient protections are already in place to avoid the Proposed Development being built and not generating electricity.</p>
LCC	Grid Connection	<p>LCC acknowledges the applicant's position with regard to the grid connection to the proposed Navenby substation, reference 8.1 to 8.10. But would reiterate its position that LCC consider there should be a requirement imposed to restrict the commencement of development including preliminary works until such a time that planning permission has been secured for Navenby substation, this is to prevent negative environmental effects from occurring without the benefits derived from generation which would be relied upon for the grant of any consent being secured.</p>	<p>As set out on page 104 of the Applicant's Response to Deadline 2 Submissions <b>[REP3A-025]</b>, the Applicant considers that a Grampian condition requiring planning permission to be granted for a transmission network connection is not necessary, appropriate nor will be offered as a requirement.</p> <p>However, the Applicant does acknowledge the concern raised by LCC that negative environment effects could occur as a result of preliminary works prior to the National Grid Substation near Navenby receiving planning permission. To address this concern, the Applicant is proposing that the PPW will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. In addition, it is proposed that the PPW EMP will contain a commitment that in the event that the PPW are undertaken on an abortive basis the land on which the PPW has been undertaken will be restored. This will mean that if PPW are undertaken but the Proposed Development is not commenced within five years from the date of the Order in accordance with Requirement 2, the land on which the PPW have been undertaken would be restored. The Applicant considers that this should adequately address LCC's concern.</p>

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LCC [REP3A-029]	Soils and agricultural land	<p>With reference to section 15.23, notwithstanding the Council's reservations over the use of the term 'temporary' to describe this 60-year development proposal, LCC considers that the applicant has not adequately explained why the "temporary, reversible loss of one or more soil functions or soil functions or soil volumes, or temporary, reversible loss of soil-related features..." as set out in Table 3 (Guidance on Identifying Magnitude of Impact on Soil Resource and Soil Function) of the IEMA guidance (A New Perspective on Land and Soils in Environmental Impact Assessment), which would result in a 'Minor' magnitude of impact, and which in turn, combined with High Sensitivity (relating to ALC grade 3a soils), would result in a 'Significant' effect as set out in paragraph 15.22 of LCC's LIR [REP1-053], is not applicable to the areas affected by the solar array. LCC note that the ExA have posed a related question in regard to the sensitivity assignation of ALC grade 3a land at FS.2.01 of ExQ2.</p> <p>With reference to the comments related to paragraph 15.28, the applicant states that 'If any existing field drainage systems found on the Principal Site are damaged during construction and will also result in a negative impact offsite, they will be required as far as reasonably practicable to their existing operational capacity to ensure flood risk is not increased. Remediation and maintenance of encountered land drains during construction are secured within the Framework Construction Environment Management Plan [REP1-031]' (underlining our emphasis). LCC consider that there needs to be more concrete reassurance that if field drains are damaged during construction that they will be repaired in full, to ensure that the land can continue to fulfil its agricultural function, as well as for flood risk purposes. LCC suggest that this reinforcement of emphasis could be included in the fCEMP</p>	<p>Chapter 12: Socio Economic and Land Use [AS-012] explains that the installation of solar PV cannot lead to a significant effect on soils. This is due to a combination of magnitude of impact and sensitivity of the soil. The installation of solar PV does not require sealing the ground and is reversible, therefore, in line with the criteria included in the guidance document Institute of Environmental Management and Assessment (2022) 'A New Perspective on Land and Soil in Environmental Impact Assessment', the maximum magnitude of impact it can generate is minor. A major or moderate magnitude of impact requires "Permanent, irreversible loss...", which does not accurately describe a time limited development that returns the soil to farming after 60 years. IEMA only introduces "temporary, reversible loss" for the minor magnitude of impact category.</p> <p>Since the Proposed Development will be limited to a 60-year operational lifetime, and the ground is not sealed under the solar PV panels, it is not considered appropriate to assign either a major or moderate magnitude of impact. Therefore, due to the absence of Grade 1 and 2 land, meaning that the sensitivity of the soil is Medium for non-BMV and High for Grade 3a BMV, a significant effect is avoided for soil beneath solar PV, and it is assigned a minor adverse effect.</p> <p>Paragraph 12.7.40 of Chapter 12: Socio Economic and Land Use [AS-012] emphasises this, stating that "This use of land is temporary as it would be returned to use for farming either upon decommissioning (Principal Site including the BESS Compound and the Onsite Substation) or upon completion of construction (Cable Corridor outside of the Principal Site)".</p> <p>With regards to existing field drainage systems, the Applicant is required not to increase flood risk or run off from the Site. Therefore, changes to drainage due to any field drain damage during construction of the Proposed Development would be observed during construction or operation and rectified if it results in the pooling of water onsite or, if necessary, to avoid any increase in flood risk offsite.</p>
LCC [REP3A-029]	FESSCP	<p>LCC notes the applicant's response with reference to LIR Ref. 16.8. LCC would draw the ExAs attention to its response to ExQ2 PE.2.05. LCC would consider it necessary to secure the commitments proposed within the Framework Employment Skills and Supply Chain Plan (fESSCP).</p> <p>LCC welcomes the inclusion of Requirement 19 within the dDCO, but would note that the requirement only ensures the submission of a SSECP. This raises potential concern as the framework document uses phraseology such as, 'could</p>	<p>The Applicant notes LCC's comments and its reference to ExQ2 PE.2.05. The Applicant agrees that the commitments set out within the Framework Employment, Skills and Supply Chain Plan (Framework ESSCP) [APP-197] are intended to be taken forward through a clear and enforceable mechanism, and confirms that this is secured under Requirement 19 of Schedule 2 to the draft DCO [REP3A-004]. This Requirement secures the provision of an Employment, Skills and Supply Chain Plan which must be substantially in accordance with the Framework ESSCP [APP-197]. By virtue of the same Requirement, the ESSCP</p>

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		<p>be pursued' and 'potential for'. Whilst LCC acknowledges that this is an outline document that would be refined and agreed through Requirement 19, LCC are of the view that a clear delivery mechanism with secured funding must be established, to ensure delivery of the initiatives as described within the fESSCP. Similar contributions have been secured as part of the Heckington Fen Solar Farm and Springwell Solar Farm.</p>	<p>must be submitted to the relevant planning authority for approval, in consultation with LCC, and must be implemented as approved. Sub-paragraph (3) of Requirement 19 provides that the ESSCP must identify opportunities for individuals and businesses to access employment, skills and supply chain opportunities associated with the construction, operation and maintenance of the Proposed Development, as well as the means for publicising such opportunities.</p> <p>As with other framework plans submitted at the application stage, the Framework ESSCP <b>[APP-197]</b> necessarily uses language such as "could be pursued" and "potential for" to reflect the fact that the ESSCP cannot be finalised until detailed design has been undertaken post-consent. The ESSCP will be developed post-consent in consultation with the relevant planning authority as detailed above. This approach is standard practice and is intended to ensure that the detailed ESSCP is realistic, deliverable and responsive to market conditions, rather than unnecessarily prescriptive at an early stage.</p> <p>The Applicant does not consider that the use of such wording undermines the effectiveness of Requirement 19. Once the ESSCP is approved pursuant to the Requirement, its measures will be binding and enforceable, and failure to comply would constitute a breach of the DCO. The Applicant therefore considers that an appropriate and robust mechanism is already secured through the consenting process to ensure delivery of employment, skills and supply chain commitments.</p> <p>In relation to LCC's request for secured funding, the Applicant has set out in detail the reasons as to why it does not consider the provision of a financial contribution to be necessary or justified in the Applicant's Response to Local Impact Reports <b>[REP2-031]</b>. For the sake of brevity, the Applicant will not replicate this reasoning, but in short, the financial contribution sought is not required to make the Proposed Development acceptable in planning terms, and the scale of the requested figure which has previously been suggested by LCC is not proportionate. The Applicant does not consider it necessary or appropriate to mandate a fixed financial contribution or to secure funding through a separate obligation in order for the enhancements provided by the ESSCP to be delivered. Instead, flexibility allows delivery mechanisms, including any resourcing or financial commitments, to be proportionate, targeted and aligned to actual opportunities identified at the relevant time.</p>
<p>LCC <b>[REP3A-029]</b></p>	<p>Temporary Workforce</p>	<p>Applicants Response to LIR <b>[REP2-031]</b> LIR ref 16.9, LCC would again draw the ExAs attention to its ExQ2 responses, particularly PE.2.06. The applicant's response addresses LCCs concerns in part,</p>	<p>This matter was discussed at ISH3, with the Applicant explaining that, as set out in Table 12-19 in Section 12.5 of Chapter 12 of the ES, even during peak summer occupancy, there would be a surplus of 811 rooms available (17% of total rooms)</p>

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		<p>however, there still seems to be a lack of appreciation (with or without detailed workforce numbers) that even when booking out larger hotels in the larger settlements that this will have impacts. Such impacts are not just restricted to healthcare facilities. See LCCs response to ExQ2 for further detail.</p>	<p>within 60 minutes of the Site after housing these workers. The assessment 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, demonstrating that these workers can be accommodated locally. Furthermore, occupancy during quieter months would provide a positive benefit to the sector through the additional revenue from selling rooms. The overall effect was therefore assessed as negligible and not significant.</p> <p>It is not expected that the workforce will add pressure to the local health facilities. By the nature of the type of people who work in construction on site, they are typically healthy and require very little medical attention (as recognised by HSE workplace health standards). Construction sites at solar farms have a good safety record and infrequently require medical support. Any health matters arising during construction are typically managed through on-site welfare, first-aid provision and contractor health and safety procedures, rather than through reliance on local GP or hospital services.</p> <p>The Council's concern over accommodation pressures is noted. Contractors inherently prioritise large hotel chains in urban centres ahead of small independent accommodation services, due to the ability to negotiate block discounts. These locations are inherently better equipped to accommodate fluctuating weekday demand associated with temporary workforces and are accustomed to transient business users. As a result, any potential social cohesion effects are more readily absorbed within these larger urban environments, reducing the likelihood of perceptible or lasting impacts on local communities, particularly when compared with smaller rural settlements.</p> <p>The number of large-scale construction projects anticipated within the county over the next 5–10 years is acknowledged. However, these projects each operate within different travel-to-work catchments and construction programmes reducing the likelihood of direct overlap in accommodation demand. It is also unlikely that peak construction periods would fully coincide across multiple NSIPs, particularly given differing grid connection dates, phasing strategies and commercial drivers for each scheme. Furthermore, peak construction workforce numbers are typically overstated within environmental assessments to ensure that associated impacts, particularly workforce travel and accommodation demand, are not underestimated. This approach provides increased confidence that the conclusions of the ES remain robust.</p>

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LCC [REP3A-029]	Minerals and Waste	<p>Applicants Response to LIR [REP2-031] LCC acknowledge the applicant's response with regard to site selection, LIR ref 18.9 and has nothing further to add. With reference to the comments on paragraph 18.10 (Adequacy of baseline information), LCC continues to have concerns regarding this topic in terms of mineral deposits and safeguarding. The applicant's response to this point does not address LCC's concerns. LCC would refer back to its initial comments, that the reference to the presence of economically viable sand and gravel deposits being 'negligible to limited' has been derived from only a select number of boreholes spaced at relatively low density. LCC erroneously referred to SK86SE60 as showing a sand and gravel deposit of 6.75 in its LIR, but the applicant has correctly pointed out this should be a reference instead to borehole SK86SE28. Whilst LCC accept that a large part of the application area falls outside of the MSA areas, the western fringe of the proposed site does intersect with the sand and gravel MSA.</p> <p>In light of the council's comments regarding the sand and gravel reserve position in the county below, the ExA may want to satisfy themselves that there is sufficient evidence to conclude that the presence of economically viable sand and gravel deposits within the boundary is negligible to limited. With regards to LIR reference 18.11 -18.12, and the conflict between long term temporary development and LCCs mineral safeguarding policy, LCC would draw attention to its response to ExQ1 GC.1.18, which highlights the current and future plan periods, current landbanks and the indication of industry interest within this area from the call to sites request. Please see the Site Assessment Report undertaken as part of the Regulation 18 consultation which identifies the 'preferred' sites proposed for allocation and those discounted at that stage. Even though some of the nominated sites in this area were discounted at Regulation 18 stage from being taken forward in the current plan, these and other areas could potentially be put forward for consideration in a later plan. Sterilisation of the resource, albeit until the 2090s, could impact on the future extraction of sand and gravel resources within the vicinity. Contrary to the comment made by the applicant that the landbanks in Lincolnshire are large, for sand and gravel the landbank at the end of 2024 was only 8.01 years, just above the 7-year minimum required by the NPPF (reference the latest Local Aggregates Assessment (LAA) dated January 2026 (reporting 2024 data). Whilst the Council may have a landbank in the immediate term, and are in the process of assessing sites for allocation in the MWLP update, additional resources will need to be identified for future LMWLPs during the extended 60 year life of the proposed Fosse Green Solar Farm. LCC acknowledge the applicant's response to LIR reference 18.13 and have nothing further to add at this stage with regard to the removal of cables upon decommissioning.</p>	<p>The Applicant notes there are no further questions on site selection.</p> <p>With regards to future sites for mineral extraction coming forward, the Applicant's response to the Examining Authority's Second Written Questions [REP3-045] at GC2.06 discusses this potential and Figure WQ2-3: Indicative Potential Quarry Expansion [REP3-045] provides an indicative quarry expansion plan. In summary, whilst the current and potential future plans for mineral extraction are unknown at this stage, there are significant constraints with regard to expansion (unrelated to the Proposed Development) onto the site of the Proposed Development.</p> <p>The Applicant's position remains that the presence of economically viable sand and gravel is considered negligible to limited.</p>

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LCC [REP3A-029]	Draft DCO	<p>Applicants Response to LIR [REP2-031]</p> <p>With regard to section 22 of LCCs LIR, LCC have the following comments: Broadness of the definition of maintain; LCC continues to make reference to the broadness of the definition of 'maintain'. The latest position was stated within ISH4 and summarised within LCCs post hearing submissions. LCC notes the definition of maintain is very broad in conjunction with the power under Article 5, LCC welcomes the Applicant's commitment to provide an annual report of the maintenance schedule. The Applicant's intention to produce an indicative set of maintenance schedules is also welcomed. LCC considers a mechanism should be secured, whether on the face of the DCO, for example by restricting maintenance to replacement of a certain percentage of modules each year, or within the framework plans, to ensure that the broadness of the maintenance definition under Article 2 does not extend beyond what has been assessed in the Environmental Statement. LCC welcomes the Applicant's intention to provide maximum parameters and will review the Applicant's proposed mechanism in due course and provide comments accordingly. LCC raised concern within its LIR with regard to Article 8 and 10 stating that as currently written these Articles would give the developer the right to undertake works with no further approvals from the Council. The Council suggested wording in its LIR and in response to ExQ1, TT.1.27. The applicant has now incorporated this wording into the fCEMP at paragraphs 1.3.2 and 7.1.3 which satisfies LCCs concerns.</p> <p>LCC notes the applicants comments with regard to Article 12, Temporary Prohibition or Restriction of Use of Streets and Public Rights of Way. There are some points of detail that LCC would wish to see clarified/added to the fPRoWMP and further recommendations are set out below:</p> <p>LCC has a system in place for ensuring the PRoW closures through the Development Consent Order process are fed in to OneNetwork and that publicity is undertaken. LCC therefore request that closures are notified to the authority in advance, to facilitate this process. LCC suggests that additional text is included in the fPRoWMP to require this. LCC would also wish to see commitments in the fPRoWMP to notify the Council in advance prior to any changes being made on site, to ensure that any temporary closures are kept to the minimum time frame required for works to be undertaken, to ensure that any temporary diversions are agreed with the Council in advance, particularly with regard to path surfacing and signage, and that adequate and satisfactory reinstatement of the original paths are undertaken at the end of the construction works. Inclusion of the measures outlined above in the fPRoWMP would in part address the concerns we raised in our LIR [REP1-053] regarding the powers in Article 12 in the dDCO [REP2-006]. LCC would welcome further discussions with the applicant regarding this matter.</p>	<p>The Applicant's position with regard to the definition of 'maintain' was stated during ISH4 and set out in detail in the Written Summaries of Oral Submissions – ISH4 [REP3-043]. The Applicant is seeking to use the OEMP to limit the scope of the maintenance activities, particularly in relation to vehicular movements, by reference to parameters. Effectively, the Applicant is seeking to utilise the Rochdale envelope approach for maintenance activities to ensure that all maintenance activities fall within the parameters assessed in the Environmental Statement.</p> <p>The Applicant notes LCC's comments on the Framework PRoWMP [REP3-026] and will consider whether an updated Framework PRoWMP is required for submission to the Examination at Deadline 5.</p> <p>The Applicant notes that LCC has no further comment on Article 39 and Article 40.</p> <p>The Applicant has set out its position regarding Article 46 in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (DCO.2.07).</p> <p>With regards to the fee schedule set out in Schedule 15 the Applicant is considering the proposed amendments and will provide an update at Deadline 5.</p>

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		<p>With regard to Article 39, document reference APP-016, LCC note the applicants response and welcome the inclusion of an annual maintenance schedule to be included within the fOEMP, LCC have nothing further to add. Please see LCCs response to ExQ2, DCO.2.05. LCC has reviewed the dDCO in light of the applicants comments on Article 40, trees subject to tree preservation orders. LCC notes that the suggested wording contained within its LIR has been included in the dDCO and as such have no further comments to make.</p> <p>LCCs response to ExQ2 DCO 2.07 sets out its latest position with regard to Article 46, Procedure in relation to certain approvals etc. As suggested within the Councils LIR, LCC would seek a 10-week determination timeframe, in line with the timescales for determining discharge of requirements in Schedule 15. LCC notes the applicants response to this point within REP2- 031, but, would highlight that there are several made Orders which include a 10-week timeframe for articles regarding 'procedure in relation to certain approvals etc' West Burton Solar Project, Gate Burton Energy Park and Cottam Solar Project for example.</p> <p>With regard to the fees as set out within Schedule 15, LCC has set out its position within ISH4 and subsequent summary and ExQ2, DCO.2.31. LCC considers that the fees should be in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 which were increased in April 2025. This approach is consistent with the Springwell Solar Farm dDCO.</p>	
<p>Thomas Brian Fenn [REP3A-036]</p>	<p>Framework CTMP</p>	<p>My Concerns with the FGE Traffic Management Plans 7.18 Rev 3 Feb 26 are that from the plans provided I do not see how they can meet their objectives stated above given the following,</p> <ol style="list-style-type: none"> <li>1 The plans do not identify the local issues described below or go into any detail of how the traffic will be managed to deal with these local issues.</li> <li>2 They do not provide detail on how the plans will be enforced.</li> <li>3 They do not clarify how any breaches to the CTMP once the detail has been provided, will be dealt with, including repeat offenders.</li> </ol> <p>Since the opening of the A46 dual carriage way to the Pennels roundabout there has been an unprecedented rise in traffic shortcutting through the village. Below I have identified some of the main issues which do not appear to have been considered. I am concerned that the FGE plans which include plans to create a major access point</p>	<p>The Applicant's response to the IP's comments in [REP3A-036] can be found below:</p> <ol style="list-style-type: none"> <li>1 The Applicant has responded in further detail on local traffic issues in the following rows.</li> <li>2 The Applicant directs the IP to Section 8 of the Framework Construction Traffic Management Plan (CTMP) [REP3-032] which provides detail on the mechanisms which will be implemented to ensure compliance with the CTMP</li> <li>3 Paragraph 8.5.1 of the Framework CTMP [REP3-032] details enforcement procedures should any breaches occur. Further detail regarding possible sanctions will be included within the detailed CTMP, which is to be substantially in accordance with the Framework CTMP [REP3-032], as secured under Requirement 14 of Schedule 2 to the draft DCO [REP3A-004]. By virtue of the same Requirement, the CTMP must be submitted to the relevant planning authority (in this instance, LCC) for approval in consultation with National Highways and must be implemented as approved.</li> </ol>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>Ref: C-002 (West Access off Fosse Lane) do not consider in any detail the local traffic issues faced by Thorpe on The Hill and how they can be mitigated to avoid adding to the current problems identified below.</p>	
<p>Thomas Brian Fenn [REP3A-036]</p>	<p>CTMP</p>	<p>Peak Traffic A46 to Pennels roundabout in both directions becomes congested from about 0700 to 0900 hrs &amp; 1600 to 1800 hrs with traffic then opting to short cut or bypass the roundabout through ToH. As soon as the traffic backs up from Pennels roundabout in either direction the traffic then rat runs through ToH causing extensive congestion and creating dangerous situations, especially adjacent Feather Garage on Fosse Lane with roadside customer parking creating dangerous passing scenarios. This additional diverting traffic also coincides with school drop off times creating further hazards on Middle and Lincoln Lane with the school run. An accident or Incident on the bypass or A46, in either direction, which might I add, is a regular occurrence at peak times. Accidents and Incidents are a regular occurrence on the A46 especially the bypass section from Whisby to Pennels roundabout. During such incidents all the traffic rat runs through Thorpe on Hill causing absolute chaos. These incidents often take several hours to resolve with the whole village being impacted and following roads being severely affected. (Station Road, Main Street, Lincoln Road, Fosse Lane).</p> <p>Road Works which occur frequently at night diverting traffic through ToH Road Works carried out on the A46 or bypass which occur frequently overnight with HGV traffic diverting through ToH causing excess traffic noise and damage to the curbs, roads and buried services. During road works circa October/ September 2025 all traffic was diverted through ToH every evening from around 8pm until 5am for many days. It was during this period that an HGV ruptured a water main on Fosse Lane. As such the road had to be closed for several days while repair works were carried out.</p>	<p>Due to the working hours for the construction of the Proposed Development all construction worker traffic movements will occur between 06:00-07:00 and 19:00-20:00 and so will be outside of the congested hours quoted (0700 to 0900 hrs and 1600 to 1800 hrs) (refer to Paragraph 7.4.9-10 of the Framework CTMP [REP3-032]). Note that the Framework CTMP, in consultation with LCC Highways, assessed a worst-case scenario that construction worker traffic would be based on the 'shoulder' peaks to the traditional network peak hours. Therefore, staff arrivals have been assumed to take place between 07:00-08:00 and staff departures have been assumed to take place between 18:00-19:00 (Monday to Friday). HGVs will be subject to timing restrictions (avoiding arrivals and departures between 08:00-09:00 and 17:00-18:00) meaning they would largely avoid the congested hours quoted (0700 to 0900 hrs &amp; 1600 to 1800 hrs) and in any case they will be required to comply with the routing set out on Figure 13-4 Heavy Goods Vehicle (HGV) Routing Plan of the ES [AS-072] which avoids Thorpe-on-the-Hill. As noted above, it is not proposed that HGVs will be routed through Thorpe-on-the-Hill during construction of the Proposed Development (refer to Figure 13-4 Heavy Goods Vehicle (HGV) Routing Plan of the ES [AS-072]). National Highways and Lincolnshire County Council in their respective capacities as the highway authority for the strategic road network and highway authority for the local road network, are responsible for identifying, planning, managing, approving, and setting diversion routes on their road networks in the event of accidents or incidents. Regarding the comment referencing roadworks, vehicular movements (either staff construction workers, LGVs or HGVS) associated with the Proposed Development would only be on the local road network by exception between 8pm and 5am.</p>
<p>Thomas Brian Fenn [REP3A-036]</p>	<p>CTMP</p>	<p>Review of the FGE Report – Contradictions and conflicts  section 7.3.10 States <i>"In the case of exceptional circumstances where the proposed routing to the Proposed Development is compromised due to an incident or road closure for example, then it is considered acceptable for HGVs to be redirected via an alternative route or to deliver outside of the established scheduling if required"</i>. This statement suggests that HGV's can determine that</p>	<p>It is considered that any redirection of HGVs will be by exception and would not be the normal mode of operation. Section 7 of the Framework CTMP [REP3-032] outlines the construction traffic management measures that will be implemented during construction of the Proposed Development, to avoid any adverse impacts on the surrounding road networks..</p>

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		<p>the local congestion, which regularly occurs as described above, enables them to redirect via an alternative route.</p> <p>Will this alternative route include driving through ToH village? From the photo evidence above it would suggest that most HGV drivers consider driving through Thorpe an acceptable alternative route during congested periods or following incidents. Section 7.6 Monitoring and Review implies that the Traffic Coordinator will monitor and review but how will any breaches be enforced. In my experience this does not happen. Can FGE provide any examples and evidence of how on previous similar developments contractors and hauliers who have been found guilty of breaching the CTMP have been held to account to change their behaviour and follow the rules of the plan? I would also point out that the CTMP does not clarify how any breaches will be dealt with or how they will be enforced in any detail. The truth is it just will not happen. Furthermore, how would FGE or the nominated Principal Contractor police the movement of HGV and LGV vehicles to ensure that they do not travel via the village of ToH under any circumstances? From the plans data source, it appears that regular congestion events are not really considered in the detail required and as such it would not be possible to achieve the “FGE Traffic Management Plans 7.18” - Stated objectives listed above, without the detail and evidence to support the document. The FGE TMP and CTMP need to provide the detail to show that they have considered the local issues identified above and that their plans make it clear that they will not be adding to the current ToH traffic problems. They also need to be clear on how any construction related traffic impacts will be mitigated, and more importantly visibly enforced.</p>	<p>Paragraph 8.5.1 of the Framework CTMP <b>[REP3-032]</b> details enforcement procedures should any breaches occur. Further detail regarding possible sanctions will be included within the detailed CTMP, which is to be substantially in accordance with the Framework CTMP <b>[REP3-032]</b>, as secured under Requirement 14 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>. By virtue of the same Requirement, the detailed CTMP must be submitted to the relevant planning authority (in this instance, LCC) for approval in consultation with National Highways and must be implemented as approved.</p>
Anne Heard	Hedgerow Discrepancy	<p>Comments on REP2-030 Applicant's response to Written Representations Table 6-1 Applicant's response to members of the public Landscape and Visual – Hedgerows page 212</p> <p>2.2.1 The Applicant's response to ExQ1 ENC.1.22 (REP2-029) (page 62) is that “the areas of hedgerow removal set out in the Hedgerow Removal Plan (AS-112) aligns with Figure 3-17 Maximum Vegetation Removal Plan (AS-029)” to “deliver a realistic assessment of tree/hedgerow impacts based on available information”. The Maximum Vegetation Removal Plan identifies Vegetation Removal Areas but does not identify as a separate legend, lengths of hedgerow which are proposed to be removed, instead some of the areas of Vegetation Removal includes lengths of hedgerow which are to be removed. These lengths of hedgerow are then transposed to the Hedgerow Removal Plan (AS-112).</p> <p>2.2.2 The draft DCO (REP2-005) defines “hedgerow plans” (Article 2 (1)) as the plans identified in the table at Schedule 12. Schedule 12 identifies those plans as EN010154/APP/2.9 which is the Hedgerow Removal Plan (AS-112). There is a general power in Article 39(4) of the draft DCO to remove hedgerows within</p>	<p>As set out in response to ISH3 Action Point 8 (within Appendix F of Written Summaries of Oral Submissions - Issue Specific Hearing 3 <b>[REP3-042]</b>), the Applicant has reviewed paragraph 3.2.2 of the Biodiversity Net Gain Report against Schedule 11 of the Draft DCO <b>[REP3A-004]</b> – the quantum of hedgerow loss reported in paragraph 3.2.2 of the Biodiversity Net Gain Report was incorrect, whereby the total amount of hedgerow loss is 1.98km, as reported in Schedule 11 of the Draft DCO <b>[REP3A-004]</b> and illustrated on the Hedgerow Plan <b>[AS-112]</b>. The Biodiversity Net Gain Report <b>[REP3-024]</b> has been updated (submitted to the Examination at Deadline 3) to correct this error at paragraph 3.2.2. It should be noted that this change in the Biodiversity Net Gain Report <b>[REP3-024]</b> 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 <b>[REP3-024]</b>, or any other report, or the commitment by the Applicant to</p>

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		<p>the Order limits and Article 39(5) specifically authorises the removal of hedgerows identified in column 2 of the table in Schedule 11 and shown on the Hedgerow Removal Plan (AS-112). Schedule 11 of the draft DCO headed "Hedgerows to be removed" contains 4 Parts, each listing the lengths of hedgerows to be removed as identified on the Hedgerow Removal Plan (AS-112). The total lengths of hedgerow identified in Schedule 11 amount to 1.985 km.</p> <p>2.2.3 Paragraph 3.2.2 of the Biodiversity Net Gain Report (APP-194) states that 3.48km of hedgerow habitat is to be removed. There is no reference to any plan. The figure of 3.48km is inconsistent with figure of 1.985 km of hedgerow removal identified in the draft DCO.</p>	<p>deliver a 50% biodiversity net gain in hedgerow units, as secured by Requirement 8(2) of Schedule 2 of the Draft DCO <b>[REP3A-004]</b>.</p>
<p>Anne Heard <b>[REP3A-037]</b></p>	<p>Loss of BMV land</p>	<p>Comments on REP2-030 Applicant's response to Written Representations Table 6-1 Applicant's response to members of the public Socio-Economics and Land Use – Loss of BMV land page 215</p> <p>Paragraph 2.4.5 of my REP1-106 sets out my calculations of the land which will be permanently lost (updated in the light of further information supplied by the Applicant at Deadline 2):</p> <ul style="list-style-type: none"> <li>- 4.6 ha of permanent planting. This figure is taken from paragraph 12.7.44 of Chapter 12 (AS-016).</li> <li>- 9 ha of 100 solar stations (0.09 ha each Table 3-3 Chapter 3 APP-028).</li> <li>- 6.82 ha BESS compound. This figure is taken from the Applicant's Response to Written Representations at Deadline 1 -North Kesteven District Council (REP2-030) Scheme Design page 119.</li> <li>- 1.63 ha Onsite substation (155m x 105 m). These measurements are taken from paragraph 3.3.49 of Chapter 3 APP-028.</li> <li>- 5.7 ha Access Tracks. This figure is taken from the table as part of the Applicant's Response to Written Representations at Deadline 1-North Kesteven District Council (REP2-030) Scheme Design page 119.</li> </ul> <p>The impermeable swales constructed on three sides of each of the 100 Solar Station Compounds as set out in the Framework Surface Water Drainage Strategy (APP-147) and illustrated on the plan at Annex C to the strategy. The swales will be 6m wide, the total area across the Principal Site is not stated. There will also be a lined impermeable sustainable drainage system and attenuation swale in connection with the centralised BESS (paragraph 4.5.5 of the FBSMP (REP1-041).</p> <p>Excluding the swales, the areas referred to above which are permanently lost would total 27.75 ha.</p>	<p>As per the Applicant's Response to Written Representation <b>[REP2-030]</b> and Chapter 12: Socio-Economics and Land Use of the ES <b>[AS-016]</b> there is 4.6ha of land within the Order Limits which has been assessed as permanently lost. The areas of agricultural land considered to be permanently lost due to the Proposed Development are areas of planting and habitat creation introduced as part of the Proposed Development. The remainder of the land area of the Proposed Development will be reinstated during decommissioning and therefore is not permanently lost. The Draft DCO <b>[REP3A-004]</b> provides for a 60-year operational lifetime for the Proposed Development and decommissioning works must commence no later than 60 years following the date of final commissioning which ensures these effects are not permanent. The Framework DEMP <b>[REP3-020]</b> notes (ref. paragraph 1.1.4) that decommissioning works will include the process of removing all the infrastructure listed within the IP's comment, specifically the solar PV array infrastructure including modules, mounting structures, cabling inverters and transformers and concrete foundations to those elements. This will be undertaken in line with the measures outlined in the Framework SMP <b>[REP3-022]</b>. The provision of a detailed DEMP and detailed SMP, which are to be substantially in accordance with the respective frameworks, is secured under Requirement 20 and Requirement 15 respectively of Schedule 2 to the Draft DCO <b>[REP3A-004]</b>. Under Requirement 20 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>, the DEMP must be submitted to the relevant planning authority for approval, in consultation with Lincolnshire County Council (in its capacity as the local highway authority and waste planning authority), National Highways and the Environment Agency, and must be implemented as approved. Similarly, under Requirement 15 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>, the SMP must be submitted to the relevant planning authority for approval, in consultation with Lincolnshire County Council and Natural England, and must be implemented as approved.</p>

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		<p>The Applicant seeks to suggest that as the swales are free draining, they are not permanently sealed. However, paragraph 4.5.5 of the FBSMP (REP1-041) makes it clear that the swale around the centralised BESS will be impermeably lined. Paragraph 9.6.58 of Chapter 9 Water Environment (APP-034) states that the swales around the BESS areas (for both distributed and centralised BESS areas) and onsite substation area would be lined with an impermeable membrane or barrier to prevent any pollution entering the ground. These areas are not free draining as the Applicant asserts and will be permanently sealed.</p> <p>The Applicant argues that the access tracks will be crushed stone or gravel, able to drain and therefore not permanently sealed. The Mallard Pass DCO was promoted by the Applicant. Paragraph 12.4.16 of Chapter 12 Land Use and Soils (APP-042) acknowledged that the areas of access tracks and solar stations would be treated as permanently sealed over. It was accepted in paragraph 12.4.20 that even though the outline Decommissioning and Environmental Management Plan required the solar station and tracks to be restored to agricultural use at the end of the operational phase, "it is assumed that restoration may not be back to comparable quality, at least initially, following decommissioning". The onsite substation (Table 12-5 refers) was also considered as permanently sealed over for the same reasons as the access tracks and solar stations. Why has the Applicant changed its approach to the question of permanent sealing?</p>	<p>The Applicant confirms that there has been no change in approach in relation to the swales surrounding the Battery Energy Storage System (BESS) areas. As set out in the Framework Surface Water Drainage Strategy [REP3-014], all swales around both the centralised BESS option and distributed BESS areas are designed to be lined with an impermeable membrane. These features are not intended to be free-draining, i.e. they will not infiltrate the ground, the impermeable lining is necessitated by the function of the BESS swales. The BESS swales provide two principal functions; the first function is to attenuate surface water runoff from rainfall events, which, in normal operation will discharge to nearby watercourses at greenfield rates, or to infiltration swales where a watercourse is not available. The second function, which requires lining of the swales around the BESS units, is to provide containment and storage capacity for firewater runoff in the unlikely event of a BESS fire. This ensures that any potentially contaminated runoff is captured, can be appropriately tested, and removed from site for treatment and disposal at a suitably licensed facility. This design prevents any pollution from entering the ground or nearby watercourses.</p> <p>Accordingly, the swales form part of a controlled drainage system and are appropriately considered as sealed infrastructure for environmental protection purposes. Note that the swales will be removed during decommissioning of the Proposed Development and the land is therefore only temporarily sealed for the operational duration of the Proposed Development. This approach is consistent with the assessments presented in Chapter 9: Water Environment of the ES [REP3-008] and the Framework Battery Safety Management Plan [REP3-030] and does not represent a departure from the Applicant's established position.</p> <p>With regards to the approach taken for the Mallard Pass Solar Farm, which was delivered by the same partnership as the Applicant for the Proposed Development, the original application was not time limited and therefore its Environmental Statement assumed certain infrastructure was permanent, because in theory it could be left in situ indefinitely. A time limit of 60 years was introduced by the Applicant during Examination stage; the soil assessment was not revisited however, since it already presented a worst-case scenario.</p>
Anne Heard [REP3A-037]	Socio-Economic and Land Use Cumulative Assessment	<p>Comments on REP2-030 Applicant's response to Written Representations Table 6-1 Applicant's response to members of the public Socio-Economics and Land Use – Cumulative Impacts page 220</p> <p>4.2.1 Paragraph 12.10.5 of Chapter 12 Socio-Economics and Land Use (APP-040) sets out a list of 25 schemes taken from the short list of developments and which were taken into account in assessing the cumulative impact of other</p>	<p>As stated in the response to this comment in the Applicant's Response to Written Representations [REP2-030] Paragraph 12.10.5 bullet I of the same chapter mentions ID 86 – Navenby BESS Project - 25/0491/FUL is included as part of the cumulative effect assessment. The Brant BESS scheme is included within Chapter 15 Cumulative Effects and Interactions [APP-040] and was therefore considered as part of the assessment, but was omitted in error in Paragraph 12.10.5.</p>

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		<p>developments on the proposed development in that chapter. Whilst the Brant BESS Scheme was listed in the shortlisted developments in Chapter 15 and shown on Figure 15-2, it was specifically not included in the final list of 25 schemes which were included in the cumulative assessment in Chapter 12. It is not correct therefore that the Applicant has scoped the Brant BESS scheme into the assessment and as the Applicant admits it should have been included, the assessment is therefore defective.</p> <p>4.2.2 The Screening Opinion 23/0584/EIASCRC and Scoping Opinion 23/0584/EIASCRO for a 400MW BESS on the north side of Green Man Road, Navenby do not form part of the planning application 25/491/FUL for the proposed BESS on the south side of Green Man Road, Navenby and cannot be said to be part of the Navenby BESS scheme. Whilst the Applicant may be relying on the Screening and Scoping Opinions to support their planning application for the proposed BESS on the south side of Green Man Road, the Screening and Scoping Opinions relate to a different site. At the public consultation event on 13 November 2024 in relation to the proposed BESS on the south side of Green Man Road, the Applicant stated that it could pursue a planning application for one or both of the sites either side of Green Man Road. Both sites should have been separately included in the list of developments in paragraph 12.10.5 of Chapter 12 (APP-040).</p>	<p>An application for Battery Energy Storage System (BESS) and associated infrastructure on land to the south of Green Man Road Navenby LN5 0AY (Ref 25/0491/FUL) was submitted in April 2025 and validated in May 2025. The application included the EIA Scoping Report for a BESS up to 400MW and associated development on land north of Green Man Road Navenby Lincolnshire (Ref 23/0390/EIASCRO) as Appendix 1-B (note the Applicant has assumed this is what the Interested Party's reference to EIA Scoping Opinion 23/0584/EIASCRO is referring to as there is no 23/0584/EIASCRO). As set out in the planning statement of the BESS application (Ref 25/0491/FUL), <i>"the Scoping Opinion was issued for a different site across the road from the Proposed Development from the north of Green Man Road to the south. Due to a change in the site location of the Proposed Development a review was undertaken for the validity of the Scoping Report and Scoping Opinion. Given the immaterial change in location (i.e., broadly the same location, surrounds, and sensitivity), the Environmental Topics that were deemed to be Scoped In and Scoped Out of the ES have not changed. Therefore, it is considered that the Scoping Report and associated Scoping Opinion remain valid and the Environmental Statement and associated documents to support the planning application will be prepared on that basis."</i></p> <p>It was agreed with NKDC that EIA Screening and EIA Scoping did not need to be redone for Navenby BESS; the process had already concluded an EIA was necessary, and the change would not affect the scope of the EIA. The EIA Screening Opinion and EIA Scoping Opinion for Navenby BESS therefore form part of the planning application for Navenby BESS.</p>
<p>Anne Heard [REP3A-037]</p>	<p>Traffic and Transport</p>	<p>Comments on REP2-030 Applicant's response to Written Representations Table 6-1 Applicant's response to members of the public Traffic and Transport – Response to REP1-106 page 229 Haddington</p> <p>My REP1-106 submission did not mention Harmston. Part of the submission related to the inconsistency between the HGV Routing Plan which shows HGVs being routed through Haddington (Fig 13-4 AS-072) and the Applicant's statement that no HGVs will pass through the village (paragraph 13.4.67 of Chapter 13 APP-038). Although the Applicant has failed to address this point in its response to my submission, the same point was raised by ExAQ1. The Applicant responded at TT.1.05 (REP2-029 page 96) by acknowledging that the reference in paragraph 13.4.67 of Chapter 13 to there being no HGVs being routed through Haddington was an error and that it is expected that there would be 84 daily HGV movements (42 in each direction) through Haddington.</p>	<p><b>Link 11 HGV Flow:</b> The total daily HGV flow on Link 11 is 109 vehicles (not 84), which has been used in the assessment; this includes both HGVs and the shuttle bus movements (since shuttle buses were considered HGVs as part of the assessment)</p> <p><b>Link 11 Road Safety Assessment:</b> The adjusted magnitude for Link 11 should be Medium (rather than Low). This would result in a minor adverse effect, rather than negligible as stated in the report, however it does not change the overall conclusions of the assessment. For clarity the road safety assessment has been undertaken in accordance with the IEMA guidance; in regards to the points made:</p> <ul style="list-style-type: none"> <li>• The 3 serious and 2 slight collisions have not all occurred on Link 11, some of these occurred on receptor J4. These receptors have been assessed separately</li> <li>• The guidance does not take account of speed camera locations or road alignment</li> </ul>

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		<p>The figure of 84 daily HGV movements through Haddington is inconsistent with the figures given by the Applicant in Chapter 13 in relation to the local link receptor L11 which is the relevant receptor for Haddington village. It covers South Hykeham Road and Butts Lane as shown on the plan below:-</p> <p>Table 13-26 of Chapter 13 (APP-038) sets out the construction traffic impact at L11 over a 12 hour weekday. This shows that there will be 288 additional vehicle movements at L11 over a 12 hour weekday as a result of the proposed development over and above the future baseline figure of a total of 5092 vehicles. Appendix 13-D Receptor Traffic Flow Tables (APP-166) shows that of the 288 additional vehicle movements, 109 will be HGV (not the 84 stated by the Applicant in its response to ExA Q1) and 179 will be LGV.</p> <p>Table 13-14 Collision Data Summary of Chapter 13 shows that there has been 1 serious collision at Butts Lane and 2 slight and 2 serious collisions at the junction of Butts Lane with Haddington Lane between 2018 and 2023.</p> <p>Table 13-38 of Chapter 13 is the Receptor Assessment for Road Safety. L11 is listed as High Initial Magnitude although this has been downgraded to Low. Paragraph 13.7.55 of Chapter 13 refers to the IEMA Guidelines which suggest that receptors which record an increase of 30% or above in total traffic or of 10% or above in HGV flows should be analysed on a case by case basis to determine whether their magnitude should be rated low, medium or high. Paragraph 13.7.56 of Chapter 13 explains that the "high" magnitudes were as a result low HGV flows in the baseline period and have therefore been downgraded. No other factors appear to have been taken into account when making this determination.</p> <p>I would request that the assessment of the magnitude of impact for L11 as low for Road Safety be reviewed in the light of the following:-                      - There have been 3 serious and 2 slight recorded collisions along the length of road.                      - There is frequently a speed camera on Butts Lane suggesting that the excessive speed of vehicles along this stretch of road is of concern.                      - The road has a sharp corner at the junction of Butts Lane with South Hykeham Road                      - The addition of 78 HGV movements as a result of the proposed development during peak hours of 7.00 am -8.00am and 6.00pm- 7.00pm each day along this stretch of road will increase the likelihood of further collisions.</p> <p>Clay Lane, Bassingham</p> <p>The Applicant has not responded to my submission at REP1-106 (paragraph 6.2) concerning the unsuitability of Clay Lane, Bassingham for the projected level of</p>	<ul style="list-style-type: none"> <li>There are no HGV movements in the AM &amp; PM hours, so it is unclear where the figure of 78 comes from; the only larger vehicles travelling in these windows are shuttle buses</li> </ul> <p><b>Clay Lane, Bassingham:</b> It is considered that the sensitivity of this link should be maintained as Very Low based on the criteria listed in Table 13-7, as it features no residential properties with direct frontage to the highway, no pedestrian footways or designated cycle infrastructure (etc). It is not a PRow but has a PRow running parallel and adjacent to it. Regarding magnitude of change, the movement rule the Applicant has employed is not a departure from the IEMA/ ISEP guidance given it states that "caution needs to be observed when applying these thresholds as very low baseline flows are unlikely to experience severance impacts even with high percentage changes in traffic". The movement rule exercises this caution. It should be noted that LCC is happy with the methodology used in this assessment.</p> <p><b>Number / mode split of construction workers vehicles:</b> This is an approach that has been agreed on other (consented) developments and has been accepted in this case, and prior cases by LCC. These percentage splits will be enforced through the detailed CTMPs secured within the DCO.</p>

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		<p>vehicle movement during construction. There are two proposed access points C-011 and C-012 on Clay Lane, a narrow single track country lane with passing places. The impact of the use of Clay Lane (L18) by construction traffic is shown on Table 13-26 of Chapter 13 Traffic and Transport (APP-038). During a 12 hour weekday there will be an additional 506 vehicle movements, an increase of 489% over future baseline travel flows.</p> <p>Table 13-28 of Chapter 13 assesses the sensitivity of L18 Clay Lane for Severance, Pedestrian Delay, Non-motorised User Amenity and Fear and Intimidation and has been given a "Very Low" score as Clay Lane is described as being in a rural setting with no pedestrian or cycle facilities. Given that Clay Lane is part of the Stepping Out Walks network, whilst there may not be specific facilities for cyclists or pedestrians, it should be acknowledged that Clay Lane is used extensively by walkers and cyclists and the sensitivity score should be upgraded accordingly.</p> <p>Table 13-36 of Chapter 13 is the Receptor assessment for Non-Motorised User Amenity. Despite the IEMA guidelines that 100% increase in total traffic flows would result in substantial changes to magnitude, the Initial Magnitude score has been adjusted from High to Medium in relation to L18 Clay Lane. Paragraph 13.7.45 states that the high magnitude is caused by very low baseline traffic flow figures. The justification for the downgrading is discussed in paragraph 13.4.23 where a "movement rule" has been applied where fewer than 600 vehicles use the receptor over 12 hours, equating to fewer than one vehicle per minute. This departure from the IEMA guidelines is an arbitrary device created by the Applicant as a means of avoiding the inevitable resultant impact of major significance on such receptors.</p> <p>The 489% increase in baseline traffic flows along Clay Lane, resulting in an additional 506 vehicle movements per day along a narrow country track, must surely not justify a downgrading of the magnitude from High to Medium? Assuming that the sensitivity score as set out on paragraph 5.2.8 above is also adjusted to High, this should result in a Major significance of impact.</p> <p>Number of construction workers vehicles</p> <p>Table 13-22 of Chapter 13 shows that there will be 600 construction workers, of which an estimated 208 will be driving their own vehicles, generating at least 416 vehicle movements over a 12 hour weekday. The assumption that 45% of construction workers will drive their own vehicles (and the remainder would travel by shuttle bus) is based on similar percentages used in the Gate Burton solar</p>	

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		<p>scheme. Paragraph 13.6.14 of Chapter 13 Transport and Access (REP4-012) of the Gate Burton DCO states that 45% of construction staff will travel by private vehicle. No justification for this figure is given. In the Cottam DCO, paragraph 14.7.13 of Chapter 14 (APP-049) states that it is assumed that 50% of workers will arrive by shuttle bus as they are non-local workers who will stay in local accommodation. The figure is justified as being similar to other DCO applications such as Longfields Solar. In paragraph 13.3.4 (h) of Chapter 13 Transport and Access (APP-046) of Longfields Solar DCO it was estimated that 45% of the workforce would be sourced locally and 55% likely to be non-local and therefore travel by shuttle bus. There seems to be no evidential basis for the estimates used in these solar DCOs for the number of non-local workers who would travel by shuttlebus.</p>	
<p>Anne Heard <b>[REP3A-037]</b></p>	<p>Ecology - Bats</p>	<p>Comments on REP2-030 Applicant's response to Written Representations Table 6-1 Applicant's response to members of the public Ecology and Nature Conservation – Impact on Bats page 242</p> <p>The Applicant's reiteration that it has carried out an assessment that has identified no adverse impact on bats as a result of the proposed development does not deal with the issues set out in my REP1-106 about:-</p> <p>(1) the failure of the assessment to consider the impact of noise, lighting and habitat fragmentation in the light of research papers that have apparently not been read by the Applicant,</p> <p>(2) the post-development monitoring by the Welsh Government on large-scale developments in the Gwent levels which show that biodiversity mitigation strategies have failed,</p> <p>(3) the proposed destruction of 3.48 km of hedgerow which provides commuting routes for bats (paragraph 3.2.2 Biodiversity Net Gain Report (APP-194)), (although see my comments in paragraph 2 above as this figure is inconsistent with the 1.985 km for hedgerow removal set out in the draft DCO),</p> <p>(4) the presence of an assemblage of bat species of national importance, and</p> <p>(5) the recent research showing that bats are negatively affected by solar arrays and the reasons for this are not understood.</p> <p>In the response to ExAQ1 ENC1.08 about the extent and adequacy of the mitigation measures proposed in Table 8-13 of Chapter 8 "Summary of embedded avoidance and mitigation measures" (APP-033), Natural England replied that they have "not reviewed in detail all of the avoidance and mitigation measures proposed to avoid impacts to protected species" (REP2-052). It is disappointing that a public body whose role is to protect the natural world, has failed to properly consider the impact of the proposed development on our flora and fauna.</p>	<ol style="list-style-type: none"> <li>1) The Applicant has considered impacts on bats during construction, operation (including maintenance) and decommissioning of the Proposed Development, including from noise, lighting and fragmentation in Table 8-15 and Paragraphs 8.12.29 to 8.12.32 of Chapter 8: Ecology and Nature Conservation of the ES <b>[REP1-019]</b>. Relevant research is considered in these sections, where appropriate.</li> <li>2) The Applicant does not consider that any compliance issues with or failure of mitigation strategies on the Gwent Levels is directly relevant to the Proposed Development. Mitigation and monitoring set out in the Framework LEMP is secured under Requirement 8 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>.</li> <li>3) The Applicant acknowledges that there will be some temporary loss of hedgerows to facilitate construction, however, the potential impacts of this temporary loss are outweighed by the benefits of the increased hedgerow provision being provided. The Applicant provided a response to the IP's comments in paragraph 2 in the rows above.</li> <li>4) The Applicant has not identified a bat assemblage of national importance within the Proposed Development Order Limits. The baseline biodiversity importance of bats in the vicinity of the Proposed Development is detailed in Table 8-11 of Chapter 8: Ecology and Nature Conservation of the ES <b>[REP1-019]</b> Bat roosts have been assigned of District Importance for Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Leisler's Bat, Serotine and Brown Long-eared Bat and County Importance for Noctule, Daubenton's Bat, Natterer's Bat, Whiskered Bat, Brandt's Bat and Barbastelle. Note also that all roosts and potential roost features identified were outside the current footprint of the Proposed Development (due to avoidance of potential roosting features). In addition, the mosaic of habitats within the Order Limits is considered to be of County Importance to foraging and commuting bats. However, the area to be</li> </ol>

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			<p>developed comprises largely arable areas which are of lower value and considered to be up to District Importance. The biodiversity importance of foraging, commuting and roosting bats was identified through detailed surveys presented in Chapter 8: Ecology and Nature Conservation of the ES <b>[REP1-019]</b> and Appendix 8-I: Bats <b>[AS-088]</b>. Table 8-15 of Chapter 8: Ecology and Nature Conservation of the ES <b>[REP1-019]</b> concludes that there is no potential for an effect to occur on foraging, commuting or roosting bats as a result of the Proposed Development;</p> <p>5) The Applicant has considered the operational impacts of solar arrays on bats in Paragraphs 8.12.29 to 8.12.32 of Chapter 8: Ecology and Nature Conservation of the ES <b>[REP1-019]</b>.</p>
<p>Anne Heard <b>[REP3A-037]</b></p>	<p>Grid Connection Date</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 GC.1.01 General and Cross-topic questions-Grid Connection Offer 7.2.1 If, as the Applicant repeatedly asserts (ISH1 ENV2-003 at 31:24 and REP1-046), NESO has already confirmed a connection date, how can NESO confirm in September what has apparently already been confirmed by them? The fact is that Applicant has not received a "confirmed" connection date as I set out in my submission at REP2-032, more likely an informal non-binding indication of the Gate 2 connection. 7.2.2 The expected confirmation date of the Gate 2 Phase 2 offers has recently been further delayed by NESO well beyond the close of the examination and the timeframes are now:- Gate 2 Phase 2 transmission and large embedded offers- between early September 2026 and mid-January 2027 Gate 2 Phase 2 distribution offers- between mid-October 2027 and mid-March 2027. (NESO website "Connections reform Timeline Update 13 February 2026" accessed online 19 February 2026)</p>	<p>The Applicant has confirmed the latest status of the Grid Connection Offer within the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 1 <b>[REP1-046]</b> Appendix A – Action Point 1 (paragraphs A.1.16-17). The solar component of the Proposed Development has secured a Gate 2 connection and has an agreement with NESO to connect to the NETS. The current date for that connection is in May 2033. NESO has confirmed that the connection date will be in the second phase of prioritisation (Phase 2, between 2031 and 2035) but the exact date, which could be the same or may be earlier or later than the current date, has not yet been confirmed. With regards to the timeline, the Applicant notes the Connections Reform Timeline Update – 13 February 2026, which has been published since the submission of the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 1 Appendix A – Action Point 1 <b>[REP1-046]</b> on 20 January 2026. As a post-2030 transmission scheme, the connection date for the solar component of the Proposed Development will be confirmed no later than 'Early September 2026 – Mid Jan 2027'. The BESS component of the Proposed Development has secured a Gate 1 connection. This means that the BESS component has a connection agreement with NESO, but the connection date has not yet been confirmed and is 'indicative'. The Connections Reform Timeline Update – 13 February 2026, states that the BESS component (Gate 2 Phase 2 distribution) of the Proposed Development should receive its final customer offer 'between mid-October 2026 and mid- March 2027'. Upon receiving consent for the Proposed Development (if granted) the Applicant would re-submit the BESS component to a future reprioritisation round.</p>
<p>Anne Heard <b>[REP3A-037]</b></p>	<p>Navenby Substation</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 GC.1.14 General and Cross-topic questions-Implications if the Navenby Substation is not consented</p>	<p>Notwithstanding NGET's response <b>[REP2-051]</b>, the Applicant's view remains as set out in the Applicant's Response to Deadline 2 Submissions <b>[REP3A-025]</b> GC.1.14 that under the commercial agreement between the Applicant and NGET,</p>

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		<p>In response to the same question by NGET (REP2-051), the existence of any obligation by NGET to provide an alternate point of connection is not acknowledged. NGET state that the deliverability of the proposed solar farm would, in those circumstances, be a matter for the Applicant to clarify.</p>	<p>should no new substation at Navenby be available, it would fall to NGET to find an alternative point of connection for the Proposed Development.</p> <p>The Applicant has prepared a Technical Note for the proposed National Grid substation near Navenby [REP3-046] which clarifies the situation in the event (albeit one which the Applicant considers is unlikely to occur because of the reasons set out in [REP3-046]) that the proposed Navenby substation does not receive planning consent.</p>
<p>Anne Heard [REP3A-037]</p>	<p>Restoration of BMV land</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 FS.1.09 Restoration of solar farms to productive farmland 9.2 Comments in reply 9.2.1</p> <p>The Triton Knoll Electrical System Order 2016 provided the infrastructure to connect the offshore windfarm to the National Grid substation at Bicker Fen. The DCO provided for the appointment of an Agricultural Liaison Officer (ALO) to oversee the re-instatement of the agricultural land over which the cable passed. The ALO (pers. comm.) has explained that the 57km linear cable corridor was approximately 30m wide; the excavated soils were stored on site for a maximum of 3.5 years until the cable trench was backfilled with the stored soils; that during this time the soil structure of the stored soils inevitably deteriorated; that the land would have a loss of crop yield for 2-3 years after the land was restored; that any existing land drainage pipes would be "wrecked" by the trench excavation.</p> <p>I suggest that whilst the example of the Triton Knoll cable project may be analogous to the cable laying along the proposed cable corridor as part of the proposed development during construction, it bears no relation to the work that is proposed on the principal site either at construction or decommissioning:-</p> <ul style="list-style-type: none"> <li>- The construction work on the principal site will involve the whole of each solar field being extensively excavated rather than a 30m cable corridor running across the field where the remainder of the field is left undisturbed.</li> <li>- We only have the experience of the construction phase of the Triton Knoll project. This does not provide any experience of how agricultural soils might respond on decommissioning after 60 years of operation when the soil has been compacted by, for example, maintenance vehicles. Nor is there any experience of returning the soil to its former ALC condition after the attempt to remove cabling and the 200,000-300,000 piles in the ground which are likely to have corroded by then.</li> </ul> <p>The Applicant repeatedly refers to the research by Lancaster University as authority for the proposition that solar farms can deliver positive soil outcomes (ISH1 on 7 January 2026 (Session 5) (ENV2-011) (1:35:56 to 1:36:46). I refer to my response to this point in my REP1-106. The Lancaster University research into 32 solar farms concluded that reduction in solar radiation and changes to</p>	<p>The Applicant accepts that some scientific research into the effects of solar farms on soil, shows soil deterioration and some shows an improvement, which is partly dependent on whether construction is undertaken sensitively by avoiding overly wet soil conditions and if good industry-standard soil management measures were in place.</p> <p>The Framework Soil Management Plan [REP3-022] acknowledges (ref. paragraph 5.3.2): "Soil may be irreparably damaged if handled when too wet", and (ref. paragraph 6.8.2): "All soil resources to be reinstated must be handled only when dry or slightly moist."</p> <p>Lancaster University (2025 study, 32 UK solar farms) working with University of York, UK Centre for Ecology &amp; Hydrology, concluded – as the IP stated – that "poor management can lead to soil compaction and reduced fertility". Crucially however, it added that if managed appropriately "Solar farms can be designed and managed to deliver positive plant and soil outcomes."</p> <p>A study by the Welsh Government with ADAS (a UK-based agricultural and environmental consultancy) in 2023 also identified risks of soil degradation during construction (compaction, loss of topsoil) – e.g. where construction occurs during wet periods. It notes that the alleviation of deep compaction however – should it occur - can be resolved by equipment such as a bulldozer and winged tine set to a depth to 60cm. It identified "A soil resources and management plan is key" to minimise or prevent compaction.</p> <p>The Applicant considers that the key message from these research studies is that a Soil Management Plan is key to avoiding soil deterioration, and if the Proposed Development is delivered correctly, there can be positive soil outcomes. It is for this reason a Framework Soil Management Plan (SMP) [REP3-022] was produced as part of the DCO Application and the provision of a detailed SMP, to be substantially in accordance with the Framework, is secured</p>

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		<p>microclimate caused by solar panels may be driving lower plant productivity and growth and called for further research to investigate the impact of solar farms on wider biodiversity eg invertebrates, birds and mammals and the effects of BESS on soils.</p> <p>The Applicant said that the 2025 Lancaster University report recognises that solar farms can be designed and managed to deliver positive soil outcomes. However, this is heavily caveated in a further paper by the same author entitled "Enhancing soil carbon in solar farms through active land management: a systematic review of the available evidence" by Fabio Carvalho et al in Environmental Research: Ecology Vol 3 Number 4 published 11 November 2024. The paper was based on a review of the available academic literature and suggested that improvement in grassland management could lead to increased soil carbon stocks but that soil carbon responses are highly context-dependent. In addition, soil properties can be slow to respond to changes in management practices following land use conversion.</p>	<p>under Requirement 15 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>. By virtue of the same Requirement, the detailed SMP must be submitted to the relevant planning authority for approval, in consultation with Lincolnshire County Council and Natural England, and must be implemented as approved.</p>
<p>Anne Heard <b>[REP3A-037]</b></p>	<p>FSMP</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 FS.1.11</p> <p>The FSMP (REP1-037) only deals with soil management during construction, there is no mention of operation or decommissioning. (This is despite the FDEMP (REP2-017) stating in Section 3-8 (page 34) that the FSMP details threats to soil resources during decommissioning). Other made DCOs have detailed outline soil management plans that include sections on operation and decommissioning, for example the Applicant's own Outline Soil Management Plan in the Mallard Pass DCO (REP6-16) which runs to 52 pages with illustrations of the machinery to be used. This also advises at paragraph 4.28 that soil which has been removed should be replaced in the same area, not sold off-site as the Applicant proposes for Fosse Green. Similarly, the Springwell DCO Outline Soil Management Plan (REP3-042) contains 46 pages including sections on operation and decommissioning. Helios DCO Outline Resource Management Plan (REP2-011) contains 54 pages with separate sections on operation and decommissioning. The FSMP should provide similar details to those provided in these DCOs.</p>	<p>The Framework Soil Management Plan (SMP) <b>[REP3-022]</b> refers to post construction allocation in Section 6, including soil maintenance aftercare requirements. Post construction is the operation phase.</p> <p>The Framework Decommissioning Environmental Management Plan (DEMP) <b>[REP3-020]</b> is the primary document containing mitigation measures for the decommissioning phase of the Proposed Development. Due to the period of time between the application for the Proposed Development and when decommissioning works will commence,, the Framework DEMP is intended to capture all mitigation measures for this phase, including those in relation to soils. Mitigation related to soils during decommissioning is presented in Table 7 of the FDEMP.</p> <p>The detailed SMP to be produced post-consent will establish methods for soil stripping, storage on-site and re-use. There are no proposals to export or import soil from or to the site. The detailed SMP is to be substantially in accordance with the Framework SMP <b>[REP3-022]</b> as secured under Requirement 15 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>.</p> <p>The Framework SMP <b>[REP3-022]</b> was updated at Deadline 3 to reflect intent to retain all soils on-site for sustainable re-use. Section 6.7 of the Framework SMP has been amended to remove reference to the commercial sale of materials and the section now reads as follows:</p>

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			<p><i>"It is not anticipated that soil will be exported. Soils are to be retained on site for sustainable re-use. Soil volumes will be quantified to determine depth of topsoil/subsoil layers and shallow rock features."</i></p>
<p>Anne Heard [REP3A-037]</p>	<p>FSMP – Restoration of BMV land in the Principal Site</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 FS.1.14 Framework Soil Management Plan- restoration The Applicant has not given a similar commitment in the FSMP to restore the soils within the principal site to their current ALC condition. In response to Natural England's comments that a commitment should be made to return all agricultural land to its current ALC grade following decommissioning, the Applicant responded that the FSMP "contains industry standard good practice measures to reduce impacts on soil which will ensure that the ALC grade will be unaltered through operation and decommissioning of the proposed development". (Table 12-2 page 12-15 of Chapter 12 Socio Economics and Land Use (APP037). If the Applicant is so confident that the current ALC grades of the soils within the principal site can be restored on decommissioning, there should be no reason why the commitment in the FSMP to restore the soils within the cable corridor cannot be extended to the soils within the principal site on decommissioning.</p>	<p>The assessment of soil impacts is presented in Chapter 12 Socio Economics and Land Use [AS-016]. It concludes that during the 60 year operational lifetime of the Proposed Development, "the land is rested from intensive agricultural production which is expected to allow it to be returned in a better state than it is now, leading to a minor beneficial (not significant) effect." It also states "By facilitating a recovery in topsoil organic matter, this enforced fallow period will enhance the functional capacity of the soil resource for future arable production. Additional benefits from the recovery of soil organic matter include carbon sequestration and hydrological function but this assessment centres on the soil's functional capacity for agricultural production."</p> <p>Section 6.9 Soil Maintenance (Aftercare Requirements) of the Framework Soil Management Plan [REP3-022] details proposed soil maintenance/aftercare protocols to be followed post-construction. The Framework Decommissioning Environmental Management Plan [REP3-020] commits to further details being provided on soil reinstatement as part of decommissioning in the detailed SMP, secured under Requirement 15 of Schedule 2 to the draft DCO [REP3A-004].</p>
<p>Anne Heard [REP3A-037]</p>	<p>Water Run-Off</p>	<p>Comments on REP2-029 Applicant's response to ExAQ1 WE.1.05 Assessment of Effects- water run-off, operational phase 12.2.1 The Applicant refers to the research paper by Cook D.D and McCuen R H (2013) "Hydrologic Response of Solar Farms" in Journal of Hydrologic Engineering 18(5) 528-543 which the Applicant states concluded that the increase in peak runoff of approximately 0.31% represents a non-significant impact when appropriate boundary features and vegetation management are in place. 12.2.2 The study was based on modelling created to simulate storm-water runoff over a land surface without panels and then with solar panels added. Various sensitivity analyses were conducted including changing the storm duration and volume, soil type, ground slope, panel angle and ground cover. When the land cover type was changed under the panels with the spacer section left as patchy grass or bare ground, the volume of the runoff increased significantly and the peak discharge increased by 100%. The potential for erosion of the soil at the base of the solar panels was studied. The kinetic energy of the water draining from the solar panel could be ten times greater than the rainfall. The study concluded that "it is very possible that the soil below the base of the solar panel could erode owing to the concentrated flow of water off the panel, especially if it</p>	<p>The Applicant does not agree that the cited sources have been misrepresented or that they are of limited assistance in understanding runoff behaviour associated with solar development.</p> <p>Firstly, the characterisation of the studies by Cook and McCuen (2013) and Baiamonte et al. (2023) as being solely "based on modelling" is not accurate. Both studies provide useful insight into runoff processes, including the potential for localised increases in peak discharge due to panel-induced flow concentration. While these studies are not based on full field-scale monitoring, they remain relevant in identifying underlying hydrological mechanisms. Importantly, they do not conclude that solar development results in adverse runoff effects at site scale.</p> <p>Secondly, the suggestion that these studies did not consider vegetation is incomplete. In particular, Baiamonte et al. (2023) explicitly identifies vegetation cover as a key mitigation measure, recommending grass cover beneath and between panels to reduce erosion and promote infiltration. This aligns with standard design practice for solar farms, where vegetation management is embedded and maintained throughout the operational life of the development.</p>

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		<p>is bare ground in the spacer section. Thus a good, well-maintained grass cover beneath the panels and in the spacer section is highly recommended”.</p> <p>12.2.3 In Yavari R et al (2022) “Minimizing environmental impacts of solar farms: a review of current science on landscape hydrology and guidance on stormwater management” (Environmental Research Infrastructure and Sustainability 2 (2022) 032002), the Cook and Mc Cuen paper was reviewed and it was noted that there was no available study that directly evaluated runoff generation on solar farms through field measurement. It went on to say “Thus, we are still lacking critical insight into whether solar farms change runoff generation and whether existing site and stormwater management practices are adequate to prevent adverse impacts. As a result, existing hydrologic models of solar farms are largely uncalibrated”.</p> <p>12.2.4 The Applicant refers to Baiamonte G et al (2023) Impact of solar panels on run off generation process In Hydrological Processes Vol 37, Issue 12 and says that it concludes that “to prevent erosion and compaction, a grass cover beneath the panels and in the interspace between the panels is highly recommended” This research was also based on modelling, using a rainwater simulator to measure runoff by assuming different panel arrangements. Results were compared to a control reference of the same plot with no panels (bare soil). The study showed that solar panels increased the peak discharge by about 11 times compared to the control plot. The study did not either use modelling or field data to measure the impact of the increased discharge of water on the presence of vegetation so it is of limited value.</p> <p>12.2.5 The Applicant refers to research from Pennsylvania University in 2023 which found that the presence of well-established vegetation, prevented any significant changes in runoff characteristics. The Applicant has not provided a reference for this research. The only relevant paper I have been able to find that was published in 2023 by Pennsylvania University was a short article dated 15 February 2023 by Mc Phillips et al entitled “Maximizing hydrological and environmental benefits of solar farms”. The article concerns the control of stormwater and refers to vegetation in the context of being “critical to helping stormwater slow down and soak into the ground”, concluding that there is almost no research as to whether solar farms lead to net increases in stormwater runoff.</p> <p>12.2.6 There is research by the same author in 2024 which the Applicant may be referencing. McPhillips et al “Quantifying soil moisture and evapotranspiration heterogeneity within a solar farm” In Journal of Hydrology Vol 638 July 2024. The research considered the implications for stormwater management practices in a study of two small solar farms in Pennsylvania, one 2.6 ha, the other 7 ha. The field study, which did not investigate the impact of vegetation, showed that the dripline of the solar panels was the area with the highest moisture and greatest</p>	<p>In respect of the Building Research Establishment (2014) guidance, while it is correct that the document is not a hydrological study, it does set out established good practice for soil and land management, including the maintenance of vegetation cover and avoidance of compaction. These factors are directly relevant to runoff behaviour and are appropriately referenced in the context of demonstrating how solar farms are managed to minimise environmental effects.</p> <p>More generally, it is noted that several of the sources cited by the Interested Party themselves acknowledge a degree of uncertainty in the evidence base regarding runoff from solar farms. This reflects a lack of extensive field-scale empirical data rather than evidence of adverse effects. The absence of definitive evidence of increased runoff does not support the conclusion that solar development leads to permanent soil degradation.</p> <p>Finally, the reference to the Welsh Government Soil Policy Evidence Programme identifies potential risks such as erosion and compaction in the absence of appropriate management. However, such risks are well understood and are addressed for the Proposed Development through the embedded design and mitigation measures for solar panel runoff, as set out in paragraph 4.1.4 of the <b>Framework Surface Water Drainage Strategy [REP3-014]</b>, including vegetation establishment, controlled drainage, and construction management practices.</p> <p>Accordingly, when considered in the round, the available evidence supports the Applicant’s position that, with appropriate design and management, solar development does not give rise to significant or permanent adverse effects on runoff characteristics when compared to existing agricultural conditions.</p>

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		<p>incidence of saturation and pointed to the need for some engineered structural stormwater management.</p> <p>12.2.7 The Applicant refers to the Building Research Establishment (BRE) (2014) Agricultural Good Practice Guidance for Solar Farms Ed. J Scurlock which “supports the idea that solar farms, particularly those with vegetation maintained underneath the panels, have minimal impacts on runoff”. I can find no reference in the guidance to the impacts of water runoff from solar panels, the guidance is about the management of livestock on solar farms.</p> <p>12.2.8 The Applicant refers to the Welsh Government (2020) Soil policy evidence programme 2020/21 “The Impact of solar photovoltaic (PV) sites on agricultural soils and land” which the Applicant says identified that rivulets and compaction are in general due to poor soil management. The Welsh Government 2020/21 Soil Policy Evidence Programme included four work packages specifically considering the impact of solar photovoltaic sites on agricultural soils and land. Work package 1 was a literature review, Work package 2 was the development and history of solar PV sites, Work package 3 was a review of solar PV site impacts on land and soil and Work package 4 was the summary.</p> <p>12.2.9 In Work Package 3 dated March 2023 (paragraph 2.4.4) the impacts on soils during the operational phase are discussed and states “there is likely to be some instances of runoff from solar panels, which could result in the compaction of soils at the base of the panels. Over time rivulets can form along the trailing edge of the panels with potential risk of soil erosion creating rills and gullies.” Figure 6 Channels created by panel runoff within 12 months of site operation commencing (Welsh Government (2020) Soil policy evidence programme 2020/21 “The Impact of solar photovoltaic (PV) sites on agricultural soils and land”)</p> <p>12.2.10 The summary in Work Programme 4 concludes that “the key impact of solar PV sites on land and soil may be caused by compaction leading to soil structural damage” and that “the reversibility of soil compaction may take many years and in some cases compaction may be permanent”. It was acknowledged that there are gaps in evidence, knowledge and experience about recovery times of soil characteristics following compaction, the extent and depth of soil compaction, interactions between the soil and piles/beams, corrosion of the piles/beams and soil contamination from the piles/beams.</p> <p>12.2.11 In conclusion, the Applicant’s assertion that cited sources “support the view that solar panels have a minimal impact on field runoff when compared to existing conditions” is not a true reflection of the research which the Applicant has quoted. The research by Cook and McCuen (2013) and Baiamonte (2023) was based on modelling and not empirical evidence from field measurement. The studies did not either use modelling or field data to measure the impact of the increased discharge of water on the presence of vegetation so they are of</p>	

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		<p>limited assistance. The Building Research Establishment (BRE) (2014) paper has nothing to do with water runoff. The Welsh Government Soil Policy Evidence Programme illustrates that run-off from solar panels can cause soil erosion and compaction which may be permanent.</p>	
<p>Philip John Heard <b>[REP3A-039]</b></p>	<p>Grid Connection</p>	<p>GC.1.01 Where is the written proof of the Gate 1 &amp; 2 connection agreements? All we have is the Applicant's verbal statement at ISH1. The Applicant states "The Applicant awaits confirmation from NESO of its confirmed connection date for the solar ..... and indicative connection date for the BESS ...." Confirmation of a confirmation? If the Applicant is awaiting confirmation then, by definition, nothing can yet be confirmed. "The Applicant does not consider that there is any reasonable basis to revise the timescales for the delivery of the Proposed Development from those currently stated." REP2-033 paragraph 9.1.8 states "... the Proposed Development would expect to contribute approximately 0.1% of total electricity demand in 2030 (assuming this as the commissioning date), ...." As APP-026 para 1.2.7 states commencement of operation will be 2033, the Applicant appears to have already 'revised the timescales for the delivery of the Proposed Development'. Could the Applicant please clarify what is the planned commissioning date of the proposed development?</p>	<p>The Applicant has confirmed the latest status of the Grid Connection Offer within the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 1 <b>[REP1-046]</b> Appendix A – Action Point 1 (paragraphs A.1.16-17). The solar component of the Proposed Development has secured a Gate 2 connection and has an agreement with NESO to connect to the NETS. The current date for that connection is in May 2033. NESO has confirmed that the connection date will be in the second phase of prioritisation (Phase 2, between 2031 and 2035) but the exact date, which could be the same or may be earlier or later than the current date, has not yet been confirmed. With regards to the timeline, the Applicant notes the Connections Reform Timeline Update – 13 February 2026, which has been published since the submission of the Applicant's Written Summaries of Oral Submissions for Issue Specific Hearing 1 Appendix A – Action Point 1 <b>[REP1-046]</b> on 20 January 2026. As a post-2030 transmission scheme, the connection date for the solar component of the Proposed Development will be confirmed no later than 'Early September 2026 – Mid Jan 2027'. The BESS component of the Proposed Development has secured a Gate 1 connection. This means that the BESS component has a connection agreement with NESO, but the connection date has not yet been confirmed and is 'indicative'. The Connections Reform Timeline Update – 13 February 2026, states that the BESS component ( Gate 2 Phase 2 distribution) of the Proposed Development should receive its final customer offer 'between mid-October 2026 and mid- March 2027'. Upon receiving consent for the Proposed Development (if granted) the Applicant would re-submit the BESS component to a future reprioritisation round. The Applicant has been consistent with an indicative commissioning date of 2033 (see Paragraph 1.2.7 of Chapter 1: Introduction of the ES <b>[APP-026]</b>). However, for the purposes of the indicative yield assessment provided in the Solar Technology Technical Guide <b>[REP2-033]</b> a commissioning date of 2030 is used to illustrate the relative contribution of the Proposed Development to the UK's total electricity demand in 2030 in line with the Clean Power 2030 Action Plan.</p>
<p>Philip John Heard <b>[REP3A-039]</b></p>	<p>BESS Grid Balancing Function</p>	<p>GC.1.08 The Applicant states "the BESS will support the operation of the co-located solar array by storing generation when it is not need and exporting it to the grid when it is needed, and by providing a grid balancing function using electricity from the</p>	<p>The Applicant has been consistent that the BESS will have the ability to directly import power from the grid which will allow the BESS to support the grid through grid balancing mechanisms (see Paragraph 3.3.33 of Chapter 3: The Proposed Development of the ES <b>[REP1-015]</b>).</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
		<p>Proposed Development or from the wider grid if that grid balancing function could not be achieved when required using only electricity from the Proposed Development.” APP-031 paragraph 6.4.76 states “As the lifetime generation figure of the BESS is significantly less than that of the Proposed Development, it is reasonable to assume that the battery will only store and discharge energy generated by the Proposed Development.” So the Applicant has changed a key element in the application documentation, moving away from only exporting energy to importing and exporting. Such a key criteria change should be subject to a ‘change request’.</p>	<p>Paragraph 6.4.76 of Chapter 6: Climate Change of the ES <b>[REP3-006]</b> provides a comparison of the operational carbon intensity of the Proposed Development’s potential grid balancing capability against open cycle gas turbines (OCGT) (which currently perform the fast response grid balancing function of the grid) and is not a commitment that the BESS will not perform a grid balancing function.</p>
<p>Philip John Heard <b>[REP3A-039]</b></p>	<p>Climate Change</p>	<p>CC.1.01 The Applicant states “..... grid intensity is unlikely to decrease without projects like the Proposed Development, it is reasonable to compare the carbon intensity of the Proposed Development against the counterfactual scenario of no decarbonisation to the national grid, particularly for the short-term period identified in Paragraph 6.4.73 of only 4 years.” The UK national grid output in 2024 was 284TWh. This is projected to rise to 375TMWh in 2030 and some 600TMWh in 2050. The renewable projects already approved in the pipeline are more than sufficient to replace fossil fuels; the proposed development and other proposed energy projects are to meet the Government’s planned additional capacity. Therefore, given that the Government policy is only renewable energy, the only reasonable comparison for the proposed development is against the other renewables that will be providing this additional capacity. Hence, the Applicant’s argument is flawed. As already stated by the Secretary of State, comparison with fossil fuel produced energy is not appropriate. I refer also to paragraph 5.4 of REP1-108. APP-031 paragraph 6.4.77 uses a comparison with the Open Cycle Gas Turbine (OCGT). This results in the projected GHG emission savings of the proposed development being misleadingly high. The Government are aiming for a 50% Net Zero grid by 2030 and 100% net zero by 2050. Therefore, based on Government targets, the Applicant’s comparison must be with a 50/50% fossil fuel/green energy mix for the period from commencement of operations (2033?) up to 2050, then 100% green energy thereafter ie a mix of 14% fossil fuel/86% green energy across the 60 years of the proposed development. This is worst case, as the Government is aiming to phase out fossil fuel energy well in advance of 2050.</p>	<p>The Applicant has set out its position on the baseline approach in response to CC.2.03 of the Applicant’s Response to the Examining Authority’s Second Written Questions <b>[REP3-045]</b>. In summary the Proposed Development is inherently part of the government’s targets to achieve net zero and therefore it is not appropriate to compare it against a renewable grid as the Proposed Development is part of the pathway to achieving this, rather than an alternative. The use of fossil fuels as a comparator has been accepted in relation to another renewable energy DCO, the Morecambe Offshore Windfarm Generation Assets Order 2025 (Planning Inspectorate Reference: EN010121) and confirmed as an acceptable approach in paragraphs 4.10 and 4.11 of the Secretary of State’s Decision Letter (dated 1 December 2025). The Applicant therefore considers that Chapter 6: Climate Change of the ES <b>[REP3-006]</b> provides a reasonable indication of the benefits of the Proposed Development on the carbon intensity of the grid and that the more conservative figure of grid intensity used is appropriate.</p> <p>As noted in the IP’s comment, a significant increase in grid demand is expected over the coming decades, which the Proposed Development is required to enable. Therefore, it is not reasonable to compare the Proposed Development to a ‘renewable grid’ as it is enabling growth in power supply to decarbonise other sectors such as transport, heating and industry as set out in the Clean Power 2030 Action Plan. Looking at these sectors, the Proposed Development would be displacing fossil fuel sources which all have a higher carbon intensity than the baseline used throughout Chapter 6: Climate Change of the ES <b>[REP3-006]</b>.</p> <p>In any event, the Applicant would highlight that NPS EN-1 (2023) (paragraphs 3.2.6 - 3.2.8) provides that there is an urgent need for infrastructure such as the Proposed Development, that substantial weight should be given to this need, and that the specific contribution of any individual project such as the Proposed Development towards meeting that need does not require separate consideration.</p>

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Philip John Heard [REP3A-039]	Definition of Maintenance	<p>DCO.1.04</p> <p>Regarding 'maintenance', in response to the ExA's question, the Applicant states "The inclusion of this wording is considered sufficient to ensure that any environmental effects from activities associated with maintenance of the Proposed Development would not exceed those assessed in the ES ..... Where a component is no longer operational and requires final decommissioning, this will also be identified within the maintenance schedule". The existing wording would allow, for example, 99% of solar PV panels to be replaced under the term 'maintenance'. This would be a greater 'waste' impact than the Applicant is declaring, which LCC would need to deal with. Moreover, this would also result in the Applicant's GHG assessment being considerable understated. Given 30 year solar panel life is unproven, it is highly likely a significant number of panels will need replacing prior to that point. Consideration should be given to imposing a limit on total replacement of all significant components; this should be mandated in the DCO.</p> <p>At REP2-031 Page 21, in response to NKDC regarding maintenance, the Applicant states "... an annual maintenance schedule will be agreed." The Applicant refers to, REP1-033 paragraphs 2.3.1 to 2.3.6 which mentions submitting a maintenance plan to the relevant authorities. Nowhere in this section does it suggest that this plan is submitted for approval by the local authorities, it appears to be for information only. This document needs to clearly state that, other than for unforeseen emergencies, the planned maintenance for the year ahead is to be submitted for approval by the local authorities. If, in the absence of any clause in the DCO limiting the totality of unplanned component replacements, this gives the local authorities the opportunity to control excessive production of waste as it is likely that many solar panels will fail to reach anything close to the 30 year point.</p>	<p>The application for the Proposed Development allows for full replacement of all solar panels part way through the 60-year operational lifetime. The rate of replacement is limited by the assessment on road traffic impacts. Chapter 13 Traffic and Transport [REP3-010] states at paragraph 13.7.65 that "Site-wide equipment replacement activities are expected to generate in the order of 20 HGVs (or 40 two-way HGV movements) per day and in the order of 20 staff car trips (40 two-way movements) per day. It is not anticipated that any AILs will be required. This is much lower than the vehicle trips generated during the peak construction phase, representing approximately 40% of the HGV activity and approximately 10% of car/LGV movements generated during the peak construction of the Proposed Development." The provisions of Article 5 of the draft DCO [REP3A-004] restrict the extent of maintenance works such that it does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the ES. Paragraph 2.3.3 of the Framework OEMP [REP3-018] stipulates that every 12 months from the date of final commissioning, the Applicant will submit a planned maintenance schedule for the year ahead to the relevant planning authorities (excluding unforeseen emergencies, breakages and malfunctions that require maintenance throughout the year). The provision of a detailed OEMP, which is to be substantially in accordance with the Framework, is secured under Requirement 13 of Schedule 2 to the draft DCO [REP3A-004] and must be submitted to NKDC (as the relevant planning authority) for approval in consultation with LCC (as the local highway authority and waste planning authority), National Highways, and the Environment Agency. The operation of the Proposed Development must be carried out and maintained in accordance with the approved OEMP.</p> <p>The calculations of the GHG assessment in Chapter 6: Climate Change of the ES [REP3-006] account for the complete replacement of all panels at around year 30. This was considered a realistic worst-case assumption; should this not occur, the GHG savings would be better than stated in the ES.</p> <p>The waste generation associated with repowering has been assessed in Chapter 14 Other Environmental Topics [APP-039]. Section 2.3 of the Framework Operational Environmental Management Plan [REP3-018] provides more information on the annual maintenance schedule, including incorporating additional detail requested by the councils. The applicant has not included provision for this to be approved by the councils but the Applicant refers the IP back to the point that Requirement 5 of the draft DCO [REP3A-004] requires that " This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement".</p>

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Philip John Heard [REP3A-039]	Ecology - Otters	<p>ENC.1.07 In response to the ExA regarding, for example, otters and voles, the Applicant states "The presence of a Species of Principal Importance at a site does not automatically mean that the particular site is of high value (e.g. regional/national importance) for that species." Equally, such presence does not automatically mean it is not of high value. "The limited evidence of Otter present within the DCO Site ....suggests that the Order limits and their value to Otter are of local to district importance only. " Furthermore, the Applicant states "..... the fact that Otter populations are rising in Lincolnshire..." The otter population in Lincolnshire is 'recovering' ie heading back towards previous numbers. Is it solely the Applicant who has made the judgement between 'national' and 'local' importance or has an independent body been involved?</p>	<p>The process for determining and assigning importance is set out in Paragraphs 8.5.22 to 8.5.29 and summarised in Table 8-5 of Chapter 8: Ecology and Nature Conservation of the ES [REP1-019]. This process follows that set out by the Chartered Institute of Ecology and Environmental Management.</p>
Philip John Heard [REP3A-039]	Hedgerow Removal	<p>ENC.1.22 In response to the ExA, the Applicant states "The areas of hedgerow removal set out on the Hedgerow Removal Plan [AS-112] aligns with Figure 3-17 ..... [AS-029]". REP2-030 Page 213 states "Paragraph 3.2.2 of the Biodiversity Net Gain Report [APP194] clarifies that a total of 3.48km of hedgerow habitat will be lost .....". AS-122 paragraph 5.2.13 states "Removal of existing hedgerow will only occur where access is required." How many access points and of what sizes equate to 3.5km? The latest version of the Draft DCO (REP2-006) Schedule 11 (Page 81+) does not appear to have changed in this respect; it totals some 1985m of hedgerow removal. Indeed, the initial draft DCO listed hedgerow removal totaling 1985m, published at the same time as APP-194 stating 3.48km; is this just another mistake? It appears there is over 1.5km of hedgerow removal that is not accounted for, what are they and why are they not shown on AS-112?. If the Applicant cannot explain where this additional hedgerow removal will occur, the DCO wording should change to limit any hedgerow removal to that listed in detail in the DCO Schedule 11.</p>	<p>As set out in ISH3 Action Point 8 (within Appendix F of Written Summaries of Oral Submissions - Issue Specific Hearing 3 [REP3-042], the Applicant has reviewed paragraph 3.2.2 of the Biodiversity Net Gain Report against Schedule 11 of the Draft DCO [REP3A-004] – the quantum of hedgerow loss reported in paragraph 3.2.2 of the Biodiversity Net Gain Report was incorrect, whereby the total amount of hedgerow loss is 1.98km, as reported in Schedule 11 of the Draft DCO [REP3A-004] and illustrated on the Hedgerow Plan [AS-112]. The Biodiversity Net Gain Report [REP3-024] has been updated (submitted to the Examination at Deadline 3) to correct this error at paragraph 3.2.2. It should be noted that this change in the Biodiversity Net Gain Report [REP3-024] 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 [REP3-024], 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 [REP3A-004].</p>
Philip John Heard [REP3A-039]	Framework Soil Management Plan	<p>FS.1.11 The ExA raises a number of points regarding the Framework Soil Management Plan (FSMP). The Applicant states "It is intended that the detailed SMP would provide this level of detail." In the draft DCO (REP2-006-Page 42 Paragraph 15 (2)), the Applicant states "<i>The soil management plan must be substantially in accordance with the framework soil management plan</i>". If the soil management plan is to be substantially in accordance with the framework soil management plan, why is the detail the ExA is requesting not in the framework plan? The</p>	<p>The Framework SMP [REP3-022] provides an outline of commitments which will be further developed in the detailed SMP to be provided post-consent. The level of detail is consistent with a framework management plan at this stage of planning. Including all site-specific detail in the Framework SMP is neither practical nor appropriate at this stage, as detailed design of the Proposed Development has not yet been undertaken. Requirement 15 of Schedule 2 to the draft DCO [REP3A-004] secures the provision of the detailed SMP which must be substantially in accordance with the Framework SMP, thus ensuring these</p>

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		<p>Applicant regularly cites precedent set by other solar NSIPs; compared to many others, the Framework Soil Management Plan (REP1-038) is woefully short of detail. There is little evidence to suggest the soil will be adequately managed over the 60 year period nor that it will be returned to its previous quality. It is concerning that “no site visit was undertaken as part of this assessment and report” (REP1-038 Page 2).</p>	<p>principles are applied while allowing the necessary level of detail to be developed at the time.</p> <p>The Applicant would like to note that a site visit was carried out to undertake the agricultural land classification survey [APP-161], on which the assessment of impacts on soils and the FSMP are based.</p>
Philip John Heard [REP3A-039]	Offsite Removal Soil	<p>FS.1.13 Regarding offsite uses, the Applicant states “Removal of soils is not expected or planned for the Proposed Development.” REP1-038 paragraph 6.1.1 states “A number of options are available for soil stripped from the site in terms of reuse either on-site or following off-site transfer.” Paragraph 6.7.1 goes on, “Potential off-site uses include:</p> <ul style="list-style-type: none"> <li>• Commercial topsoil soil;</li> <li>• Commercial clay soil;</li> <li>• Commercial sand/gravel/mudstone/limestone sale;</li> <li>• Exportation of soil materials to landfill – this option is to be avoided as far as is practicable ..... This wording suggests that removal of soil is in fact planned.</li> </ul>	<p>The Soil Management Plan (SMP) to be produced post-consent will establish methods for soil stripping, storage on-site and re-use. There are no proposals to export or import soil from or to the site. The detailed SMP is to be substantially in accordance with the Framework SMP [REP3-022] as secured under Requirement 15 of Schedule 2 to the draft DCO [REP3A-004].</p> <p>The Framework SMP [REP3-022] was updated at Deadline 3 to reflect intent to retain all soils on-site for sustainable re-use. Section 6.7 of the Framework SMP has been amended to remove reference to the commercial sale of materials and the section now reads as follows: <i>“It is not anticipated that soil will be exported. Soils are to be retained on site for sustainable re-use. Soil volumes will be quantified to determine depth of topsoil/subsoil layers and shallow rock features.”</i></p>
Philip John Heard [REP3A-039]	Various	<p>Philip John Heard also commented on the Applicant’s response to ExQ1 [REP2-029], specifically GC.1.03, GC.1.04, GC.1.09, GC.1.14, GC.1.15, FS.1.09, FS.1.10, and WE.1.03</p>	<p>Philip John Heard’s comments on the Applicant’s response to ExQ1 [REP2-029] align with Barry Smith’s submission at Deadline 3 [REP3-097] and the Applicant has provided a response to these queries in Table 2-1.</p>
Philip John Heard [REP3A-039]	Climate Change	<p>1.0 Climate: 1.1 Regarding the GHG assessment (page 206), in response to my statement that the Applicant has not adopted the worst case ‘Rochdale Envelope’, the Applicant’s response is to merely explain the Rochdale Envelope. The Applicant has ignored my reference to the proposed Springwell development, whose GHG emission assessment was based on “the modular structure outlined in Royal Institution of Chartered Surveyors (2023) guidance” (Ref 8-17 of Springwell APP-028). This document is later than either of the documents referenced by the Applicant in APP-031 paragraph 6.4.31 and is therefore more up to date guidance. Hence, the Rochdale Envelope worst case approach would employ similar data to that used by the proposed Springwell development; indeed this would be in accordance with the Applicant’s explanation of the Rochdale Envelope. 1.2 Page 208 refers to REP1-017. Paragraph 6.4.72 of REP1-017 assumes a do-nothing approach resulting in a carbon intensity of the proposed development 88% lower than the grid average in 2025. Firstly, comparing with carbon</p>	<p>As noted in the Applicant's Response to Deadline 2 Submissions, p48 of [REP3A-025], RICS guidance does not make any up-to-date guidance on emission factors or worst-case practice for solar farms. It instead sets out the reporting modules and assumptions for transport distances and waste rates, which have also been used in Chapter 6: Climate Change of the ES [REP3-006].</p> <p>The Applicant has explained the reasoning for the baseline comparison approach above and in response to EXQ CC.2.03 in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045].</p> <p>As noted above and in response to EXQ CC.2.03 in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045], the use of fossil fuels as a comparator has been accepted in relation to another renewable energy DCO, the Morecambe Offshore Windfarm Generation Assets Order 2025 (Planning Inspectorate Reference: EN010121) and confirmed as an acceptable</p>

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		<p>emissions 8 years before the commencement of operations is totally inappropriate. Secondly, if the proposed development did not go ahead, other (most likely higher priority) energy projects will produce the energy and given Government policy, all will be renewable. Therefore, given that solar is the most polluting of the renewables, the proposed development will, most likely, result in a higher carbon intensity than alternatives.</p> <p>1.3 Referring to the GHG assessment, the Applicant states (page 209), "The comparison is therefore for information only and is not used in the calculations on which the assessment is based." However, REP1-017 Para 6.4.77 still claims a totally inappropriate 2.2M+ tCO<sub>2</sub>e saving across life of the proposed development by comparing with fossil fuel produced energy. If this is information only, then, at the very least, the information should be correct.</p>	<p>approach in paragraphs 4.10 and 4.11 of the Secretary of State's Decision Letter (dated 1 December 2025). The Applicant therefore considers that Chapter 6: Climate Change of the ES [REP3-006] provides a reasonable indication of the benefits of the Proposed Development on the carbon intensity of the grid and that the more conservative figure of grid intensity used is appropriate.</p> <p>In any event, the Applicant would highlight that NPS EN-1 (2023) (paragraphs 3.2.6 - 3.2.8) provides that there is an urgent need for infrastructure such as the Proposed Development, that substantial weight should be given to this need, and that the specific contribution of any individual project such as the Proposed Development towards meeting that need does not require separate consideration.</p>
Philip John Heard [REP3A-039]	Landscape and Visual	<p>3.0 Landscape and Visual:</p> <p>3.1 At page 22, in response to REP1-079, the Applicant states "There are no significant medium- or long-term visual effects anticipated on residents of Witham St Hughs as, by Year 1 (and by extension at Year 15) of operation, the proposed landscaping would have matured such that views of solar PV infrastructure within the Principal Site would be screened." Could the Applicant please explain what landscaping is being put in place that will mature within one year?</p> <p>3.2 At page 143, in response to LCC the Applicant states "However, the assessment concluded that by Year 15 of operation, significant landscape effects would be limited to areas in which the solar PV infrastructure is principally located i.e the Principal Site and the local landscape character areas ..." Therefore, given that 15 years is quoted on many occasions as the point of full maturity of planting, the Applicant admits that for the whole Principal Site, over 1000 ha, there will be significant landscape effects which will last for 60 years.</p> <p>3.3 At page 212, the Applicant attempts to justify the moderate negative weight attributed to landscape and visual. It is worth noting that the Secretary of State has attributed at least moderate negative weight regarding landscape and visual against a number of solar developments with great negative weight in some cases. The proposed development can only add to this cumulative impact.</p> <p>3.4 At page 213, the Applicant states "The landscaping strategy includes allowing some hedges to grow ..... This is considered in keeping with the landscape ....." I question how tall hedges are in keeping with a currently wide open landscape.</p>	<p>3.1. The Applicant did not intend to suggest the new planting will entirely screen the Proposed Development in year 1 and acknowledges a typo in REP2-030. The suggestion in REP2-030 was that the activity on site changes between construction and Year 1 of operation from construction activity to an operational solar farm, and is then screened by mature vegetation by the assessment year of Year 15.</p> <p>Regarding 3.2, the Environmental Statement [AS-117] is clear that there are significant landscape effects. By the nature of the development being a solar farm, it is a change of the landscape from agricultural fields. Table 10-13 of Chapter 10 Landscape and Visual [AS-117] highlights the landscape change of the site itself will be moderate adverse and significant, even after planting has matured. There is also a moderate adverse, significant effect on LLCA 03 Tunman Hill and LLCA 08 Thurlby Fenland (landscape character areas), again due to the change in land use for the operational phase. An appraisal of this against planning policy is presented in the Planning Statement [AS-098].</p> <p>3.3: Noted. The SoS will decide the planning weight attributed to landscape and visual matters.</p> <p>3.4. The point is noted that a taller hedge may change the visual amenity or landscape, although the Applicant still considers a taller hedge to be in keeping with the current landscape. It is not a fundamental change to the landscape. The greater change is to visual amenity; i.e., the view experienced from a specific location. Both have been assessed in Chapter 10 Landscape and Visual [AS-117].</p>

Interested Party	Theme	Comments from any party on any submissions and any information received at Deadline 2	Applicant Response
Philip John Heard <b>[REP3A-039]</b>	Soils	4.0 Soils: At page 216, regarding restoration of land to its former quality, the Applicant states “The Framework SMP ..... contains industry standard good practice mitigation measures to reduce impacts on soil which will ensure that the ALC grade will be unaltered through operations and decommissioning of the Proposed Development.” If the Applicant is so certain that these mitigation measures will ‘ensure that ALC grades will be unaltered’ this certainty should be secured through Requirement 20 of the draft DCO. The FSMP (REP1- 038), paragraph 3.1.4, regarding soil management during construction, uses the word ‘AVOID’ on 5 occasions. Paragraph 3.1.5 then states “..... this works to mitigate against potential impacts to soil resources .....” So, is the Applicant AVOIDING or MITIGATING impact to soil resources?	<p>This commitment is already secured by the Framework Soil Management Plan. Requirement 15 of Schedule 2 to the draft DCO <b>[REP3A-004]</b> secures the provision of the detailed soil management plan which must be substantially in accordance with the Framework SMP. Furthermore, Requirement 20 requires a decommissioning environmental management plan substantially in accordance with the framework decommissioning environmental management plan. The Framework Decommissioning Environmental Management Plan <b>[REP3-020]</b> commits to the details of soil reinstatement being provided in the detailed SMP. The Applicant therefore considers the return of the soil quality to its current standard to be sufficiently committed to in the application.</p> <p>With regards to avoidance or mitigation, the mitigation hierarchy targets avoidance of impacts in the first instance, and then if impacts do occur, mitigation. The Applicant has aligned with this principle in the Environmental Statement and Framework Soil Management Plan.</p>
Philip John Heard <b>[REP3A-039]</b>	Various	Philip John Heard also commented on the Applicant’s response to Written Representations <b>[REP2-030]</b> , specifically 2.0 Replacement of Infrastructure, 5.0 Energy Security, and 6.0 Transport.	Philip John Heard’s comments on the Applicant’s response to Written Representations <b>[REP2-030]</b> align with Barry Smith’s submission at Deadline 3 <b>[REP3-097]</b> and the Applicant has provided a response to these queries Table 2-1.
Philip John Heard <b>[REP3A-039]</b>	Sealing	C.3 In the Mallard Pass solar project, the same Applicant considered land beneath BESS, substations, access tracks etc to be permanently sealed. Why is the Applicant treating the proposed Fosse Green development differently?	With regards to the approach taken for Mallard Pass, which was delivered by the same partnership as the Applicant for the Proposed Development, the application for Mallard Pass was not time limited and therefore its Environmental Statement assumed certain infrastructure was permanent, because in theory it could be left in situ indefinitely. A time limit of 60 years was introduced by the Applicant during Examination stage; the soil assessment was not revisited however, since it already presented a worst case scenario.

## 3. ExQ2 Responses

### 3.1 Comments on ExQ2 Responses

**Table 3-1a: Applicant's response to: the responses provided by North Kesteven District Council [REP3-055] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
TT.2.03	NKDC	<p><b>Status of "Stepping Out Routes"</b></p> <p>The applicant in responding to the council's LIR [REP1-056] has commented "<i>It should also be noted that, as shown on the plan submitted by the Council within its Response to Issue Specific Hearing Action Point 6 - Stepping Out Walks [REP1-136] whilst the routes of the Stepping Out Walks do partially follow PRow and existing permissive paths, they also utilise land which is neither designated as PRow nor permissive paths. Therefore, the Stepping Out Walks are reliant on the use of private land over which the public has no rights of access</i>" [electronic page 49 in REP2-031].</p> <p>a) Explain how public access to Stepping Out Routes, which in their entirety or in part, are neither a designated PRow nor a recognised permissive route, is protected under the Stepping Out Routes initiative. In particular, for Stepping Out Routes that include any privately owned land, explain what stops the owner(s) of that land from precluding access to it by members of the public in pursuance of their use of a route?</p> <p>b) Should Stepping Out Routes or parts thereof that are neither designated PRow nor recognised permissive routes be considered as genuinely publicly accessible routes?</p>	<p>In its Response to Written Representation (REP2-030) the Applicant refers to how it has identified and dealt with permissive paths, including the following on page 134:</p> <p><i>'Chapter 12: Socio-Economics and Land Use of the ES [AS-016] identifies the baseline PRow network, confirming the presence of 36 PRow and seven permissive paths within the Principal Site, as well as 26 PRow running either adjacent to or in close proximity to the Order Limits (paragraphs 12.5.30– 12.5.32).'</i></p> <p>This statement is effectively repeated, for instance on page 135 of REP-030. NKDC also notes that at paragraph 12.5.34 of Chapter 12 of the ES (AS-016) these existing permissive paths are given the following identifiers: 15BCDE, 15BCD1, 17E42A, 15BCD0, 15BCCF, 15BC81 and 15BCC0 7.</p> <p>However, despite a request at ISH1 to clarify which paths these identifiers relate to, the Council has seen no plan providing this clarification.</p> <p>In REP2-030 on pages 135, Applicant also states that: <i>'The existing permissive paths are being retained and as such are labelled as 'Retained Permissive Paths' on Figure 3-3: Proposed Permissive Paths of the ES [AS-024).'</i></p> <p>This statement is repeated, for instance on pages 139 and 140 of REP-030. However, the only permissive paths shown AS-024 as 'Retained Permissive Paths' (as distinct from 'Proposed Permissive Paths' in the key) are some lengths of path immediately east of Witham St Hughs. It is not possible to tell which identifier (see paragraph 6 above) relates to which of those Retained Permissive Paths; and it is difficult to see how those amount to seven retained paths. AS-024 does</p>	<p>The Applicant appreciates NKDC's support in clarifying the existing permissive paths within the Order Limits and will continue to work with NKDC on this matter.</p> <p>As noted in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. TT.2.04), Figure 3-3: Proposed Permissive Paths Plan of the ES [AS-024] illustrated the retained and proposed permissive paths known by the Applicant at the time of preparing the DCO Application. In the absence of any available mapping from NKDC or LCC, the Applicant sought to identify permissive paths through discussions with landowners.</p> <p>The land within the Principal Site will be managed by the Applicant for the duration of the Proposed Development, and as such the Applicant intends to update the permissive path network to ensure the Stepping Out Routes within the Order Limits are available for the duration of the 60-year operational phase of the Proposed Development.</p> <p>The Applicant has updated Figure 3-2A: Indicative Fixed South Facing Site Layout Plan [AS-022] and Figure 3-2B Indicative Single Axis Tracker Site Layout Plan [AS-023] to include additional permissive paths to facilitate the Stepping Out Routes and has shared this in draft with NKDC and LCC to facilitate further discussions with the councils.</p> <p>The updated Figure 3-2A and 3-2B is provided as part of the Deadline 4 submission. The Landscape Mitigation Plan within the Framework LEMP [REP-038] and Streets Rights of Way and Access Plans [REP2-004] (which secure the indicative locations of the permissive paths) will be amended accordingly and submitted to the Examination at Deadline 5.</p> <p>The additional permissive paths suggested by the Applicant include two small deviations from the NKDC Stepping Out Routes, as illustrated on Figure 3-2A. In one case the alternative route is considered more favourable for walkers</p>

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			<p>not show those parts of the Stepping Out Walks which follow permissive paths</p> <p>At Deadline 1, NKDC submitted a plan (REP1-136) showing three Stepping Out Walks superimposed (with permission) onto the Applicant's drawing Figure 3-3: Proposed Permissive Paths of the ES (AS-024). REP1-136 shows the following walks which run in and close to the Order Limits:</p> <ul style="list-style-type: none"> <li>• Thorpe on the Hill</li> <li>• Morton and Tunman Wood</li> <li>• Bassingham and Villages Circular 11.</li> </ul> <p>In its Response to Local Impact Reports (REP2-031), the Applicant states on page 46:</p> <p><i>'It should also be noted that, as shown on the plan submitted by the Council within its Response to Issue Specific Hearing Action Point 6 - Stepping Out Walks [REP1-136] whilst the routes of the Stepping Out Walks do partially follow PRow and existing permissive paths, they also utilise land which is neither designated as PRow nor permissive paths. Therefore, the Stepping Out Walks are reliant on the use of private land over which the public has no rights of access.'</i></p> <p>On page 136 of REP2-030 the Applicant states that not all parts of Stepping Out Walks coincide with PRows, some sections using permissive paths. Also, at the bottom of page 178 of REP2-030, in responding to ToTH PC the Applicant states that:</p> <p><i>'It is also important to note that the Stepping Out Walks that interact the Proposed Development require use of private land that is not a PRow or permissive path to complete these walks, and therefore they cannot be walked in their entirety currently.'</i></p> <p>These statements raise two issues.</p> <p>Firstly, there is a contradiction, in that the Applicant acknowledges that the relevant Stepping Out Walks utilise permissive paths as well as public rights of way; and the Applicant has stated that existing permissive paths have been identified and retained as labelled on AS-024. However, no 'Retained Permissive Paths' are shown on that drawing in</p>	<p>due to routing through open grassland or arable fields rather than using the existing farmer track with solar PV array on both sides. In the second case, a small stretch of the Stepping Out Route that is not required to complete the circular walk has been removed.</p> <p>The updated length of proposed permissive paths to be provided for the operational lifetime of the Proposed Development is 10.2 km. For context, the length of these two Stepping Out Routes together within the Order limits and excluding PRow is 1.8 km. The net difference therefore is 8.4 km.</p> <p>The Applicant has removed the label "Retained permissive path" from the figure, given what matters is what is being delivered for the operational stage of the Proposed Development. Critically, whereas a landowner may remove a permissive path at short notice, any permissive paths proposed to be delivered as part of the Proposed Development will be secured for its operational lifetime and are therefore expected to be in place for 60 years, meaning the status "Retained" or "New" permissive path is considered unimportant.</p> <p>The additional permissive paths are not considered to change the conclusions of the ES, with the additional permissive paths to be delivered within the Order Limits having been designated to provide a minor beneficial effect for socio-economics [AS-016] and health [REP3-047].</p>

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			<p>relation to the three Stepping Out Walks listed above. This suggests that not all existing permissive paths will be retained.</p> <p>Secondly, as ExQ2 TT.2.03 b) indicates, the Applicant indicates that there are parts of these Stepping Out Walks over which the public has no current right of access – and carrying with it the implication that members of the public using those routes may be trespassing.</p> <p>The Council addresses these two points below, with reference to the plan appended to this response which shows the Stepping Out Walks 1) Thorpe on the Hill and 2) Morton and Tunman Wood. That plan is an extract of drawing AS024 increased in scale from 1:28,000 in the original to 1:14,000. Points of reference are identified with a capital letter.</p> <p>These two Stepping Out Walks were walked in their entirety on 20th February 2026. All lengths of the walks shown on the published leaflets were available and physically accessible without obstacles such as fencing or other barriers; and there were no signs deterring access. Clear evidence of substantial unobstructed use of the routes was observed (see photograph 1).</p> <p>The routes were extensively waymarked throughout with distinctive Stepping Out identifiers, separately and in addition to any waymarking as statutory Public Rights of Way (PRoW) which exist (such as those put in place by Lincolnshire County Council). This Stepping Out waymarking included sections of the Stepping Out promoted walks which did not follow statutory PRoW – with labelling confirming that a permissive path was being used.</p> <p>In addition to the Stepping Out waymarking, at three locations (C, F and H) there were substantial signs making it clear that the particular parts of the route were permissive paths - referencing the Highways Act 1980. As an example, the sign at location C is provided in Photo 2 on the previous page. Photo 2 shows the Stepping Out waymarkers point left (north-east) towards Thorpe on the Hill (public right of way TOTH/6/2); and right (south-west) along a permissive path towards Housham Wood Farm. The yellow waymarker</p>	

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			<p>pointing towards the camera would take walkers off the Stepping Out Walk to follow a PRoW.</p> <p>Drawing AS-024 does not show any of the permissive paths currently used by the Stepping Out Walks Thorpe on the Hill or Morton and Tunman Wood.</p> <p>This includes the following sections shown on the plan appended to this response:</p> <ul style="list-style-type: none"> <li>• C-D, F-G-H-I and J-K which are neither shown as Proposed Permissive Paths nor as Retained Permissive Paths.</li> <li>• D-E-F – which are shown as Proposed Permissive Paths on AS-024, and which the Applicant has shown as “new permissive path” on the Streets, Rights of Way and Access Plans REP2-004 21.</li> </ul> <p>In addition, there is a short length of path X-F which is shown as a Proposed Permissive Path on AS-024, but is in fact a length of statutory PRoW TOTH/13/1 which the Applicant proposes to permanently divert.</p> <p>Since ISH3, the Applicant has indicated to the Council that the position regarding permissive paths in this area may have changed. The Council looks forward to receiving confirmation of the Applicant's position on this issue.</p> <p>Based on the current evidence available to the Council, there are question marks regarding the Applicant's statements regarding their identification of existing permissive paths, and that they have retained them in the proposals. Further, the Applicant has stated in several places that the Proposed Permissive Paths are in addition to retaining existing permissive paths – for instance on page 140 of REP2-030: <i>'In addition to the retained existing permissive paths, 9.5km of additional permissive paths are proposed, linking together existing walking routes and creating enhanced connections to surrounding villages.'</i></p> <p>Some of the “new permissive paths” appear in fact to be existing permissive paths – section D-E-F is approximately 300m in length. Additionally, existing sections of permissive path C-D, F-G-H-I and J-K totalling approximately 1.8m in</p>	

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			<p>length would be lost. Whilst new lengths of permissive path would be created, this means that the net length of permissive path provided for would be some 2.1km shorter than indicated by the Applicant.</p> <p>Furthermore, it is suggested that a check should be made of the 9.5km length of permissive path which the Applicant has stated that it will provide as part of the Proposed Development. The initial scaling of the routes shown on AS-024 indicates that the length of Proposed Permissive Path may be approximately 8km, significantly shorter than that claimed, even if it were accepted that these are as new (i.e. not retained) permissive paths – something which the Council currently does not think is the case.</p> <p>The Council has not measured accurately from the Streets, Rights of Way and Access Plans (REP2-004), but accounting for lost permissive paths and retained permissive paths, the Council's current assessment is that the net gain in permissive routes may be, in terms of distance, closer to 6km rather than 9.5km. This would have a bearing on the weight to be given to the provision of permissive routes as part of the Proposed Development, something which the Applicant has assessed in its Planning Statement (AS-098) as being 'substantial', and should be afforded 'moderate positive weight' in the planning balance (paragraphs 6.3.178 and 7.3.7 for instance).</p> <p>Therefore, following the discussion at ISH3, the Council suggests that it should work with the Applicant to:</p> <ol style="list-style-type: none"> <li>1. identify existing permissive paths on a plan</li> <li>2. carry out a check of what is shown on the relevant plans as "New permissive paths", and identify: <ol style="list-style-type: none"> <li>a) the retention of existing permissive path lengths</li> <li>b) those existing permissive paths to be lost</li> </ol> </li> <li>3. clarify those permissive paths which are to be new, additional permissive paths</li> <li>4. quantify the net benefit of the Proposed Development in terms of permissive path lengths.</li> </ol>	

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			<p><b>Response to questions a) and b)</b></p> <p>The Council considers that it is important to establish the baseline situation in order to fully understand the use of the Stepping Out Walk routes by members of the public.</p> <p>Before establishing and publishing a Stepping Out Walk, the Council works in partnership with landowners where the route may pass along both statutory PRowS and other land. A route which requires the use of land away from a statutory PRow will only be used as a permissive route with the agreement of the landowner. The permissive parts of the routes for the Thorpe on the Hill and the Morton and Tunman Wood Stepping Out Walks were agreed with the landowners when the walks – for instance the Morton and Tunman Wood walk was first established in 1986. The evidence from walking the routes indicates that permission has been granted.</p> <p>Indeed, if these are not permissive routes, it seems to the Council that it might be open to a member of the public to apply for a Definitive Map Modification Order on the basis that the routes have been in use for over 20 years and so would have accrued public footpath status ‘as of right’.</p> <p>Alternatively, examination of historic O.S. mapping for the area indicates that historic rights of way may exist, linking the ends of paths in the parish of Thorpe on the Hill with Morton – but that these routes have not been added to the Definitive Map. The possible existence of such links – following similar routes to those used by the Stepping Out Walks and the permissive paths proposed by the Applicant - would appear logical, given that some paths from Thorpe on the Hill do seem to abruptly terminate at the parish boundary.</p> <p>On the basis of current information available to it, the baseline situation for consideration of the effects of the Proposed Development is that the Stepping Out Walks:</p> <ul style="list-style-type: none"> <li>• do not require the use of private land which is neither a PRow nor a permissive path; and</li> <li>• are genuinely publicly accessible in their entirety, either as part of a statutory PRow or a permissive path.</li> </ul>	

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			<p>As the signs erected along the Stepping Out Walks indicate, the use by the public of parts of the routes not on established public rights of way is by the permission of the landowner at the present time, and so is not 'by right'. The existence of a permissive path does not give rise to the establishment of a PRow. Legally, it may be possible for the landowner to withdraw that permission, though the Council has yet to see evidence that landowners have removed such permission. Therefore the existing baseline situation which includes long-established use of permissive routes as part of the Stepping Out Walks.</p> <p>As suggested above, in any case there is the possibility that there may be routes across the land which should be added to the Definitive Map as historic rights of way.</p> <p>The assessment of the effects and benefits of the Proposed Development needs to take this information into account. The Council will work with the Applicant to clarify the position to the Examination Authority, and hopefully reach an agreed position on mitigation and enhancements in the near future.</p>	
PE.2.05	NKDC LCC	<p><b>Suggested skills and education section 106 (s106) planning obligation</b></p> <p>Further to the applicant's comments about there being no need for a skills and an education planning obligation, for example in response to ExQ1 GC.1.19 [REP2-029] and in the responses to the submitted LIRs [included in REP2-031], provide a detailed justification for the suggested making of an annual contribution of £50,000 (index linked) per year for the lifetime of the proposed development. In replying to this question, the Councils should explain whether: 1) the suggested planning obligation would meet the conditions for entering into obligations; and 2) the proposed development would be unacceptable in the absence of the obligation sought.</p>	<p>NKDC set out its position on whether or not the skills, education and employment package would constitute a mitigation or an enhancement measure in its response to ExQ1 PE.1.07 (pages 47 – 50 of REP2-045). The Council confirmed that it sees the package as an enhancement.</p> <p>It is noted that the Applicant states the following in paragraphs 6.3.219 and 6.3.221 of its Planning Statement (AS-098):</p> <p><i>'6.3.219 Paragraph 5.13.11 requires the Secretary of State to consider relevant positive provisions the applicant has made or is proposing to make to mitigate impacts and any legacy benefits that may arise. Measures to minimise socio-economic impacts will be contained within the Framework CEMP [EN010154/APP/7.7], Framework CTMP [EN010154/APP/7.18], Framework PRow-MP [EN010154/APP/7.14], Framework Employment, Skills, and Supply Chain Plan [EN010154/APP/7.16], Framework LEMP [EN010154/APP/7.15], Framework OEMP [EN010154/APP/7.8] and Framework DEMP [EN010154/APP/7.9] and secured by the relevant</i></p>	<p>The Framework Employment, Skills, and Supply Chain Plan [EN010154/APP/7.16] is intended to apply to the construction and operational stages. It does not attempt to address decommissioning given the length of time between now and decommissioning, although the same principles would apply for decommissioning.</p> <p>Paragraph 1.1.2 of the Framework Employment, Skills, and Supply Chain Plan states the following (with 'operation' mentioned twice):</p> <p><i>This Framework Employment, Skills, and Supply Chain Plan (FESSCP) proposes how the Applicant will work with local stakeholders to achieve this. This includes focusing on: a. the opportunities for the involvement of local companies in the construction and <u>operation</u> supply chain; b. the ability of local residents and businesses to access employment and apprenticeship opportunities associated with the construction and <u>operation</u> of the Proposed Development; and c. the ability of research organisations to use the DCO Site to enable research and innovation in the renewable energy sector.</i></p>

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			<p><i>Requirements set out in Schedule 2 of the Draft Development Consent Order [EN010154/APP/3.1]</i></p> <p><i>6.3.221 The purpose of the Framework Employment, Skills, and Supply Chain Plan [EN010154/APP/7.16] is to maximise and pro-actively expand the economic benefits for the local community. The document identifies potential opportunities for activities relating to Skills, Supply Chain and Employment which the Applicant could take forward post consent. This is secured under Requirement 19 set out in Schedule 2 of the Draft Development Consent Order [EN0101/54/APP/3.1]. It is considered that the Framework Employment, Skills, and Supply Chain Plan [EN010154/APP/7.16] meets the requirements of paragraph 5.13.12 of NPS EN-1.'</i></p> <p>It is also noted that, in connection with 'legacy' benefits (EN-1 paragraph 5.13.11), the Applicant's Planning Statement states in Appendix B National Accordance Tables (page 359 of AS-098): 'In terms of legacy benefits, should the Proposed Development be consented, the Applicant will provide a sum of £400/MWac per annum during its operational life, in line with guidance. Whilst this does not form part of the DCO application and does not comprise a benefit in the context of the planning balance, it does comprise a benefit of the Proposed Development to the wider community.'</p> <p>This indicates that the Applicant may not have considered the potential for legacy benefits in terms of employment, skills and supply chain extending beyond the initial construction phase; although the ExA will already be aware, as acknowledged by the Applicant, that the proposed offer of a Community Benefit Agreement (CBA), whilst welcomed in principle by the Council, cannot be material to or carry any weight in the planning balance.</p> <p>Although the two may not be entirely separate in practice, the Council makes a general distinction between the following:</p> <ul style="list-style-type: none"> <li>a) Initial benefits for employment and skills which may arise from the intensive construction phase</li> <li>b) Longer term, legacy benefits (EN-1, paragraph 5.13.11) which may arise from the development of relevant skills, education and training in related areas – including solar and</li> </ul>	<p>The FESSCP largely focusses on the construction stage, given it precedes operation and there are more obvious opportunities to maximise local benefits. At this time, it is too early for the Applicant to determine precisely where and how operational skills and services will be procured, but the commitment to maximise local spending remains during the operational stage.</p> <p>Section 5.2 of the FESSCP states that an annual monitoring and reporting plan will be developed as part of the full ESSCP which will cover the operational phase of the Proposed Development. This can be shared with the council, as stated in Paragraph 5.2.4 of the FESSCP, giving the council an opportunity to shape the operational employment, skills and supply chain.</p> <p>The Applicant accepts the Council's suggestion for the provision and implementation of a single ESSCP for the entirety of the Proposed Development and has amended Requirement 19 of Schedule 2 to the draft DCO [REP3A-004] accordingly. This is reflected in the iteration of the draft DCO [REP3A-004] submitted to the Examination at Deadline 3A.</p> <p>As stated in the Applicant's Response to Deadline 2 Submissions [REP3A-025], the Applicant does not consider that an earlier trigger date is necessary for the approval of the ESSC Plan. Practically speaking, the ESSC Plan is likely to be approved well in advance of commencement of the construction of the Proposed Development as the plan will need to feed into procurement and construction strategies to ensure compliance with the plan and the Requirement itself when the main construction works start. The trigger in Requirement 19 is self-fulfilling as if the ESSC Plan was not submitted and approved in sufficient time to feed into the relevant procurement and construction strategies, there would likely be breach of the Requirement which would be enforceable by the relevant planning authority. It is for the Applicant to determine the appropriate discharge strategy to ensure there is no breach of the Requirement, and it is important that flexibility is maintained in this regard. Therefore, the Applicant does not consider it necessary to amend the trigger in the Requirement.</p>

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			<p>other renewable technologies, environmental management and sustainability, ecology and biodiversity, modern construction, and sustainable agriculture/agrivoltaics.</p> <p>These two elements are discussed under separate headings below.</p> <p>a) Construction Phase</p> <p>The Framework Employment, Skills and Supply Chain Plan (FESSC, APP-197) - which will be followed up by a more detailed ESSC - goes some way to addressing the first set of potential benefits. However, the Council has some concerns.</p> <p>Firstly, the Council has suggested to the Applicant that the wording of Requirement 19 might be altered to:</p> <p>i) refer to a single ESSCP for the whole development, rather than one for each 'part'. It is understood that there may be operational reasons which mean that more than one ESSPC would be appropriate, and the Council awaits the Applicant's submissions and response on this issue.</p> <p>ii) ensure that the detailed ESSC is submitted for approval at an early stage, and not left to shortly before the commencement of the development. Importantly, if relevant benefits from the construction phase are to be maximised, the plan should be implemented sufficiently in advance of construction to enable local firms, job seekers and training providers to engage and take advantage of this peak period of activity. If not, the benefits to the local community and economy will be reduced. Therefore it is recommended that Requirement 19 is drafted so that the detailed ESSCP must be submitted and approved within a short period of time following grant of DCO. Once approved, implementation and adherence to the ESSCP could be enforced. In the first instance the Council suggests a period of 12 months following the date of DCO, but is open to discussion with the Applicant on this point, recognising there will be other practical considerations to take into account. But without an early trigger of this kind, there is a risk of the ESSCP not being in place until shortly before construction starts.</p>	<p>The Applicant considers the level of detail in the FESSCP to be sufficient for a framework plan. Applicants on similar projects have taken a range of approaches: some have provided more information in a framework plan, whilst others have omitted a framework plan altogether. It is considered the FESSCP for the Proposed Development is suitably balanced and provides adequate detail.</p> <p>The Applicant notes NKDCs request for a S106 financial contribution and thanks NKDC for sharing Longfield, Heckington Fen and Springwell examples. The Applicant acknowledges the policy in EN-1 paragraphs 5.3.11 and 5.3.12 for delivering legacy benefits and considers the provision of energy from renewable sources, new permissive paths across the Order Limits, and the provision of a community orchard to be legacy benefits. It is also expected that the benefits arising from the ESSCP will themselves lead to a local legacy. It is not considered necessary for a S106 financial contribution to achieve this.</p> <p>It is acknowledged that the FESSCP does not explicitly mention the repowering period. Any repowering would be done gradually in phases, limited by the trip numbers assessed in the traffic and transport assessment <b>[REP3-010]</b>. It therefore may not be dissimilar to the typical operational and maintenance works, depending on the phasing. A maintenance schedule will be shared with the council ahead of each year which will include details of any repowering (secured by the Framework Operational Environmental Management Plan <b>[REP3-018]</b>), which provides the council with an opportunity to discuss local employment, skills and supply chain matters with the Applicant should repowering be identified for the year ahead.</p>

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			<p>iii) The Council also suggests that a review is undertaken of the FESSCP to ensure that it contains sufficient detail to properly set out what the detailed plan(s) will commit to by way of actions, using existing examples of outline plans from the Springwell and Heckington Fen solar NSIPs as a guide (forming Appendices A and B to this document). It is recommended that the detailed ESSCP(s) include commitments regarding the tender requirements for contractors to fulfil, such as the need to employ a certain number of apprenticeships for instance.</p> <p>b) Legacy benefits            However, the current proposals do not appear to make provision for developing skills, education and training opportunities over the long term outwith the initial construction phase. As all parties are aware, North Kesteven has been the subject of a number of proposals for solar farms over recent years:</p> <ul style="list-style-type: none"> <li>• Heckington Fen Solar Farm – granted DCO 24th January 2025</li> <li>• Springwell – examination closed 8th October 2025, decision date anticipated 8th April 2026</li> <li>• Beacon Fen Energy Park – examination closed 23rd February 2026, decision anticipated 23rd August 2026</li> <li>• Leoda – pre-application stage, scoping opinion issued 13th March 2025 22.</li> </ul> <p>The wider benefits of renewable energy generation for the country as a whole arising from these schemes are recognised by the Council. However, there will be adverse effects on the local environment and communities over a significant area – for instance through substantial changes to landscape character and visual impacts; and the withdrawal of best and most versatile agricultural land from farming.</p> <p>As highlighted above, CLLP policy S14 requires that where significant adverse effects are concluded by the local planning authority following the overall assessment of the project, such effects will be weighed against the projects' wider benefits – which include economic, social and community ones. It is inherent that for such benefits to enure and to be able to</p>	

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			<p>garner weight in the planning balance, they must be securable through the consenting process.</p> <p>The Council seeks to capture some of the potential long term skills and employment benefits of what is still a relatively new and evolving industry which has been introduced into the district. This is seen as one way in which the adverse effects of these developments can be offset at a more local level. Whilst the Applicant has referred to a possible CBA, this is not something which is secured by the DCO, and its end uses and beneficiaries are unknown – and therefore it cannot be said that this will be used to address the employment and skills opportunities which the Council has identified. As such the offer, whilst welcomed, of a CBA cannot be relied upon at the point of decision to deliver longer term skills, educational and employment benefits mindful of its discretionary status.</p> <p>Therefore the Council seeks commitments from the Applicant which go beyond the initial construction stage and which can be secured at the point of decision rather than via a CBA. This includes a request that a financial commitment is made towards the development of relevant skills, education, training and employment. Without some form of financial commitment, there is concern that no such legacy will result. Therefore the starting point for the Council has been to suggest that a s.106 agreement is entered into.</p> <p>Precedent and scale of contribution:          The sum of £50,000 per annum has been drawn from the s.106 agreement signed by the applicant for the Longfield Solar Farm, which was granted DCO in June 2023. The Council understands that the Longfield scheme is of a similar scale (around 400MW) , at least in terms of its generation capacity, to the Fosse Green Energy proposals.</p> <p>The Council has secured the same level of contribution for this purpose in relation to the following solar DCOs within the district:</p> <ul style="list-style-type: none"> <li>• Heckington Fen Solar Farm – granted DCO 24th January 2025 – s.106 agreement completed and signed</li> <li>• Springwell Solar Farm – examination closed and a decision anticipated by 8th April 2026 - s.106 agreement that is</li> </ul>	

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			<p>completed, signed by the applicant, and currently awaiting signing and sealing by the Council.</p> <p>The s.106 agreements for both of the above developments have been forwarded to the Applicant in accordance with Action Point 10 arising from Issue Specific Hearing 3, however are also appended to this document.</p> <p>Justification</p> <p>The Council draws the attention of the ExA back to the policy in EN-1 paragraphs 5.3.11 and 5.3.12. This requires that in making a decision on this DCO application, the Secretary of state should consider not just provisions to mitigate impacts, but also legacy benefits that may arise. The Applicant and the Council are agreed that the proposals contained in the FESSCP represent enhancements rather than mitigations; and that it is appropriate for Requirement 19 to secure the submission and approval of the ESSCP. It follows that both parties also agree that this requirement – which secures these enhancements - satisfies the relevant tests in relation to necessity, relevance to the development and reasonableness (see paragraph 2 of this document).</p> <p>Taking a similar approach, the Council considers that the Secretary of State should consider the potential legacy benefits which may arise from a longer term view of employment, education and skills. Capturing some of those legacy benefits can potentially offer indirect compensation at a local level for adverse effects experienced by the local community, such as changes to landscape character and visual impacts. It is the Council's view that an annual s.106 financial commitment via a s.106 agreement could deliver such legacy benefits, which is why it has consistently promoted this approach at solar NSIP examinations in its area.</p> <p>However, the precedent s106 Agreements appended to this document are flexibly drafted such that the overall purpose of the contribution is to 'account for' the purpose and expenditure of the contribution over the forthcoming 12 months through the holding of an annual meeting and with responsible bodies nominated for implementing those priorities. To be clear, this can include measures to be</p>	

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			<p>implemented and evidenced directly by the Applicant/developer of a broadly equivalent value – for instance bursaries to enable student placements aligning with examples given in paragraph 18(b) above.</p> <p>Without these legacy benefits being secured, in the Council's view there would remain an unresolved tension with paragraph 5.13.11 of EN-1 and CLLP policy S14; the latter insofar as there being significant adverse effects (notwithstanding that the scheme comprises Critical National Priority infrastructure) and a degree of imbalance across two of the strands of sustainability – social and economic – and more specifically during the operational phase of development. In response to part 2 of question PE.2.05, our position is that this imbalance means that the development would be unacceptable in the absence of further commitments by the Applicant to address the matters raised above. Furthermore the s106 Agreements completed (or pending completion) elsewhere, and as appended to this document, also suggests that the applicants in those cases were equally satisfied that such commitments met the statutory tests and were necessary to make those developments acceptable.</p> <p>In a similar way to which Requirement 19 (securing enhancements through the ESSCP for the construction period) satisfies the relevant tests for conditions, the Council also considers that a s.106 commitment to fund or account for the longer term legacy benefits can satisfy the relevant tests for necessity, relevance to planning, and relevance to the development to be permitted. As above, our view is that our approach is supported by national and local policy.</p> <p>That said, if a different mechanism can be offered which would secure the same legacy benefits, the Council will be flexible in considering such an alternative. The Council has had some discussion with the Applicant on this point, and can make the following suggestions.</p> <p>Firstly, the FESSCP does not currently look further forward to propose any measures related to the operational phase (including the busier mid-point when there will be wholesale panel replacement), nor the decommissioning phase. It is</p>	

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			<p>recommended that the plan is reviewed and additional measures and commitments made which will address this longer time frame.</p> <p>Secondly, without some commitment to financial expenditure, the Council is concerned that delivery will be minimal or non-existent. It is suggested that the FESSCP includes commitments to fund measures, which could include sponsoring apprenticeships, providing bursaries or other financial contributions towards other training courses and qualifications. As mentioned above, this could cover employment and skills opportunities related to solar and other renewable technologies, modern construction, and sustainable agriculture and as necessary can be developed and implemented directly by the Applicant/developer subject to an annual panel meeting (consistent with the Heckington Fen and Springwell solar schemes) in lieu of making a direct financial payment.</p> <p>The Council would be seeking commitments to a similar financial amount as suggested in the request for a s.106 contribution, i.e. measures equivalent to a £50,000 value per year, index linked. It is suggested that as this is intended to deal with the longer term operational and decommissioning phases, it might apply from say year 5 following commencement.</p> <p>The Proposed Development is promoted as a long term but temporary project. The Council considers that both short term construction and longer term legacy benefits should be secured in relation to employment and skills as a contribution to the community of North Kesteven who will most immediately experience the adverse effects of the development. This delivery will depend on a commitment to invest in these matters. In other words, the ESSCP(s) will be reliant on funding to be effective in practice; and without a financial commitment of some sort towards these benefits, then little weight can be given to them in the planning balance. As above we identify a tension with part of EN-1 and CLLP policy S14 and, at present, an imbalance across the social and economic strands of sustainable development which the Council considers weighs against the proposal notwithstanding its CNP infrastructure status.</p>	

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			<p>A financial commitment to the value of £50,000 per year (index linked) would, in the view of the Council, satisfy the tests for contributions in the context of the relevant NPS and the circumstances of this development. The Council favours the use of a s.106 contribution, for which it has precedents at Springwell and Heckington Fen. However, the Council is prepared to consider how an equivalent commitment might be made through revisions to Requirement 19 and improvements to the Framework Employment, Skills and Supply Chain Plan.</p>	
DCO.2.01	Applicant	<p><b>Article 2 – interpretation (“maintain”) and Article 5 - power to maintain authorised development</b> NKDC in its response to ExQ1 DCO.1.04 [REP2-045] has raised concerns about the potential for the undertaking of “<i>wholesale replacement</i>” of elements of the proposed development, having regard to the indicative design life for “key equipment” outlined in Table 2 in the FOEMP [REP2-015]. For example, the indicative design life for solar panels installed as part of the proposed development is identified as being between 25 and 40 years in Table 2 of the FOEMP and that solar panel lifespan suggests they would need to be replaced at least once and during a relatively short period of time.</p> <p>The ExA notes the applicant’s response to ExQ1 DCO.1.04 in [REP2-029], including the intention as part of the FOEMP [REP2-015] that a maintenance schedule would be submitted to the relevant planning authority annually setting out the maintenance arrangements for the year ahead. To assist interested parties’ and the ExA’s understanding of the equipment replacement arrangements for the proposed development, the applicant should submit an indicative set of maintenance schedules for each of operational years 25 to 40. (For any years when it is anticipated the maintenance activities for any of operational years between</p>	<p>As stated at ISH4, the Council welcomes this suggestion from the Examining Authority, and looks forward to having sight of the indicative maintenance schedules.</p>	<p>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. This was submitted at Deadline 3 as Appendix C to the Applicant’s Response to the Examining Authority’s Second Written Questions [REP3-045].</p>

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		25 to 40 would be very similar the applicant should highlight those instances rather than submit detailed schedules for those years.)		
DCO.2.09	Applicant NKDC LCC Environment Agency Historic England Natural England	<p><b>Permitted Preliminary Works</b> In responding to ExQ1 DCO.1.03 [REP2-029], the applicant has stated that the permitted preliminary works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts.</p> <p>However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2-013] does not appear to expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> <li>1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO</li> <li>2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007]</li> <li>3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis</li> </ol> <p>Comment on the acceptability or otherwise of the identified options, providing the reasons</p>	<p>The Council favours option 2, which is the removal of Permitted Preliminary Works (PPWs) (c), (e), (f) and (h) from the list in article 2. These are the PPWs which are most likely to cause environmental harm if not properly carried out in accordance with an approved detailed management plan. The Council does accept that (f) temporary means of enclosure and (h) the vegetation removal component of site clearance are subject to Requirements 9 and 8 respectively. Therefore the development cannot be commenced, including those PPW activities, until the details of the means of enclosure of the site and the detailed LEMP have been approved. This does give some additional comfort that the environmental aspects of those activities will be effectively managed and controlled. However, this does depend on effective co-ordination of in particular the LEMP with the construction activities including through the CEMP – which is not required to be approved in detail at that point. As an additional point, the Council notes that Requirement 5 does not require submission of the terms of reference for the Community Liaison Group until prior to commencement of the development. It is strongly recommended that this is altered so that the liaison group will be up and running in advance of the start of any PPWs on the ground.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.08 and DCO.2.09), the Applicant is proposing that the permitted preliminary works (PPW) will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. Amendments were made accordingly to Article 2, Requirement 6 and Requirement 11 of Schedule 2, and Schedule 12 of the iteration of the Draft DCO [REP3A-004] submitted to the Examination at Deadline 3A.</p> <p>With regards to the Community Liaison Group, this has already been established by the Applicant and two meetings have taken place to date. Therefore, given the group is already up and running, it is not necessary to amend Requirement 5 of Schedule 2 to the draft DCO [REP3A-004]. The provisions of this Requirement have effectively already been complied with, and the provision is retained to provide reassurance that this will continue to operate.</p>

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		<p>for your position. Your comments should also include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted preliminary works which should be excluded on a specific basis.</p>		
DCO.2.24	Applicant LCC NKDC	<p><b>Requirement 17 (Permissive paths)</b> The ExA notes the applicant's response to ExQ1 DCO.1.22, nevertheless it considers any made DCO for the proposed development should 'on its face' make it clear that the proposed permissive paths would be available for 364 days a year unless maintenance works, emergencies or unforeseen circumstances necessitate the temporary closure of a permissive route, with the reason for any temporary closures to be notified in writing to the relevant planning authority. The ExA considers that reliance on the single reference to the availability of the permissive paths in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (FLEMP) [REP2-021] would be too tenuous because: 1) the final version of the Landscape and Ecological Management Plan (LEMP) submitted for approval pursuant to Requirement 8 would only have to be "<i>substantially in accordance</i>" with the FLEMP and the FLEMP therefore remains subject to change; and 2) within Requirement 17 there is no cross reference to the provisions of Requirement 8 and the enforcing local planning authority, potentially decades into the future, would be expected to be familiar with any controls for permissive paths included in the finally approved version of the LEMP.</p> <p>Accordingly, the ExA considers the applicant should amend the wording for requirement 17 to make it clear that the proposed permissive paths would be available for use for 364 days a year unless any temporary closures would be required to undertake maintenance works</p>	<p>The Council agrees with the thrust of the ExA's suggested amendments, which are consistent with the Council's comments on the draft DCO at Deadline 1 (REP1-058).</p> <p>As noted at Issue Specific Hearing 4, the Council also suggests the wording of Requirement 17 is reviewed to address the fact that currently it does not require the provision of any permissive paths. This is because the requirement in paragraph (1) to submit details of permissive paths only 'bites' if the undertaker chooses to construct such a path. If the undertaker decides not to construct any permissive paths, then there would be no contravention of Requirement 17 if undertaker takes no action, including seeking approval and constructing such paths. At ISH 4 the Applicant accepted that redrafting was required on this matter and therefore we look forward to reviewing the revised draft DCO in due course.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref DCO.2.24), the Applicant is concerned to ensure that securing the availability of the permissive paths does not result in the use of those paths becoming 'as of right', such that they would be treated as public rights of way at the end of the operational lifetime of the Proposed Development.</p> <p>The Applicant must therefore have the authority to withdraw permission for the use of the paths at any given time during the operational period. The Applicant does not consider it appropriate to amend Requirement 17 of Schedule 2 to the draft DCO [REP3A-004] to prescribe that the paths must be made available for 364 days per year, subject to maintenance, emergencies or other unforeseen circumstances.</p> <p>However, the Applicant also wants to ensure that the permissive paths are made available and considers that this is best achieved through a combination of amendments to Requirement 17 of Schedule 2 to the draft DCO [REP3A-004] and the Framework Landscape and Ecological Management Plan (LEMP). The Framework LEMP [REP3-028] is a certified document under Article 41 and Schedule 12 of the draft DCO [REP3A-004].</p> <p>The Applicant amended paragraph 6.1.2 of the Framework LEMP [REP3-028] submitted at Deadline 3 and accordingly amended Requirement 17 of Schedule 2 to the draft DCO [REP3A-004] submitted at Deadline 3A. The amendments to the Framework LEMP provide that the paths will be made available for public use during operation of the Proposed Development, but allow the Applicant to withdraw permission and periodically exclude the public for up to seven days in any calendar year (in addition to closures to carry out repair and maintenance works). The wording of Requirement 17 has</p>

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		<p>or be necessitated by emergencies or other unforeseen circumstances. Such an approach would be consistent with how the delivery of the proposed biodiversity net gain (BNG) commitments would be secured, with those commitments being written on the face of any made having regard to the proposed drafting for Requirement 8.</p>		<p>been amended to “signpost” to section 6 of the Framework LEMP.</p> <p>Requirement 8 of Schedule 2 to the draft DCO [REP3A-004] secures that the detailed LEMP is ‘substantially in accordance’ with the Framework certified under Article 41 and NKDC has confirmed agreement with this approach noting that its ability to approve the LEMP gives sufficient control to ensure the measures within the LEMP are delivered. This would include the availability of the permissive paths.</p>
DCO.2.26	Applicant	<p><b>Requirement 19 (Employment, skills and supply chain)</b> The ExA notes the applicant’s reply to ExQ1 DCO.1.15 in [REP2-029], nevertheless the ExA considers the wording of paragraph (1) should be amended in the interests of certainty to read as follows or something similar “No part of the authorised development is to be commenced until an employment, skills and supply chain plan in relation to that part has been submitted to and approved by the relevant planning authority ...”</p>	<p>The Council would draw the attention of the ExA to its response to question PE.2.05, which is submitted in a separate document due to its length. That response includes suggested rewording of the Requirement to secure earlier submission, approval and implementation of the ESSCP, so that it has the best chance of maximising the opportunities to deliver benefits in this area.</p>	<p>Refer to response to Question PE.2.05 above.</p>
DCO.2.27	Applicant NKDC LCC	<p><b>Requirement 20 (Decommissioning) and the duration of the proposed development</b> Having regard to the provisions of paragraph 2.10.66 of NPS EN-3 (time limited consents) and in the interests of precision should a requirement be added to the dDCO that expressly states that the proposed development must cease not later than 60 years following the date of final commissioning or should Requirement 20(1) be amended to that effect? The ExA considers that paragraph 2.10.66 of NPS EN-3 in referring to time limited consents/temporary permissions is promoting the type of conditions imposed on developments involving mineral extraction or waste landfilling.</p>	<p>The Council considers that amended wording for Requirement 20 would achieve the clarity which the question alludes to. Suggested wording is as follows:</p> <p>(1) Consent for the authorised development shall be for a limited time period, and the generation of electricity on a commercial basis shall cease no later than 60 years from the date of final commissioning.</p> <p>(2) Decommissioning works must commence no later than 60 years following the date of final commissioning.</p> <p>(3) Prior to the commencement of any decommissioning works for any part of the authorised development, the undertaker must submit to the relevant planning authority for approval, in consultation with Lincolnshire County Council (in its capacity as the local highway authority and waste planning authority), National Highways and the Environment Agency, a</p>	<p>As further detailed in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref DCO.2.27), given a DCO is a statutory instrument, the Applicant does not consider it appropriate to draft a Requirement in the form suggested by the ExA. The inclusion of such drafting would have the effect that the statutory instrument would expire after the relevant period (unless varied), which would be equivalent to a ‘sunset’ provision. As such, it would need to be an article within the Order itself if it were to be included at all. The Applicant is not aware of sunset provisions or clauses being included in any other DCOs to date.</p> <p>The Applicant's full response on this point is set out as referred to above, and the Applicant does not consider NKDC's suggested wording appropriate or necessary.</p>

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		<p>The applicant, NKDC and LCC, on a without prejudice basis, should each submit suggested wording either for a standalone temporary permission type requirement or provide amended wording for Requirement 20(1) that would fulfil the same role as a standalone requirement and suggest any consequent amendments to the remainder of Requirement 20.</p>	<p>decommissioning environmental management plan for that part.</p> <p>(4) The decommissioning environmental management plan submitted and approved under subparagraph (2) must be substantially in accordance with the relevant part of the framework decommissioning environmental management plan.</p> <p>(5) No decommissioning works must be carried out until the relevant planning authority has approved the plan submitted in relation to such works.</p> <p>(6) The plan submitted and approved pursuant to subparagraph (2) must be implemented as approved for the works required to decommission that part of the authorised development.</p> <p>(7) This requirement is without prejudice to any other consents or permissions which may be required to decommission any part of the authorised development.</p>	
DCO.2.28	Applicant	<p><b>Requirement 20 and funding for decommissioning</b> The ExA notes the applicant's answer to ExQ1 GC.1.15 in [REP2-029], most particularly the view that the provisions of proposed Requirement 20 would be sufficient to secure the undertaking of decommissioning works following the cessation of the operation of the proposed development. What would the costs of decommissioning be and explain what internal arrangements would be put in place by the applicant and/or undertaker to ensure that the funding required to undertake decommissioning works would be available when the proposed development ceased to be operational?</p>	<p>As stated at Issue Specific Hearing 4, the Council's position is that a bond or other financial security should be required and provided in order to avoid a situation whereby a point is reached where the financial returns from operating the development are less than the future returns; and it is in practice not possible to successfully pursue that party to ensure the decommissioning and restoration of the land (see pages 5 and 7 of REP1-058 in relation to the Council's comments on Article 35 and Requirement 20). A bond or other funds would provide a straightforward route to achieve that decommissioning without recourse to enforcement through the courts and / or additional cost to the public purse. Part of the Applicant's response to this matter at ISH4 was that any changes in ownership post-consent would be governed by the provisions of Ofgem energy licensing. However, it is unclear whether and how such licensing provisions provide adequate financial controls whereby an operator ceases trading, and as such where early decommissioning measures might engage. We would welcome further submissions from the Applicant on this matter, would note that in any event Ofgem licencing measures/controls fall outwith the DCO and where the</p>	<p>The Applicant has provided a comprehensive response to this point in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref DCO.2.28). However, in short, the Applicant maintains that the provision of such a bond is not necessary.</p>

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			<p>provision of a decommissioning security (bond) was precedent through the Helios Solar Farm NSIP (Requirement 5 (3)) reference EN010140.</p>	
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p><b>Schedule 15 – deemed approval provisions</b></p> <p>a) <b>Applicant:</b> Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a ‘Rochdale Envelope’ approach which, as paragraph 3.3.2 of ES Chapter 3 [REP1-015] advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p><b>All:</b> Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).</p>	<p>a) The Council is unclear on the rationale for providing for applications for discharge of Requirements where the submissions would give rise to materially new or materially different environmental effects compared to those in the ES, i.e. outside the ‘Rochdale envelope’. The Council looks forward to seeing the Applicant’s response to this question.</p> <p>a) The Council is satisfied that for applications for discharge of Requirements where the submissions are within the ‘Rochdale envelope’, it is acceptable for there to be a deemed approval where the Council does not give notice of its decision to the Undertaker within the relevant determination period. In coming to this view, the Council has had regard to:</p> <ul style="list-style-type: none"> <li>• the general ten week determination period</li> <li>• the provisions to allow the Council to consult and seek further information (where this may result in a resetting of the 10 week period)</li> <li>• the ability for the Undertaker and the Council to agree an extension of time for the determination of the application</li> <li>• the ability of the Council to refuse an application</li> </ul> <p>Notwithstanding the comments on part a) of the question above, the Council is satisfied that for applications for discharge of Requirements where the submissions are not within the ‘Rochdale envelope’, it would be appropriate for there to be a deemed refusal where the Council does not give notice of its decision to the Undertaker within the relevant determination period. This would result in the Undertaker either seeking approval for a different submission; or lodging an appeal against that refusal. The appeal process could then determine the acceptability of such a submission, making a decision which expressly addresses the additional or different environmental effects. Without that step, carrying out the proposals contained in the submission would be at risk of legal challenge.</p>	<p>As submitted by the Applicant during ISH4, and noted in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.30), the inclusion of paragraphs 2(3) and 2(4) is necessary to ensure the provision is lawful pursuant to the ruling in R v North Yorks CC ex parte Brown [2000] 1 AC 397. This is set out in further detail in the Written Summaries of Oral Submissions – Issue Specific Hearing 4 [REP3-043].</p> <p>The Applicant acknowledges the Council's comments on a deemed refusal provision and notes that these align with discussions during the course of ISH4 where it was agreed that a deemed refusal would not be appropriate in these circumstances and that this was not something which either party was seeking as an amendment to the draft DCO [REP3A-004].</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
DCO.2.31	Applicant LCC NKDC	<p><b>Schedule 15 - fees</b> Comment on whether there should be a provision to ensure that fees would be increased in line with the consumer price index or other similar index over the lifetime of the proposed development.</p>	<p>In paragraphs 27.13 and 27.14 of its LIR (REP1-056) the Council highlighted issues with the fees for discharge of Requirements in Schedule 15 of the DCO, which need updating in line with current regulations governing fees for applications under the Town and Country Planning Act 1990 (April 2025). These include:</p> <ul style="list-style-type: none"> <li>• paragraph 5(2)(a) – increasing the fee for first application for discharge of requirements 6, 8, 9, 11, 12, 13 and 20 to £2,578 for first application</li> <li>• paragraph 5(2)(b) – increasing the fee for subsequent applications for discharge under the above requirements, and under requirement 4 where it relates to the above requirements to £588</li> <li>• paragraph 5(2)(c) - increasing the fee for applications for discharge under any requirement not referred to above, requirement 4 not related to the above requirements, and approval of document consequential to discharges of requirements to £298</li> </ul> <p>Once those fee rates have been altered in the DCO, the Council considers that it would be appropriate to introduce a provision to ensure that fees are increased in line with the Consumer Price Index, given that this is being used to alter regulations governing fees for applications under the Town and Country Planning Act 1990. It may be appropriate that, should DCO be granted, these fees are updated in Schedule 15 to reflect the fee regulations in force at that point in time. As currently submitted, the draft DCO remains unchanged and therefore the comments raised in the Council's LIR are unresolved. For the avoidance of doubt therefore this remains a matter that is not yet agreed and we welcome the Applicant (a) revising the fee schedule in line with our LIR and (b) introducing the CPI indexation as above.</p>	<p>With regards to the fee schedule set out in Schedule 15 the Applicant is considering the proposed amendments and will provide an update at Deadline 5.</p> <p>In terms of the suggestion for the inclusion of a provision for CPI indexation, the Applicant does not consider it is necessary to include an inflationary index to increase the fees contained in Schedule 15. Under Requirement 2 of Schedule 2 to the draft DCO [REP3A-004], the Proposed Development must be commenced within five years from the date that the Order comes into force. The majority of the Requirements set out in Schedule 2 will be discharged prior to or during the construction period, which is anticipated to take place between 2031 and 2033. The only Requirement which will be discharged at a later date is Requirement 20 which provides for approval of the Decommissioning Environmental Management Plan. Further, the fees due will not be affected by inflation in the same way in which, for example, costs of construction would be.</p> <p>Therefore, given that the time period within which the majority of the Requirements will be discharged is relatively short, inclusion of an inflationary index is considered unnecessary.</p>
ENC.2.01	Applicant NKDC LCC	<p><b>BNG - methodology</b> In responding to ExQ1, the applicant, NKDC and LCC refer to a meeting having been held to discuss the BNG methodology, with indications those discussions are ongoing. Provide a summary update on your respective positions, including any remaining areas of disagreement.</p>	<p>The Council met with the Applicant on 22nd January to clarify its concerns regarding the Biodiversity Net Gain Report.</p> <p>The Council received a revised version of the BNG report from the Applicant on 9th March. However, unfortunately the Council's BNG has been unavailable for an extended period however is due to return the week commencing 23rd March. The Council hopes that the revised report can be reviewed in</p>	<p>The Applicant looks forward to receiving comments on the BNG Report from NKDC and will continue discussions as relevant.</p>

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			<p>the near future, and will both correspond with the Applicant and keep the Examining Authority updated with regards to progress on this issue.</p>	
ENC.2.06	Applicant NKDC LCC	<p><b>Mitigation - Navenby Green Man Road Verges Local Wildlife Site (LWS)</b> In responding to ExQ1 ENC.1.10 [REP2-029], the applicant identifies ECO-C1 part b of the FCEMP [REP2-013] and the methods for re-instating species-rich grassland outlined in the FLEMP [from paragraph 5.3.36 in REP2-021] as adequately covering all necessary features to avoid and mitigate impacts for the LWS.</p> <p>Paragraph 8.12.7 of ES Chapter 8 [REP1-019] refers to ensuring the removal, storage, management and watering of turves from the LWS until they can be replaced in the verge. Reference is also made to how verge topsoil and subsoil would be stored. However, Table 8-13 in ES Chapter 8 (summary of embedded avoidance and mitigation measures) and ECO-C1 part b of the FCEMP [REP2-013] only refer to removing, storing and reinstating soil. The FCEMP and the FLEMP do not therefore appear to address the safeguarding of turves for reuse, which paragraph 8.12.7 indicates is needed to limit the potential impacts for the LWS.</p> <p>Paragraph 8.12.8 of ES Chapter 8 states that it may be possible to supplement the re-instated areas with seed collected from more diverse areas of the LWS, while Table 8-13 of ES Chapter 8 and ECO-C1 part b of the FCEMP refer only to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. The section on species rich grassland within the FLEMP includes a reference at paragraph 5.3.40 to obtaining seed from a local source for the purpose of maintaining continuity with local species-rich grassland where practicable.</p>	<p>The Council has an arrangement to share general ecological advice with Lincolnshire County Council, and relays that advice below.</p> <p>The Council considers that additional wording and clarification is required in ECO-C1 part b of the FCEMP (REP2-013) in order to ensure that it aligns with the stated intent of Para 8.12.7 and 8.12.8 of REP1-019.</p> <p>8.12.7 of REP1-019 makes specific reference to the removal, storage and watering of turves from the LWS whereas ECO-C1 part b only refers to soil removal and reinstatement. The Council is of the opinion that both soil and turves should be removed and stored to ensure that re-instatement of impacted areas of the LWS is as effective as possible.</p> <p>8.12.8 of REP1-019 refers to the collection of seed from more diverse areas of the LWS whereas ECO-C1 part b simply refers to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. Whilst the Council agrees that it may be appropriate to use locally sourced seed to supplement any collected from the LWS, ECO-C1 part b should still include specific reference to the collection of seed from with the LWS as well.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. ENC.2.06), the Applicant has updated the wording of ECO-C1 part b of the Framework CEMP [REP3-016], with the specific measures stated in Chapter 8: Ecology and Nature Conservation of the ES [APP-033] paragraphs 8.12.7 and 8.12.8 regarding storage of turves, collection of seed from the LWS and supplementary planting of locally sourced seed.</p> <p>The updated Framework CEMP [REP3-016], reflecting these changes, was submitted to the Examination at Deadline 3.</p>

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		<p>Comment on whether the FCEMP should more closely reflect the mitigation measures identified in in ES Chapter 8 relating to turves and soil storage and whether it should include a specific reference to the collection of seed from within the LWS.</p>		
ENC.2.09	NKDC	<p><b>Suggested BNG monitoring section 106 (s106) planning obligation</b> Further to the applicant's comments about there being no need for a BNG monitoring fee in response your LIR [REP2-031], provide a detailed justification for the suggested s106 planning obligation to secure funding for undertaking BNG monitoring. In replying to this question, explain whether: 1) the suggested planning obligation would meet the conditions for entering into obligations; and 2) the proposed development would be unacceptable in the absence of the obligation sought.</p>	<p>The Council's approach on this issue is straightforward. It seeks funding from the Applicant to cover both the running of the Ecological Steering Group (ESG) and periodic biodiversity net gain (BNG) checks. The ESG will require officer preparation and attendance time, including reading the Applicant's monitoring reports. In addition, although the Applicant will provide field survey reporting on the progress of BNG, the Council intends to undertake its own selective fieldwork and evaluation to provide confirmation of the Applicant's results, which will in turn provide confidence to the ESG members.</p> <p>This approach is consistent with Central Lincolnshire Local Plan Policy S61: 'Biodiversity Opportunity and Delivering Measurable Net Gains', in particular that 'Ongoing management of any new or improved onsite and offsite habitats, together with monitoring and reporting, will need to be planned and funded for 30 years after completion of a development'.</p> <p>Together, the ESG and periodic BNG verification checks will help to ensure that the Proposed Development achieves the levels and types of BNG which are claimed in the application documents, and which are set as minima in Requirement 8 of the DCO. In turn, this will ensure that if this level of BNG is fed into the planning balance as a benefit, it will indeed be realised – otherwise it should not be given the planning weight claimed.</p> <p>The verification checks would not be each and every year, but on a periodic basis; and are consistent with the work the Council undertakes on proposals granted permission under the Town and Country Planning Act 1990. The levels of cost for which the Council seeks funding cannot yet be provided as it has not been possible to reach agreement on the BNG</p>	<p>As set out in paragraph 7.1.9 of the Framework LEMP [REP3-028], the purpose of the "Ecological Advisory Group or similar" is to oversee the post-construction ecological monitoring works, with the key function of the Group comprising review of monitoring data on habitats and species to inform future management plans (as necessary).</p> <p>As noted at paragraph 1.3.7 of the Framework LEMP [REP3-028]: "Any long-term biodiversity monitoring and management requirements specified in this document will be carried out by the Applicant and/or a Contractor appointed by the Applicant". As such, as set out in paragraph 7.1.9 of the Framework LEMP [REP3-028], the Ecological Advisory Group (or similar) will comprise the Applicant or Operations Contractor, Environmental Manager (as defined in the Framework OEMP [REP3-018] – ref. paragraph 6.1.2, 6.1.3 and 6.2.1), a suitably qualified and experienced ecologist, and if relevant to the Proposed Development any research institution(s) carrying out ecological studies onsite during operation. It is not intended that the councils will be a member of the Ecological Advisory Group and so it is not necessary for the Applicant to meet the council's costs of attendance. As the responsible party for approving the LEMP, NKDC will receive the LEMP following incorporation of comments from the EAG members, for its review and subsequent approval. The purpose of the EAG is to involve the aforementioned parties in the preparation of the LEMP and monitoring before it is submitted to NKDC for feedback or approval.</p> <p>As set out at paragraph 7.1.11 of the Framework LEMP [REP3-028], results from the post-construction monitoring will feed into the detailed management plan and, if required, management proposals will be amended accordingly based on the results of this monitoring (for example, replacement planting and/or changes to planting species where planting has failed to establish). As noted at paragraph 7.1.9 of the Framework LEMP [REP2-021], the monitoring reports for</p>

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			<p>Report contents. Once such agreement has been reached, the Council will apply an established formula it uses elsewhere.</p> <p>This approach has been taken for the following solar NSIPs:</p> <p>Appendix C Springwell Solar Farm - see s.106 agreement, schedule 3;</p> <p>Appendix D Beacon Fen Energy Park DCO – see Article 50, paragraphs (1) and (2), representing an alternative route to secure this funding instead of using a s.106 agreement</p> <p>Both of the above documents are appended to this response to ExQ2s. On this basis the Council contends that the request for an ESG / BNG monitoring fee is required to achieve good planning outcomes, and is reasonably related in scale and kind to the development proposed. It would pass the tests for planning obligations and conditions, can be achieved through the use of a s.106 agreement or an article in the DCO. Ultimately, the Council considers that it is necessary to make the development acceptable,</p>	<p>surveys during operation will be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any proposed changes to management. Any proposed material changes to the approved detailed LEMP management proposals, in response to the findings of post-construction monitoring, will be sent to the host authorities for their review and approval prior to their implementation.</p> <p>As noted at paragraph 7.1.9 of the Framework LEMP [REP3-028], the Terms of Reference for the Ecological Advisory Group (or similar) would be drafted post-consent and agreed as part of the agenda for the first group meeting.</p> <p>Regarding the request for a monitoring fee, the Applicant does not consider that such a provision is necessary to make the Proposed Development acceptable in planning terms.</p>
FS.2.06	Applicant NKDC LCC Natural England	<p><b>Framework Soil Management Plan – aftercare</b> In responding to ExQ1 FS.1.15 [REP1-029], the applicant suggests that the host authorities and Natural England would agree whether aftercare intervention is required following the review of each monitoring report. Comment on whether that should be stated in the FSMP.</p>	<p>The Council is satisfied that the need for aftercare and its duration can be agreed through review of the monitoring reports, and recommends that this is clearly stated in the FSMP, for the avoidance of doubt.</p>	<p>As recommended by NE in their response to ExQ1 FS.1.15, the Framework SMP has been updated at Section 6.9.1 to include specific reference to consultation with host authorities and NE on each monitoring report and agreement on aftercare actions. The updated Framework SMP has been submitted to the Examination at Deadline 4.</p>
FS.2.07	Applicant	<p><b>Framework Soil Management Plan – aftercare</b> Natural England advises that aftercare must also apply to areas that would be returned to an agricultural use following construction, such as in the cable corridor, as well as those areas being returned to agricultural use following decommissioning [REP2-053].</p>	<p>The Council sees the involvement of soils specialists as key in ensuring that works only occur during safe/suitable conditions, so that soils are not damaged during construction or operation, nor left damaged for the duration of the project. Therefore the Council would support the inclusion of the soils specialist in section 6.9 of the FSMP as suggested by the Examining Authority.</p>	<p>Please refer to the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. FS.2.07).</p>

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		<p>Given that would apply to the “Principal Site”, comment on whether the specialist soils consultant should be included in section 6.9 of the FSMP [REP1-037] in addition to the landscape consultant.</p>		
FS.2.08	Applicant NKDC LCC Natural England	<p><b>Framework Soil Management Plan – monitoring</b> In responding to ExQ1 FS.1.17 [REP2-029], the applicant sets out information on the aims for monitoring and what it would cover.</p> <p>Comment on whether the level of detail currently provided in the FSMP [REP1-037] and the approval mechanism in Requirement 15 would be sufficient to secure appropriate monitoring or whether more detail, such as that described by the applicant on page 77 of [REP2-029], should be included in the FSMP.</p>	<p>In the Council’s Written Representation (REP1-057) the Council set out in paragraph 3.17 and Appendix A some recommendations to ensure that damage to soils is minimised.</p> <p>The involvement of soil specialists in soil handling and replacement is seen as key. It is also considered that a baseline survey of soil conditions in each area in advance of development is important. The Council would welcome a clear commitment from the Applicant in the FSMP to carry out such baseline surveys which will inform monitoring and aftercare provisions.</p>	<p>Regarding the involvement of soil specialists in soil handling and replacement, the Framework SMP [REP3-022] (ref. paragraph 5.1.2) notes that works “shall involve a suitably qualified and experienced soil scientist or practitioner during the construction stage. All site-specific method statements should be made available to site supervisors”. As further noted at paragraph 5.2.1 “A site representative shall be appointed to be the person responsible for the management of on-site practices to ensure the implementation of the SMP and any associated SWMP or MMP. This person shall be a suitably qualified and experienced soil scientist or practitioner.” Furthermore, paragraph 7.1.3 of the Framework SMP [REP3-022] notes: “The works must also be monitored to audit compliance with the SMP (and location-specific construction method statements) and to allow ongoing advice on soil handling to be provided by a suitably qualified and experienced soil scientist or practitioner.”</p> <p>Regarding the comment in relation to a baseline survey of soil conditions to inform monitoring and aftercare provisions, Section 4 of the Framework SMP [REP3-022] sets out the ‘Pre-Construction Planning’, with paragraph 4.1.1 noting “A Soil Resource Survey (SRS) is required to be carried out by a suitably qualified and experienced soil scientist or practitioner to inform the site working strategies, i.e. the SMP, any SWMP and/or MMP”. Paragraph 4.5.1 goes on to note that “the contractor will appoint a specialist soils consultant whose roles and responsibilities are expected to be similar to those described below: .... <b>assessment of the soil condition before, during and after the works in accordance with agreed soil handling methods</b>”. Furthermore, the Framework SMP [REP3-022] subsequently notes that various works and management during construction and post-construction must consider the specific recommendations of the SRS, such as stripping, stockpiling and placement.</p>

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HE.2.01		<p>The ExA has no specific written questions relating to the historic environment to ask at this time.</p> <p>However, the ExA notes that:</p> <p>a) In relation to effects for designated heritage assets up to 5 kilometres (km) from the Order Limits for the proposed “<i>principal site</i>”, the applicant intends to submit a technical note as an examination document providing summary details of the designated heritage assets in the area up to 5km from the principal site in response to concerns raised by NKDC and LCC <b>[electronic page 128 in REP2-030]</b>; and</p> <p>b) With respect to the consideration of buried archaeology, the extant Framework Written Scheme of Investigation <b>[AS-001]</b> is being updated and the updated version is to be submitted as an examination document <b>[electronic pages 42 and 154 in REP2-030]</b>.</p> <p>The ExA considers the <b>technical note relating to designated above ground heritage assets</b> should be made available to NKDC and LCC as soon as possible and should be submitted as an examination document by <b>no later than Deadline 3A</b>. Following the submission of the technical note the ExA may find it necessary to ask questions about its contents and/or undertake unaccompanied site inspections, hence the reason for why it must be submitted no later than Deadline 3A. The ExA is similarly of the view that the <b>updated Framework Written Scheme of Investigation</b> must be submitted as an examination document <b>no later than Deadline 3A</b> to assist with addressing the extensive submissions that LCC and the</p>	<p>Following Issue Specific Hearing 1, Council's Conservation Officer has been in contact with the Applicant's expert, including in an attempt to agree the approach to preparing a material to address issues between the parties. A draft technical note was received on 11th March.</p> <p>The draft note has been reviewed. The Council's Conservation Officer has provided feedback to the Applicant on 17th March. Unfortunately, the Council still has significant concerns regarding the content of the further assessment work, such that matters do not appear to have progressed significantly. The majority of the issues between the parties have not been resolved to date notwithstanding that the matters raised and still under discussion can be traced back to the Council's response to the Scoping Report and subsequently its Local Impact Report.</p> <p>The Council will provide further comments on this once the technical note has been formally submitted to the Examination.</p>	<p>Following the submission of the technical note to the Examination, the Applicant will await further comments from the Council before responding.</p>

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		applicant have already made to date relating to effects for buried archaeology.		
LR.2.01	NKDC	<p><b>Clarification as to whether any of the land included in the Order Limits for the proposed development should be considered as being commons or open spaces for the purposes of s131 and/or s132 of the Planning Act 2008 (PA2008)</b></p> <p>The ExA notes the Council's reply to ExQ1 LR.1.03 in [REP2-045] advising of its intention to provide a full reply at Deadline 3. With respect to the applicant's seeking of compulsory acquisition (CA) powers and the very particular implications there would be for applicant should any of the land it is seeking CA powers over be special category land for the purposes of s131 and/or s132 of the PA2008, the Council must submit a full response to ExQ1 <b>no later than Deadline 3</b>. Notwithstanding the requirement to respond to this question by no later than Deadline 3, should the Council reach the view as part of its investigations that any of the land subject to the CA powers sought by the applicant constitutes special category land for the purposes of s131 and/or s132 that information should be communicated to the applicant as soon as possible in advance of Deadline 3.</p>	<p>Section 131 of the Planning Act 2008 applies to '<i>... land forming part of a common, open space or fuel or field garden allotment</i>', which are further defined as having the same meanings as in section 19(4) of the Acquisition of Land Act 1981 which in turn reads as follows:</p> <ul style="list-style-type: none"> <li>• "common" includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,</li> <li>• "fuel or field garden allotment" means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,</li> <li>• "open space" means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.</li> </ul> <p>The Council has looked into this matter and reports its findings as follows.</p> <p><u>Town and Village Greens</u></p> <p>Lincolnshire County Council (LCC) holds a register of land forming town or village greens. NKDC forwarded the Location Plan (Rev 3) AS-108 to the relevant part of the County Council, asking if any of the land is a registered town or village green. LCC has confirmed that none of the land contains any registered town or village green.</p> <p><u>Commons (other than town or village greens) and fuel or field garden allotments</u> NKDC does not hold a register of commons or fuel or field garden allotments. After enquiring, the section of LCC which keeps the register of town and village greens has also stated that they do not hold information relating to fuel or field garden allotments.</p> <p>It is NKDC's understanding that commons, and fuel or field garden allotments (as defined in section 19(4) of the Acquisition of Land Act 1981) relate to Inclosure Acts. Records of Inclosure Acts are held by the Lincolnshire Archives which are operated by LCC and located at St Rumbold Street, Lincoln, LN2 5AB. Information regarding</p>	<p>The Applicant acknowledges NKDC's conclusion that for the purposes of s.131 and s.132 of the Planning Act 2008, none of the land within the Order Limits is a town or village green, nor an open space.</p> <p>As set out in 9.2 Written Summaries of Oral Submissions Compulsory Acquisition Hearing 1 [REP1-045], the Applicant is content that none of the land within the Order Limits should be considered as being commons or open spaces for the purposes of s131 and/or s132 of the Planning Act 2008. The Applicant also notes that the Examining Authority was content with the Applicant's submissions in this regard and put the question to the Council for completeness. Therefore, it is not considered that a further response is required.</p>

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			<p>Inclosure Acts may also be obtained via the National Archives at Kew.</p> <p>Unfortunately NKDC does not have resources and time to interrogate the archives to discover whether there are any Inclosure Acts relating to the Order Limits, and whether any such Inclosure Acts include provisions relating to commons, fuel or field garden allotments. The Council would respectfully suggest that as this is a matter that cuts across Compulsory Acquisition and land ownership issues on which the Council has not engaged, it ought to be for the Applicant to interrogate the archives as necessary.</p> <p><u>Open Space</u></p> <p>NKDC has checked the Central Lincolnshire Local Plan (CLLP) Adopted Policies Map, and has not identified any land which is designated or laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground within the Order Limits.</p> <p>NKDC also has mapping relating to the open space provision assessment carried out in parallel to the CLLP. This information is available as part of the Central Lincolnshire Local Plan 'Adopted Policies Map and Interactive Map' web pages.. A strip of land including The River Witham was identified as a "Green Corridor" in the Open Space Provision Assessment. The Order Limits include part of the Green Corridor to the west of Bassingham, extending to south-west of Aurborn. However, NKDC does not consider that this land constitutes an 'open space' for the purposes of s.131 of the 2008 Act, as it has no information to show that the land is publicly available and used by the public for recreation. No other land within the Order Limits was identified as public open space in the open space provision assessment.</p> <p><u>Conclusions</u></p> <p>As far as NKDC can establish for the purposes of s.131 and s.132 of the Planning Act 2008, none of the land within the Order Limits is a town or village green, nor is it open space.</p> <p>However, NKDC does not hold information which would enable it to confirm whether any of the land within the Order Limits constitutes a different type of common, or a fuel of field garden allotment for the purposes of s.131 or s.132 of the</p>	

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			<p>Planning Act 2008. It is recommended that the Applicant carries out research on Inclosure Acts with Lincolnshire Archives and the National Archives as necessary to satisfy itself on this issue.</p>	
LV.2.03	Applicant NKDC LCC	<p><b>Perception of solar panels in the landscape</b> In paragraph 3.3 of Appendix 7-D of the ES (Detailed Heritage Asset Setting Assessment) [APP-127] when referring to solar panels it is stated that within the landscape they are perceived differently by different individuals <i>“...Some will perceive them as unwanted, industrial and urbanising; others will see them as important, sensitive, rural and even agricultural. When solar farms were first introduced to our landscapes, they would have seemed alien. However, the prevalence of these features within the countryside, a function of nearly 20 years of construction and operation, requires recognition that solar farms have become a more commonplace landscape character type, much in the same way we acknowledge golf courses or greenhouses / polytunnels. Furthermore, it has been recognised that beyond a certain distance, solar arrays lose definition and assume a ‘washed-over’ appearance. As a result, solar farms are perceived as blocks of faded colour within an established agricultural landscape. ...”</i></p> <p>a) <b>Applicant</b> - identify the evidential basis underpinning the above mentioned quotation in [APP-127] and comment on whether historic and/or visual perceptions relating to existing solar farms in the countryside should be applied to a solar farm of the scale associated with the proposed development, given that to date only one NSIP scale solar farm (Cleve Hill) has been constructed and become operational.</p>	<p>Whilst it is true that solar panels are becoming more commonplace and will be perceived differently by different individuals, it is questionable whether anyone would ever perceive them as rural or even agricultural. Golf courses and poly tunnels are far rarer in the landscape and are considered to have significantly less impact than solar development on this scale. This is particularly so when the potential cumulative impacts with other similar schemes are considered, and which will change the character of the landscape on a regional scale.</p>	<p>Regarding the comment on perception of solar panels as rural or agricultural, those perceptions are shifting. As explained in the Applicant's Response to the Examining Authority's Second Written Questions (LV.2.03) [REP3-045], support for this view can be found in recent Appeal Decisions, including (amongst others) Land at Park Farm, Gillingham, Dorset (Appeal Ref: APP/D1265/W/22/3300299), where the Inspector remarked (on the matter of the character of solar farms) <i>“... are becoming gradually accepted in rural areas.”</i>. Additionally, according to Lancaster University's 2025 study<sup>5</sup>, <i>“solar farms are expected to become increasingly common features of agricultural landscapes in coming decades as part of the low-carbon energy transition”</i>. The authors at the University of Lancaster wrote on the university's website that <i>“Ground-mounted solar farms have become a familiar sight across the UK's agricultural landscape”</i>.</p> <p>Regarding the scale and cumulative impacts, clarification was also provided in the Applicant's Response to the Examining Authority's Second Written Questions (LV.2.03) [REP3-045]. Visual impacts from the Proposed Development will typically result from people's views of a relatively small part of the wider Site, given that the Proposed Development is not visible in its entirety from an individual location. As such the overall scale of the Proposed Development has less of an impact on a static visual receptor than the design and layout of the part of the Order Limits closest to them.</p>

<sup>5</sup> Carvalho et al 2025. *Plant and soil responses to ground-mounted solar panels in temperate agricultural systems.*

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		<p>b) <b>NKDC and LCC</b> – do you agree with the views expressed by the applicant: 1) that as solar farms in the countryside have become more commonplace they are being perceived like golf courses or greenhouses/polytunnels; and 2) that with distance solar farms have a washed over appearance and are being perceived as blocks of faded over colour within established agricultural landscapes. If you disagree with either one or other or both of those propositions explain why that is the case.</p>		
LV.2.05	NKDC LCC	<p><b>Significance of identified negative landscape and visual impacts</b> In your respective LIRs, [REP1-056] and [REP1-053], you have each concluded that the proposed development would have “<i>negative landscape and visual impacts</i>”. Do you consider those negative landscape and visual impacts would or would not amount to a reason for consent being withheld for the proposed development? Your response to this question should include any necessary elaboration.</p>	<p>The Council reports the views of AAH consultants, who are advising both the District and County Councils on this topic.</p> <p>The Council considers that the negative landscape and visual impacts identified and described in the LIRs would amount to a reason for consent being withheld for the development (specifically - on Landscape and Visual Impact grounds).</p> <p>Significant adverse effects on landscape character and the visual amenity are identified at all main phases of the scheme. Some of these effects are considered to be understated.</p> <p>Visual receptors adversely affected will include users of PRoW with the development altering the perception of the landscape both locally and at a regional scale. The effects on these routes are considered to be underestimated with Stepping out Walks promoted by NKDC not included in the LVIA.</p> <p>The LVIA identifies that multiple residents of properties will experience significant adverse effects - even if the RVAT is not met. Cumulative impacts of the proposals with other large scale solar energy schemes are also underestimated.</p> <p>A key concern is the development’s reliance on mitigation to reduce effects, combined with maintenance commitments that may not ensure mitigation planting will grow as anticipated.</p>	<p>The Applicant disagrees that the likely landscape and visual impacts reported in <b>Chapter 10: Landscape and Visual Amenity of the ES [AS-117]</b> would amount to a reason for consent being withheld for the Proposed Development. It is acknowledged in NPS EN-1 that it is not possible to mitigate every potential adverse impact, specifically at paragraph 5.10.5 which states that “<i>virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape.</i>” 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 “<i>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.</i>” The iterative design process of the Proposed Development has followed this approach to successfully minimise landscape harm, as detailed with the <b>Design Approach Document [APP-186]</b>.</p> <p>The Applicant understands that the Councils disagree with the levels of effect reported in <b>Chapter 10: Landscape and Visual Amenity of the ES [AS-117]</b> for the following landscape and visual receptors:</p> <ul style="list-style-type: none"> <li>- LCT 4a: Unwooded Vales</li> <li>- Sub-area 6: Lincoln Cliff</li> <li>- Sub-area 2: Terrace Sandlands</li> <li>- Sub-area 5: Witham and Brant Vales</li> </ul>

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			<p>The development will remain on site for at least 60 years and the developer should see their commitment to the existing planting and the proposed mitigation planting in terms of this timescale. The LEMP should cover the whole operation period.</p> <p>A 3–5-year establishment / replacement and maintenance period (as presently muted) is inadequate and should be extended to at least 15 years (on which the findings of the LVIA are based) with a commitment to monitoring, replacement planting and maintenance during this period.</p> <p>Monitoring of planting should be carried out periodically with replacement of failed planting as required for the whole operation period. The LEMP should be updated every 5 years.</p> <p>Otherwise, it is very likely that the significance of effects claimed in the assessment are unreliable and the effects claimed underestimated.'</p>	<ul style="list-style-type: none"> <li>- Recreational users of PRow TOTH/6/1 and TOTH/6A/1</li> <li>- Residents of Housham Wood Farm</li> <li>- Residents of Church Farm and Low Barn</li> <li>- Stepping Out Walks</li> </ul> <p>The Applicant understands that the Councils judge that the level of effects reported for the above-mentioned landscape receptors would be moderate and significant at year 15 due to changes in perceived openness and rural qualities, and potential enclosure where currently absent. The Applicant also understands that the Councils judge that the significance of the above-mentioned visual receptors would be moderate and significant at year 15 due to the presence of solar PV arrays and/or the embedded landscape mitigation planting in views.</p> <p>In response to the matters where agreement has not been reached between the Applicant and Councils, the Applicant notes the following as reported within <b>Chapter 10: Landscape and Visual Amenity of the ES [AS-117]</b>:</p> <p>LCT 4a: Unwooded Vales was judged to experience non-significant levels of effect, despite direct impacts, because the scale and extent of the changes will affect a small geographic extent of a much larger regional LCT. As such, there will only be subtle iteration to the landscape character.</p> <p>In the case of Sub-area 6: Lincoln Cliff, this was judged as Minor adverse during construction but then no effect at Year 1 and Year 15 because of the associated cabling works being buried and no physical infrastructure remaining above ground. This is in line with the agreed position with the Councils that by year 15 landscape receptors subject only to temporary and/or indirect effects, where works are below ground and land is reinstated, would not experience significant residual landscape effects, subject to the retention and protection of existing vegetation.</p> <p>Sub-area 2: Terrace Sandlands and Sub-area 5: Witham and Brant Vales were judged to experience non-significant levels of effect at Year 15 of operation, due to the establishment and</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
				<p>maturity of the proposed landscape mitigation, providing an increased density of planting in both sub-areas, such that perceived changes will be limited to the Order Limits and their immediate setting. In the context of these sub-areas, this will amount to a small geographic extent and therefore only a subtle alteration to the landscape character.</p> <p>With regard to Stepping out walks generally, the scope of visual receptors and representative viewpoints were reviewed and agreed by AAH Consultants on behalf of the Councils within Landscape Technical Memo 3 (November 2024). This included recreational users of PRow TOTH/6/1 and TOTH/6A/1, as well as recreational users of TOTH/7/2, TOTH/21/1, TOTH/6/2 and TOTH/6/3 which form part of the Stepping Out Network. The level of effects on recreational users of TOTH/7/2, TOTH/21/1, TOTH/6/2 and TOTH/6/3 are agreed with the Councils.</p> <p>Recreational users of PRow TOTH/6/1 and TOTH/6A/1 were judged to experience non-significant levels of effect at Year 15 of operation due to the filtering and screening in views provided by the established and mature landscape mitigation planting and reduced visibility of the proposed solar PV arrays as a result.</p> <p>Residents of Housham Wood Farm were judged to experience non-significant levels of effect at Year 15 of operation due to the establishment and maturation of the proposed landscape mitigation contributing to existing vegetation in the curtilage of the house and middle ground of views to provide heavy filtering of the solar PV further beyond.</p> <p>Residents of Church Farm and Low Barn were judged to experience non-significant levels of effect at Year 15 of operation due to the establishment and maturation of the proposed landscape mitigation providing heavily filtered views of the Proposed Development to the west and screening in distant views to the south. Views to the east will be filtered by existing vegetation whilst views to the north will be unchanged.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
				<p>The Applicant understands that the Councils disagree with the conclusions of the cumulative assessment contained at <b>Chapter 10: Landscape and Visual Amenity of the ES [AS-117]</b> and judge that there may be significant cumulative landscape effects on regional landscape character areas and significant sequential cumulative visual effects on people travelling across the wider landscape as a result of other NSIPs in the area.</p> <p>However, no regional landscape character areas were identified by the Applicant as likely to experience more than negligible residual effects within the standalone assessment of the Proposed Development. This was due to the anticipated scale of changes being perceived over a very small geographic extent in relation to the regional character areas or not being perceived at all and so the negligible residual effects were therefore excluded from the cumulative assessment as, by virtue of their definition, they are considered to be imperceptible and are unlikely to lead to a significant in-combination effect. This is consistent with PINS Guidance on Cumulative Effects, which AAH supported on behalf of the Council's (see Landscape Technical Memo 3 (November 2024) contained at Appendix A of <b>LCC's LIR [REP1-053]</b> and <b>NKDC's LIR [REP1-056]</b>).</p> <p>The <b>Framework LEMP [REP3-028]</b> has been updated at various stages during the Examination to respond to concerns raised by the Councils in respect of the establishment and on-going management of planting within the Order Limits. The Applicant now understands that the Councils agree that the version of the <b>Framework LEMP</b> submitted at Deadline 3 <b>[REP3-028]</b> provides suitable detail on how the proposed planting will be established and how mitigation planting will be protected across the lifespan of the Proposed Development.</p>
PE.2.01	Applicant	<p><b>Health and wellbeing</b> The applicant's comments about the approach established at the environmental impact assessment (EIA) scoping stage with respect to incorporating human health matters within relevant ES chapters in its response to relevant representations (RRs) (for example, page 136 of <b>[REP1-047]</b>) are noted.</p>	<p>The Council received a draft Health and Wellbeing Statement on 2nd March, which was referred to at Issue Specific Hearing 3. The Council provided feedback to the Applicant on 16th March, and awaits the submission of the final version at which point it will provide further comments to the Examination.</p>	<p>The Applicant notes this comment and looks forward to receiving any further comments from NKDC on the Health and Wellbeing Summary Statement <b>[REP3-047]</b>.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
		<p>Page 34 of the Scoping Opinion <b>[electronic page 38 in APP-119]</b> advises “<i>The ES should ensure sufficient clarification and cross referencing is present. Consideration should be given to direct and indirect impacts on human health receptors. The assessment should be informed by relevant guidance such as the Institute of Environmental Management and Assessment (IEMA) 2022 guidance ‘Determining Significance for Human Health in Environmental Impact Assessment’</i>”.</p> <p>None of the ES chapters identified in paragraph 5.1.11 of ES Chapter 5: Environmental Impact Assessment Methodology <b>[APP-030]</b> appear to make reference to the advice about human health included in the scoping opinion. Health is specifically mentioned in the ES chapters covering Noise and Vibration <b>[APP-036]</b>, Traffic and Transport <b>[APP-038]</b> and Other Environmental Topics <b>[APP-039]</b> but does not seem to be explicitly referenced in Water Environment <b>[REP1-021]</b> or Landscape and Visual Amenity <b>[AS-117]</b>.</p> <p>In this context, explain how the ES provides sufficient clarification and cross referencing with respect to: human health matters; the consideration given to direct and indirect impacts on human health receptors; and the account taken of relevant guidance.</p>		
TT.2.02	Applicant LCC	<p><b>Use of PRowS affected by the proposed development</b></p> <p>a) <b>Both</b> - provide any counts or survey data that may have been undertaken/gathered relating to the use of PRowS within or adjoining the proposed Order Limits subject to Work Numbers 1, 2, 3 and 4. (The applicant and LCC should agree amongst</p>	<p>The Council does hold some use data relating to the Stepping Out Walks, some of which may have been collected at locations on those parts of the walks which are statutory rights of way. However it has not been possible to interrogate and collate the data satisfactorily to date. The Council will respond as soon as possible on this point.</p>	<p>The Applicant looks forward to receiving this data and will continue to discuss the Stepping Out Walks with NKDC, as noted above at TT.2.03.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
		<p>themselves as to who is best placed to submit any available data).</p> <p>b) <b>Applicant</b> – if no count or survey data has been gathered or is available, explain how the sensitivity of and magnitude of effects for PRow users (receptors) have been quantified and assessed as part of compiling the submitted ES.</p> <p>c) <b>Applicant</b> - if no count or survey data is available, counts should be undertaken and the timescales for undertaking those counts and reporting on their results within the examination should be submitted.</p>		
TT.2.09	NKDC	<p><b>Public rights of way – mitigation and compensation</b> A number of mitigation/compensation measures are identified in paragraph 17.22 of the council's LIR <b>[REP1-056]</b>. Explain whether you consider that the proposed development would or would not be unacceptable without such measures</p>	<p>The Council's position is that although the mitigation measures proposed may be effective to an extent, some significant adverse effects will remain, notably adverse visual impacts affecting open views of undeveloped countryside. As explained in its submissions in relation to the Stepping Out Walks, these adverse effects on the user experience have other implications for recreation, tourism, health and wellbeing which form important reasons why the walks are promoted by the Council.</p> <p>The Council therefore considers that additional steps are required in order to offset these effects. The Council has asked the Applicant to consider the following measures:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. Funding to alter the existing Stepping Out Walks Thorpe on the Hill, and Morton &amp; Tunman Wood so that they follow whatever new routes are agreed</li> <li>3. Funding to make paths from Witham St Hughs across to Aubourn into a new Stepping Out Walk – covering public consultation, waymarking, preparing the route leaflets and</li> </ol>	<p>Please see response above at TT.2.03.</p> <p>Due to the temporary nature of the Proposed Development, following decommissioning, the land will be returned to landowners, and will no longer be within the Applicant's control. The Applicant therefore cannot commit to providing the permissive paths beyond the 60-year operational lifetime. However, in response to question DCO.2.24 of the Examining Authority's Second Written Questions <b>[REP3-045]</b>, the Applicant has detailed updates to the Framework LEMP to provide clarity as to how the provision of permissive paths will be implemented in practice.</p> <p>Regarding the Council's request for funding, the Applicant considers that this could be a potential use for the community benefit fund which will be provided by the Applicant once the Proposed Development commences commercial operation should development consent be granted.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant Response
			<p>marketing, presence on All Trails, use monitoring etc. This new route would be substantially within the Order Limits</p> <p>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 from Witham St Hughs to Aubourn referred to above. This would need not just the set up costs and monitoring, but also bringing in to the existing maintenance programme.</p>	

**Table 3-1b: Applicant's Responses to the responses provided by Historic England [REP3-062] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (Historic England)	Applicant Response
DCO.2.09	Applicant NKDC LCC Environment Agency Historic England Natural England	<p><b>Permitted Preliminary Works</b> In responding to ExQ1 DCO.1.03 [REP2-029], the applicant has stated that the permitted preliminary works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts. However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2-013] does not appear to expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> <li>1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO</li> <li>2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007]</li> <li>3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis</li> </ol> <p>Comment on the acceptability or otherwise of the identified options, providing the reasons for your position. Your comments should also include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted</p>	<p>We understand the applicant is now addressing this matter through submission of edits to ensure a read across between the FCEMP etc and the Framework WSI covering archaeology, that would be our preferred solution. It is important that some works are permitted at an early stage to for instance establish habitats or carry out additional work of archaeological assessment (and for instance to inform the detailing of the former works by the latter). We suggest that the best approach would be for a clear statement to be inserted in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions (and for a read-across in the Framework WSI for archaeology etc). If this not possible, we would be led by the ExA's expertise as regards the options presented, so as to ensure a well sequenced process of investigation to inform design detailing whilst ensuring that early works involving ground disturbance (or likely to preclude later investigation) are well covered by the provisions of the framework WSI in respect of archaeology.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.08 and DCO.2.09), the Applicant is proposing that the permitted preliminary works (PPW) will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO [REP3A-004]. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. Amendments were made accordingly to Article 2, Requirement 6 and Requirement 11 of Schedule 2, and Schedule 12 of the iteration of the draft DCO [REP3A-004] submitted to the Examination at Deadline 3A.</p>

Question Number	Question to	Question	IP Response (Historic England)	Applicant Response
		preliminary works which should be excluded on a specific basis.		
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p><b>Schedule 15 – deemed approval provisions</b></p> <p>a) <b>Applicant:</b> Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a 'Rochdale Envelope' approach which, as paragraph 3.3.2 of ES Chapter 3 <b>[REP1-015]</b> advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p>b) <b>All:</b> Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).</p>	We would prefer that the default position in respect of deemed approval is that where the discharge of a requirement would result in materially new or materially different environmental effects then in the absence of a timely decision being notified, the default should be deemed refusal. This would appear to better protect the planning balance struck in the SoS's decision.	As set out in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b> (ref. DCO.2.30), and as the Applicant stated during ISH4, it would not be appropriate to include a deemed refusal for the discharge applications under Schedule 15 as this would lead to unnecessary delay of a Nationally Significant Infrastructure Project which would not be in the public interest. At ISH4, both LCC and NKDC confirmed that they agreed a deemed refusal would not be appropriate in these circumstances and that this was not something which either party was seeking as an amendment to the draft DCO. Whilst the Applicant notes Historic England's comments, it would highlight that NKDC and LCC (as the relevant planning authorities and discharging bodies) are content with the current wording and therefore, the Applicant does not consider any amendments to be necessary.

**Table 3-1c: Applicant's Responses to the responses provided by National Highways [REP3-064] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (National Highways)	Applicant Response
DCO.2.15	National Highways	<p><b>Requirement 9 (Fencing and other means of enclosure)</b></p> <p>In [REP2-052] you have advised further information is required on the proposed fencing and other means of enclosure before you can confirm your position with respect to Requirement 9. On pages 35 and 36 of its post hearing summaries in [REP2-032], the applicant signposts the fencing details and identifies that the FCEMP was updated at Deadline 1 to confirm that any fencing would be located behind existing hedgerows adjoining the A46.</p> <p>a) Does the information provided in [REP2-032] address your concerns about fencing and other means of enclosure?</p> <p>b) If not, would you want the applicant to submit further details during the examination (and if so what) or would being added as a consultee to Requirement 9 address any remaining concerns about fencing and other means of enclosure you have?</p>	<p>NH has reviewed the documentation submitted by the Applicant at deadline 1 and is now satisfied with the proposed fence locations.</p> <p>These appear consistent with Strategic road network and the delivery of sustainable development Circular 01/2022 requirements. Therefore, NH no longer seeks to be consulted on Requirement 9.</p> <p>It is noted that the proposed fence line does sit directly behind the existing hedgerow adjacent to the A46. It is possible during installation, damage could be caused to the roots of the hedgerow due to the close proximity. Should damage be caused to the hedgerow to insecurely root the plant, NH may seek to remove the hedgerow under its powers under the Highways Act 1980 should it become a safety concern and threat of falling down on the adjacent A46.</p> <p>This further support NH's request to be a named consultee on Requirement 8 Landscape and Ecological Management Plan (LEMP) of the draft DCO, which states that existing hedgerows are being relied upon for glint and glare mitigation. Therefore, any damage to these hedgerows during the installation of the fence may effect the glint and glare mitigation measures proposed in the LEMP. This would be of interest to National Highways.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.13), the Applicant is agreeable to including National Highways as a consultee in relation to Requirement 8 (Landscape and ecological management plan) with the caveat that consultation with National Highways with regard to the detailed LEMP is limited to mitigation works within 15m of the A46. The Applicant has amended the wording of Requirement 8 of Schedule 2 accordingly. The relevant amendments were made to the Draft DCO [REP3A-004], as submitted at Deadline 3A.</p>
DCO.2.21	Applicant LCC National Highways	<p><b>Requirement 14 (Construction traffic management plan)</b></p> <p>National Highways has confirmed in [REP2-052] that it is seeking an approval role for the Construction Traffic Management Plan (CTMP) rather than a consultee role.</p> <p>a) Suggest wording for Requirement 14 where National Highways would be the discharging authority for the A46 in consultation with LCC (insofar as the A46 has interfaces with the local highway network)</p>	<p>NH propose the following wording for requirement 14:</p> <p><i>(1) No part of the authorised development may commence until a construction traffic management plan for that part has been submitted to and approved by the relevant planning authority, and in respect of effects on the strategic road network National Highways and in respect of effects on the local road network, the local highway authority</i></p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.21) it is not proposed to add National Highways as an approving body to Requirement 14 of the Draft DCO [REP3A-004]. The Applicant considers that adding a further discharging authority to a single plan would add unnecessary complexity and the potential for delay, especially in circumstances where one discharging authority is content to approve the CTMP but the other is not.</p>

Question Number	Question to	Question	IP Response (National Highways)	Applicant Response
		<p>and where LCC would be the discharging authority for the local highway network in consultation with National Highways where there is an interface with the A46.</p> <p>b) <b>Applicant</b> - if National Highways is added to Requirement 14 as a discharging authority, amendments should be made to Schedule 15 to accommodate National Highways role as a discharging authority.</p>	<p>(2) <i>The construction traffic management plan must be substantially in accordance with the framework construction traffic management plan.</i></p> <p>(3) <i>The construction of any part of the authorised development must be carried out in accordance with the approved construction traffic management plan for that part.</i></p> <p>Similar wording proposed at sub-paragraph 1 was adopted on the The Viking CCS Carbon Dioxide Pipeline Order 2025.</p>	
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p><b>Schedule 15 – deemed approval provisions</b></p> <p>a) <b>Applicant:</b> Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a 'Rochdale Envelope' approach which, as paragraph 3.3.2 of ES Chapter 3 [REP1-015] advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p>b) <b>All:</b> Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed</p>	<p>As set out in NH's deadline 2 response (REP2-052), NH does have concerns about the inclusion of deemed approval provisions at schedule 15 paragraph 2(2) of the DCO (REP1-007) in relation to the discharge of requirement 14 if the Local Planning Authority (LPA) do not give notice of its decision within a ten week period.</p> <p>NH is concerned it will be caught by these deemed approval provisions over which NH have no control when the LPA responds. As currently drafted, applying deemed consent would mean that the opportunity for NH to be consulted on the CTMP could be bypassed if the LPA do not consult with NH and reply to the discharge application outside of the ten week time frame. This is not considered appropriate given the safety issues at play. There are safety implications if NH are not able to comment and approve the CTMP and consider the impacts on the road users of the SRN, particularly in light of the construction programme for the A46 Newark Bypass scheme which is yet to be finalised. This is a fundamental issue of public safety that should not be compromised to enable a private developer to achieve a quicker build programme. The potential implications from a safety perspective of something going wrong far outweigh the Applicant's case for such a provision. NH has statutory obligations as a public body to behave reasonably and support sustainable development and so it should not be forced to work under the pressure of deemed consent.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.30), and as the Applicant stated during ISH4, it would not be appropriate to include a deemed refusal for the discharge applications under Schedule 15 as this would lead to unnecessary delay of a Nationally Significant Infrastructure Project which would not be in the public interest. At ISH4, both LCC and NKDC confirmed that they agreed a deemed refusal would not be appropriate in these circumstances and that this was not something which either party was seeking as an amendment to the draft DCO. Whilst the Applicant notes National Highway's comments, it would highlight that NKDC and LCC (as the relevant planning authorities and discharging bodies) are content with the current wording and therefore, doesn't consider any amendments to be necessary.</p>

Question Number	Question to	Question	IP Response (National Highways)	Applicant Response
		<p>to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).</p>	<p>If NH remain as a consultee on the CTMP, NH would support a deemed refusal approach.</p>	
TT.2.05	Applicant LCC National Highways	<p><b>Framework Construction Traffic Management Plan (FCTMP) – conditions surveys</b></p> <p><b>a) Applicant and LCC</b> - While noting the responses to ExQ1 TT.1.17, comment on whether the wording in paragraph 7.3.2 of the FCTMP [REP2- 023] is sufficiently clear to identify who would be responsible for any necessary reinstatement work.</p> <p><b>b) Applicant</b> - Explain the decision-making process for determining whether a separate road condition survey “may” be carried out for the abnormal indivisible load route for the transformer to the Principal Site, as set out in paragraph 7.3.4 in the FCTMP [REP2-023]. LCC and National Highways: Do you consider the proposed wording to be adequate?</p>	<p>b) National Highways considers the wording adequate. Not every AIL movement will require a road condition survey, as the applicant has outlined. This will be determined on a case-by-case basis, depending on current road conditions, any existing concerns regarding the roads used in the route, or if the applicant wishes to ensure they can demonstrate no damage has occurred during the AIL movement.</p> <p>When a formal Special-Order application (abnormal load that exceeds the limits set out the Special Types General Order (STGO) is received we will consult the relevant road owners. The road and structure owners will then advise whether they require pre- and post-movement inspections, and this will be included as a condition of the move within the permit and agreed route. For the heavier loads this is common, but at this stage it is too early to for definite whether this would be needed.</p> <p>For further information please see annexed notification requirements for the movement of Abnormal Indivisible Loads.</p>	<p>Whilst the Applicant acknowledges National Highways response, as set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. TT.2.05), paragraph 7.3.4 of the Framework CTMP [REP3-032] has been updated (submitted to the Examination at Deadline 3) to note: “<i>In addition, a separate road condition survey <del>may</del> will be carried out for the abnormal vehicle routes (transformer and cable drums) for the transformer to the Principal Site, covering the route between the A46 junction and the proposed site access on Bassingham Road (C-009) i.e. via Haddington Lane.</i>” This update ensures that a road condition survey will be carried out for the AIL route, for both the AIL for the transformer and also the other (cable drum) AIL routes, between the A46 junction and the proposed site access on Bassingham Road (C-009).</p>

**Table 3-1d: Applicant's Responses to the responses provided by Natural England [REP3-065] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (Natural England)	Applicant Response
DCO.2.09	Applicant NKDC LCC Environment Agency Historic England Natural England	<p><b>Permitted Preliminary Works</b> In responding to ExQ1 DCO.1.03 [REP2-029], the applicant has stated that the permitted preliminary works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts. However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2-013] does not appear to expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> <li>1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO</li> <li>2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007]</li> <li>3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis</li> </ol> <p>Comment on the acceptability or otherwise of the identified options, providing the reasons for your position. Your comments should also</p>	<p>Natural England advise that it may not be necessary to completely remove reference to permitted preliminary works within the DCO (Option 1), however, would advise that it may be appropriate to either reduce the list of permitted preliminary works (option 2), or extend the use of exceptions in relevant requirements to exclude preliminary works on a specific basis (Option 3).</p> <p>One instance to note is that it is unclear exactly what above ground site preparation includes; tracking of machinery, whilst not involving soil stripping, can compact soils and cause adverse effects to the soil resource. It may be appropriate to further define this point, or include exception at Requirement 15 (Soil Management Plan).</p> <p>NE note that the LEMP is already included in those plans which are required to be complete prior to any permitted preliminary works which include vegetation removal commence, which is welcome.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.08 and DCO.2.09), the Applicant is proposing that the permitted preliminary works (PPW) will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. Amendments were made accordingly to Article 2, Requirement 6 and Requirement 11 of Schedule 2, and Schedule 12 to the iteration of the Draft DCO [REP3A-004] submitted at Deadline 3A.</p>

Question Number	Question to	Question	IP Response (Natural England)	Applicant Response
		include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted preliminary works which should be excluded on a specific basis.		
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p><b>Schedule 15 – deemed approval provisions</b></p> <p>a) <b>Applicant:</b> Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a 'Rochdale Envelope' approach which, as paragraph 3.3.2 of ES Chapter 3 [REP1-015] advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p>b) <b>All:</b> Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the relevant</p>	Natural England are not an approving body for DCO Requirements, and so defer to LPAs for their advice on this matter. However, it is agreed that the assumption of refusal is most common. By way of example, for SSSI Consents determined by NE, where NE do not respond within the statutory timeframe, it is classified as a 'deemed refusal', as per the Wildlife and Countryside Act.	As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.30), as the Applicant stated during ISH4, it would not be appropriate to include a deemed refusal as this would lead to unnecessary delay of a Nationally Significant Infrastructure Project which would not be in the public interest. At ISH4, both LCC and NKDC confirmed that they agreed a deemed refusal would not be appropriate in these circumstances and that this was not something which either party was seeking as an amendment to the draft DCO. Therefore, noting that Natural England defers to the LPAs for their advice on this matter, the Applicant does not consider any amendments to be necessary.

Question Number	Question to	Question	IP Response (Natural England)	Applicant Response
		planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).		
FS.2.06	FS.2.06	<p><b>Framework Soil Management Plan – aftercare</b></p> <p>In responding to ExQ1 FS.1.15 [REP1-029], the applicant suggests that the host authorities and Natural England would agree whether aftercare intervention is required following the review of each monitoring report.</p> <p>Comment on whether that should be stated in the FSMP.</p>	<p>It is acknowledged that these details are likely to be provided in the final SMP; as NE are a noted consultee, their inclusion in the fSMP is not a necessity, however, fSMP sections 6.9.1, or 7.1.3, could be briefly amended to make specific reference to consultation with host Authorities and NE on each monitoring report &amp; agreements on aftercare actions to ensure these details are not missed in the final SMP.</p>	<p>As recommended by NE, the Framework SMP has been updated at Section 6.9.1 to include specific reference to consultation with host authorities and NE on each monitoring report and agreement on aftercare actions. The updated Framework SMP has been submitted to the Examination at Deadline 4.</p>

**Table 3-1e: Applicant's Responses to the responses provided the Environment Agency [REP3-061] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
DCO.2.09	Applicant NKDC LCC Environment Agency Historic England Natural England	<p><b>Permitted Preliminary Works</b> In responding to ExQ1 DCO.1.03 [REP2-029], the applicant has stated that the permitted preliminary works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts. However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2-013] does not appear to expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> <li>1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO</li> <li>2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007]</li> <li>3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis</li> </ol> <p>Comment on the acceptability or otherwise of the identified options, providing the reasons for your position. Your comments should also</p>	<ol style="list-style-type: none"> <li>1. The Environment Agency would be content with this option. As there would be no defined permitted preliminary works, the activities currently listed would not be able to commence until the relevant DCO requirements for the detailed environmental management plans (e.g. Requirement 12 Construction Environmental Management Plan) and associated documents/plans have been approved.</li> <li>2. The Environment Agency would be content with retaining activities (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions, and (d) remedial work in respect of any contamination or other adverse ground conditions, which are our primary interests. Outside of the examination, we have reviewed updated wording for the Framework Construction Environmental Management Plan (FCEMP) measure GC-C1 as proposed by the Applicant, and the draft revised FCEMP which is intended for submission at Deadline 3 and will supersede REP2-013 &amp; REP2-014. We are satisfied with the updated wording and that the FCEMP will have the necessary measures in relation to activities (a) and (d) without a detailed CEMP being in place. We will confirm if we are satisfied with the FCEMP as submitted into the examination at the next relevant deadline.</li> <li>3. The Environment Agency would be content with this option. In the case that activities (a) and (d) would not apply to Requirement 12, provided the activities are carried out in accordance with the approved FCEMP, we are satisfied that the Applicant's proposed amendments to measure GC-C1 in the FCEMP, which is to be submitted at Deadline 3, provide the appropriate controls. We will confirm if we are satisfied with the FCEMP as submitted into the examination at the next relevant deadline.</li> </ol>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.08 and DCO.2.09), the Applicant is proposing that the permitted preliminary works (PPW) will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. Amendments were made accordingly to Article 2, Requirement 6 and Requirement 11 of Schedule 2, and Schedule 12 to the iteration of the Draft DCO [REP3A-004] submitted to the Examination at Deadline 3A.</p>

Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
		include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted preliminary works which should be excluded on a specific basis.		
DCO.2.30	Applicant LCC NKDC Historic England Environment Agency National Highways Natural England	<p><b>Schedule 15 – deemed approval provisions</b></p> <p>a) <b>Applicant:</b> Paragraphs 2(3) and 2(4) appear to allow for a situation where an application to discharge a requirement could give rise to materially new or materially different environmental effects compared to those in the ES. Explain how such a situation could arise, given that the ES adopts a 'Rochdale Envelope' approach which, as paragraph 3.3.2 of ES Chapter 3 [REP1-015] advises, seeks to ensure the likely significant effects of the proposed development would not exceed the reasonable worst-case scenario presented in the ES.</p> <p>b) <b>All:</b> Paragraph 2(2) provides that a deemed approval would be granted to an application for the discharge of a requirement if the relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1). The exception to this is where the subject matter of the discharge application would be likely to give rise to any materially new or materially different environmental effects. In such cases, where the relevant planning authority did not determine the application within the specified period, then the application would be deemed to have been refused at the expiry of the time periods specified in paragraph 2(1).</p> <p>Comment on whether a deemed refusal would or would not be a more appropriate approach for all discharge applications if the</p>	<p>b) The Environment Agency consider that deemed refusal would be more appropriate, as it would ensure DCO Requirements cannot be 'discharged' prematurely and aligns with the precautionary principle.</p> <p>Given the nature and scale of DCO projects, discharging requirements involves often complex and large amounts of technical information which must be adequately reviewed by consultees such as the Environment Agency. Allowing deemed approval risks environmental harm/increases in flood risk where mitigation has not been agreed, or further information or resolution of technical matters is required before a Requirement can be discharged. There are also potential issues with which document and plan versions are 'approved' if a Requirement is deemed to be approved. Furthermore, there is also a risk of noncompliance in relation to other environmental legislation if certain risks and mitigation measures have not been identified.</p> <p>The deemed refusal approach aligns with our protective provisions when applications are required where flood risk activities under the Environmental Permitting Regulations 2016 are disapplied. For clarity, we do not require protective provisions in the DCO for this project as the Applicant has not sought disapplication of the EPR in respect of flood risk activities.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. DCO.2.30), as the Applicant stated during ISH4, it would not be appropriate to include a deemed refusal for all discharge applications under Schedule 15 if the relevant planning authority did not give notice of its decision prior to the expiry of the stated time periods. This would lead to unnecessary delay of a Nationally Significant Infrastructure Project which would not be in the public interest. At ISH4, both LCC and NKDC confirmed that they agreed a deemed refusal would not be appropriate in these circumstances and that this was not something which either party was seeking as an amendment to the draft DCO. Whilst the Applicant notes the Environment Agency's comments, it would highlight that NKDC and LCC (as the relevant planning authorities and the discharging bodies) are content with the current wording and therefore, the Applicant does not consider any amendments to be necessary.</p>

Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
		relevant planning authority did not give notice of its decision prior to the expiry of the time periods specified in paragraph 2(1).		
DCO.2.32	Environment Agency LCC	<p><b>Schedule 15 – time periods</b> Paragraph 2(5) of schedule 15 was amended at Deadline 1 in <b>[REP1-007]</b> to include a reference to giving consultees no less than 15 working days to respond to the relevant planning authority. This amendment was made to address the Environment Agency's EA03 issue in <b>[RR-089]</b> and <b>[REP1-071]</b>. However, LCC in <b>[REP2-043]</b> considers that addition to be unnecessary on the basis that timescales to respond are already referenced within the schedule at paragraphs 2(1) and 3(3) and the addition of a further timescale could create confusion, particularly when if timescales were running concurrently.</p> <p>a. <b>Environment Agency:</b> Explain why a specific consultation period is required in addition to the timescale stated in paragraph 2(1), which gives the relevant planning authority 10 weeks to make a decision on the discharge of a requirement.</p> <p>b. <b>LCC:</b> Explain in what way there could be confusion with the various timescales as they appear to relate to different matters.</p>	<p>a) This question relates to the Environment Agency's relevant representation <b>[RR-089]</b> issue EA03: <i>As a named consultee on the discharge of several Requirements, we request the provision of at least 21 calendar / 15 business days in which to respond to the discharge authority. This should be reflected in the dDCO.</i></p> <p>This was to seek alignment with the 21 day consultation period (or equivalent working/business day period) for planning application consultations in The Town and Country Planning (Development Management Procedure) (England) Order 2015, and to secure this as the minimum time period in which to adequately carry out our duties in responding to discharge of requirement consultations.</p> <p>The Applicant presented an amendment to Schedule 15, Article 46, paragraph 2, section 5, in the dDCO Revision 2 <b>[REP1-007 / REP1-008]</b> to specify that requirement consultees are to be given no less than 15 working days in which to respond to the relevant planning authority, which we are content with. We consider that the specified consultation period ensures that the discharge authority (LPA) specifies a consultation deadline of no less than 15 working days (this is a minimum rather than a fixed period) when the consultation is issued to the requirement consultees. It avoids any doubt that we will be given a short timescale in which to respond to them.</p> <p>Regarding LCC's comment in <b>[REP2-043]</b>, as a fellow consultee, the Environment Agency is unclear how confusion would arise based on our understanding of the wording. Our interpretation of Schedule 15, Article 46, paragraph 2, section 5, is that it is the discharge authority (LPA) who specifies the consultation deadline date in accordance with the minimum 15 working day requirement. In this case, there would be any separate deadlines. If it is resolved to remove the addition</p>	<p>As set out in the Applicant's Response to Deadline 2 Submissions <b>[REP3A-025]</b>, the Applicant has reviewed the timescales for discharge of Requirements as contained in Schedule 15 of the Draft DCO <b>[REP3A-004]</b>. As noted by the Environment Agency, the additional timescale in paragraph 2(5) of Schedule 15 was included in response to its relevant representation <b>[RR-089]</b>. The Applicant is content to include this to ensure that there is a minimum period of time for Requirement consultees to respond to any requests from the Local Planning Authority (LPA). The Applicant does not consider that this causes any confusion and indeed gives clarity and certainty to a Requirement consultee on the minimum timescales within which they will be required to respond.</p> <p>In addition, to address LCC's submissions, the Applicant has made a minor, consequential amendment to extend the timescale within which the relevant planning authority may request further information where the discharge requires consultation with a Requirement consultee. This has been extended in paragraph 3(3) from 20 working days to 25 working days, so that there is sufficient time for the relevant planning authority to take into account any responses of the Requirement consultee, noting that the earliest they can be asked to provide their response is within 15 working days of the submission of the discharge application (as per paragraph 2(5)).</p> <p>The Applicant considers that this amendment, which is reflected in the iteration of the draft DCO <b>[REP3A-004]</b> submitted at Deadline 3A, addresses LCC's concern whilst retaining the timeframe requested by the Environment Agency.</p>

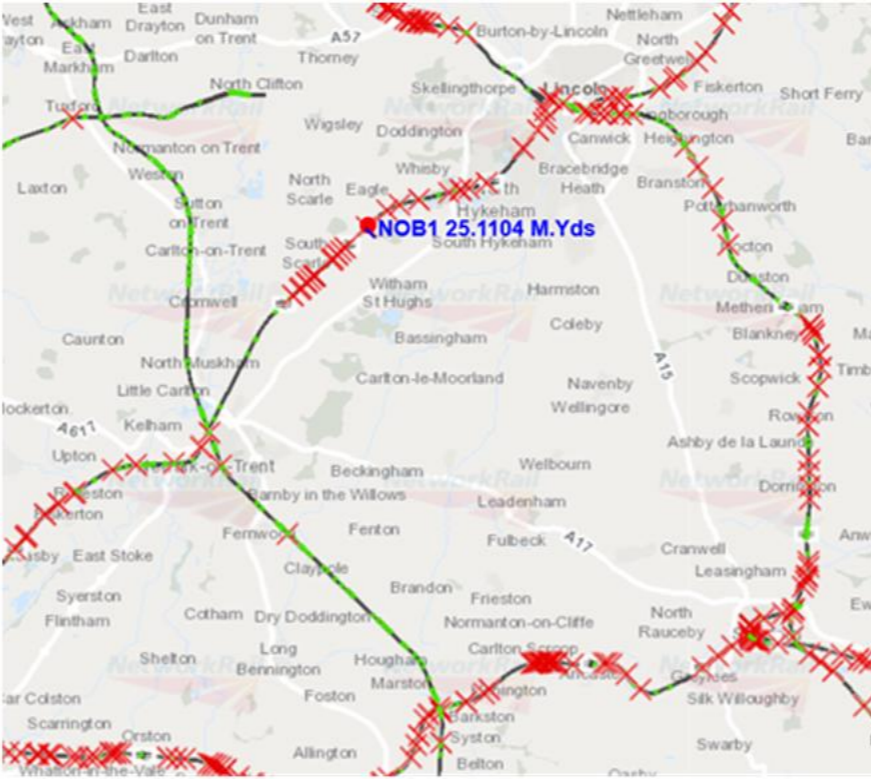
Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
			<p>made by Applicant to Schedule 15, Article 46, paragraph 2, section 5 (concerning the 15 working days), the Environment Agency consider that, while the procedure could facilitate a consultation timescale that would accommodate a 15 working day / 21 calendar day consultation period, there is no guarantee that this would be possible. Therefore, it presents uncertainty for discharge of requirement consultees, when we are dealing with more complex projects than those under the Town and Country Planning regime, which does specify a minimum consultation period.</p>	
WE.2.01	Applicant Environment Agency LCC	<p><b>Sequential Test</b> The Flood Risk Assessment [APP146] identifies that three solar panel fields would be at least partly within Flood Zone 2 (field 45) and the climate change extent of Flood Zone 3 (fields 54 and 57). Paragraph 6.3.71 of the Planning Statement [AS-098] identifies that this has arisen because of the need to balance areas for solar generation with the provision of environmental mitigation and there being no reasonably available locations within the site itself in order for the proposed development to maximise the delivery of low carbon renewable energy.</p> <p>a. <b>Applicant</b> - How critical are the areas of solar panels within the higher flood risk areas to the proposed development? If the areas of higher flood risk were not used for the siting of solar arrays, what implications would that have for the generating capacity for the proposed development? In responding to this question, the applicant should identify what the reductions in installed MW capacity and generated output in MWh there would be if fields 45, 54 and 57 were not used for electricity generation purposes.</p> <p>b. <b>Environment Agency and LCC</b> – Are you satisfied that, based on the submitted</p>	<p>b) The submitted Flood Risk Assessment (FRA) [APP-146] sets out the layout of proposed solar panels within the design flood extent, including appropriate allowances for climate change. It also includes mitigation measures to ensure that these panels are raised above the flood level, with a freeboard allowance. The panels are therefore considered to be safely positioned in the event of a flood occurring. The Applicant has also provided an assessment of the volume of floodplain taken by the panel legs in order to ensure that there are no negative impacts on floodplain storage, or increases in flood risk elsewhere. We are satisfied with the mitigation provided for the lifetime of the proposed development.</p> <p>We are, however, aware that the Applicant is to submit an updated FRA at Deadline 3. This will include changes and updates relating to increases in the number of panels located within the design flood extent. The Applicant has presented this us in a meeting and we have reviewed the details they provided to us. While we did not identify any particular concerns, we will need to review these changes to ensure that all proposed layouts and mitigation measures remain acceptable in the fully updated FRA, as submitted into the examination, before confirming if we are satisfied.</p>	<p>The Applicant has submitted a revised version of Appendix 9-C: Flood Risk Assessment [REP3-012] to the Examination at Deadline 3 which includes changes and updates to the number of panels located within the design flood extent. This revised version of the Flood Risk Assessment has been shared and agreed with the Environment Agency ahead of being submitted into the Examination.</p>

Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
		evidence, the proposed development would remain safe from current and future flood risk for the lifetime of the development, without increasing flood risk elsewhere?		
WE.2.02	Applicant	<p><b>Assessment of effects – groundwater quality</b> Paragraph 9.7.48 of the ES Chapter 9: Water Environment was updated at Deadline 1 [REP1-021] to reflect the most recent guidance on good practice for assessing impacts on ground water quality, as identified in the Environment Agency's RR [RR089]. However, that is still caveated with "if and where necessary". Explain the situations where the guidance would not be followed and the decision-making process for determining "if and where necessary".</p>	<p>Although this question is direct to the Applicant, we wish to provide the following comments for clarity:</p> <p>This question relates to the Environment Agency RR [RR089] issue EA12.</p> <p>The Applicant has proposed to remove "if and" from the text of ES Chapter 9: Water Environment paragraph 9.7.48 [REP1-021]. We have reviewed a draft version of the revised ES Chapter 9: Water Environment document which the Applicant intends to submit at Deadline 3, which will supersede REP1-021. We are therefore satisfied that this issue (EA12) is resolved pending the submission of the document into the examination.</p>	<p>The Applicant submitted a revised version of Chapter 9: Water Environment [REP3-008] into the Examination at Deadline 3 which removed 'if and' from the text in Paragraph 9.7.48 as discussed with the Environment Agency.</p>

**Table 3-1f: Applicant's Responses to the responses provided by Network Rail [REP3-066] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
DCO.2.29	Applicant, Network Rail	Both – clarify, including by reference to a plan or plans, precisely what Network Rail operational infrastructure and/or non-operational land assets it is considered would be affected by the proposed development.	<p><u>Rights identified in the Book of Reference</u></p> <p>As set out in the Relevant Representation dated 27 October 2025 and Written Representation dated 23 January 2026, the draft DCO submitted with the Application includes provisions which would, if granted, authorise the Applicant to exercise powers to:</p> <p>a) permanently acquire rights over land in which Network Rail is an occupier in respect of rights; and</p> <p>b) proposed to extinguish, suspend or otherwise interfere with Network Rail's rights; as summarised in respect of the plots and rights below:</p> <p>1. Rights in respect of restrictive covenants and easements contained in a Conveyance dated 22 November 1977 (Plot 13/3); and</p> <p>2. Rights in respect of rights to access contained in a Conveyance dated 24 November 1977 (Plot 13/6). (Together the Rights)</p> <p>The Rights described above, appear to relate to accommodation rights owed to unknown third-party beneficiaries. Accommodation rights are rights owed to third party beneficiaries arising out of works which were required to accommodate neighbouring land severed when the railway was originally constructed and which Network Rail may still owe to neighbouring owners.</p> <p>Any extinguishment, interference and/or suspension of the Rights could negatively impact Network Rail's ability to comply with such obligations to maintain the accommodation works. Should these rights not be protected adequately, it could result in Network Rail breaching these obligations and incurring unnecessary costs as a result of claims for failing to meet its obligations.</p> <p>While the Applicant has indicated they do not intend to extinguish the rights identified and proposes they are to co-exist with any rights to be acquired, the draft Order does not include any Protective Provisions for the benefit of Network</p>	<p>The Applicant has stated that it is willing to enter into an agreement with Network Rail to protect its historic rights but does not believe it is proportionate to provide protective provisions and enter into a framework agreement with Network Rail, given the apparent lack of railway infrastructure within the Order Limits. If the principle of a land agreement is accepted by Network Rail, the Applicant will include mutual covenants to protect Network Rail's existing rights in Plots 13/3 and 13/6 and allow reasonable access to those Plots in the event the Plots are acquired by voluntary agreement with the freehold owner, or using the Applicant's compulsory acquisition/temporary possession powers.</p> <p>The Applicant notes that the Statement of Common Ground agreed between the Applicant and Network Rail [REP3A-018] submitted to the Examination at Deadline 3A reflects that Network Rail's concerns in relation to glint and glare and construction traffic have been addressed. Noting that this submission was made prior to agreement of the SoCG, the Applicant has not provided a detailed response here.</p>

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
			<p>Rail, and as such does not provide explicit protection for Network Rail's Rights, nor precludes extinguishment nor other interference.</p> <p><u>Indirect Impacts</u>                      These are impacts that, although falling outside of the Order Boundary, may still impact Network Rail's operational and non-operational assets during construction and/or maintenance of the scheme and may propose a detriment to their railway undertaking.</p> <p><u>Glint and Glare Impacts</u>                      Further, since our last submission, Network Rail's technical advisors and engineers have reviewed the glint and glare assessment.</p> <p>Network Rail's signal sighting engineer believes there may be impacts on the signals along operational railway line may be affected by reflections from the panels. The three signals identified as potentially being affected are located along the NOB1 line in the northern section of the Land Plans, located on the Nottingham East Junction to Lincoln line at Swinderby Station.</p> <p>It is noted that vegetation is cited in the glint and glare assessment as a mitigation measure against glint and glare impacts, however, this is not a permanent solution.</p> <p>A further signal sighting report has been requested from the Applicant to better understand the potential impacts on these signals and we await their provision.</p> <p><u>Construction and Travel Movement</u>                      Review by Network Rail's surveyors of the Framework Construction Travel Management Plan (document 7.18) confirms that no railway assets are located within the boundary, however, it has been noted that the Scheme is surrounded by a railway corridor. As shown on the image below.</p>	

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
			 <p data-bbox="1507 604 1733 632">NOB1 25.1104 M.Yds</p> <p data-bbox="1178 1182 1991 1434">Further, the Framework Construction Travel Management Plan depicts a proposed route for the transformer to take from the A46 to the site, which does not appear to cross any railway assets (e.g. level crossings located within the area). However, we have requested further information around the wider construction routes, and abnormal load movements and await provision to confirm the position.</p> <p data-bbox="1178 1486 1991 1745">Given the location of the Scheme within a railway corridor, there is a likelihood that abnormal loads associated with the Scheme could interact with railway assets, such as level crossings. Once the further information regarding the wider route has been provided, and our engineers have had the opportunity to review, we will provide an update on the risks identified and continue to discuss the same with the Applicant.</p> <p data-bbox="1178 1797 1991 1860">As set out above, Network Rail continues to investigate the extent of the risk to its assets from the construction and</p>	

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
			operation of the Scheme and is liaising with the Applicant in relation to any mitigation required.	
DCO.2.29	Network Rail	Network Rail – explain why you consider that any Network Rail operational infrastructure and/or land assets would need to be made the subject of protective provisions	<p>The inclusion of Protective Provisions is necessary to prevent the extinguishment, interference with, or restriction of the Rights. A copy of these Protective Provisions is attached to our Relevant Representations.</p> <p>Given that the scheme is located within a railway corridor comprising operational railway and Network Rail land, Network Rail's standard form Protective Provisions must be included in the Order to ensure Network Rail's assets are properly protected during the construction and operation of the project as the Scheme. Further mitigation and protection may be required once the requested additional information has been provided and reviewed by Network Rail's engineers.</p> <p>To date the Applicant has not accepted the need for Protective Provisions and it has also not been possible to agree the need for a Framework Agreement which would include the Protective Provisions.</p>	As noted above, the Applicant is willing to enter into an agreement with Network Rail to protect its historic rights but does not believe it is proportionate to provide protective provisions and enter into a framework agreement with Network Rail, given the apparent lack of operational railway infrastructure within the Order Limits. If the principle of a land agreement is accepted by Network Rail, the Applicant will include mutual covenants to protect Network Rail's existing rights in Plots 13/3 and 13/6 and allow reasonable access to those Plots in the event the Plots are acquired by voluntary agreement with the freehold owner, or using the Applicant's compulsory acquisition/temporary possession powers. The Applicant's legal representative will continue to liaise with Network Rail's legal representative in this regard.

**Table 3-1g: Applicant's Responses to the responses provided by Lincolnshire County Council [REP3-050] to the ExA Second Written Questions**

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
GC.2.04	Lincolnshire County Council (LCC)	<p>Waste Management</p> <p>Confirm whether the applicant's response to your Local Impact Report (LIR) [REP2-031] and ExQ1 GC.1.16 [REP2-029] addresses your concerns about the consideration given to waste arisings and capacity, and if not, explain why.</p>	<p>The documents give various forecasts for waste arisings at each stage of the project. Whilst the overall forecasts are at times unclear, partly because of being spread across numerous documents, our main concern is the current shortage of UK recycling capacity for PV panels. This is a particular issue given the number of similar projects proposed for our area.</p>	<p>The Applicant refers to its previous responses regarding concerns regarding UK recycling capacity for PV panels. The Applicant is mindful that local facilities for recycling solar waste do not exist at present and there are only limited national facilities, and therefore the assessment assumed a recovery rate of 70% for the cumulative waste assessment; however at present solar PV panel waste generation is low, meaning that there is a limited demand for facilities that recycle this infrastructure and there is therefore associated limited available capacity. This is recognised in Chapter 14 Other Environmental Topics of the ES [APP-039] at paragraph 14.5.85, where it is stated that <i>"it is likely that there will be even greater opportunities for recycling in the future, not least because the market will have expanded to meet demand as solar PV installations increase."</i></p> <p>It is a new, emerging market but the Applicant is aware of five UK facilities that recycle solar panels. These facilities report 95-99% recovery rates following recent investment, demonstrating an improvement on market achievements in recent years. For example, Solar Recycling Solutions (SRS) states on its website that its London based recycling plant currently achieves a 99% material recovery rate. It is expected that the facilities which reuse, recycle, or recover end-of-life solar PV panels will continue to expand (and new companies emerge) as the quantities of this waste stream increase. The landfill tax strongly incentivises reuse, recycling and recovery, but critically the Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 (as amended) and the Waste Batteries and Accumulators Regulations 2009 place obligations on those who place solar PV panels and batteries on the market to finance the costs of collection, treatment, recovery and environmentally sound disposal, whilst also requiring a minimum 90% recovery rate. As noted above, it is expected that the current market will expand to allow this recovery rate to improve.</p> <p>As outlined in The Examining Authority's Recommendation Report for the East Yorkshire Solar Farm [Planning</p>

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				<p><b>Inspectorate Reference EN010143]</b> dated 17 February 2025 paragraph 3.13.50. <i>“While the capacity of facilities to deal with the decommissioned solar PV panels is still evolving, I see no reason to disagree with the Applicant’s view that the system will respond to demand over time. There is nothing to suggest that the type or number of panels involved in the application scheme would lead to particular difficulties in this regard.”</i></p> <p>The Applicant considers it reasonable to assume that the solar panel recycling market will expand in accordance with increasing demand as solar PV installation increases.</p>
GC.2.05	Applicant LCC	<p>Waste management In responding to LCC’s concerns in its LIR <b>[REP1-053]</b> about a lack of information on waste arisings, the applicant states that a separate site waste management plan for the operational phase is not proposed since waste management would be covered in the annual planned maintenance schedule secured via the FOEMP.</p> <p>Comment on whether this should be made more explicit in paragraph 2.3.4 of the FOEMP <b>[REP2-015]</b>.</p>	<p>We welcome the suggestion that the commitment to, and details of, the annual planned maintenance schedule should be made more explicit in the FOEMP.</p> <p>However, whilst the annual maintenance schedule will provide helpful information during the operational phase, what we are seeking is a clear forecast, before the DCO decision, of annual operational waste arisings. This will allow the waste management impacts to be considered in the decision-making process.</p>	<p>Paragraph 2.3.4 of the Framework OEMP <b>[REP3-018]</b> has been updated (submitted to the Examination at Deadline 3) to include a requirement for <i>“details of anticipated waste arisings by type and quantity”</i> within the annual planned maintenance schedule</p> <p>Regarding annual operational waste arisings, the Applicant notes in the Applicant’s Response to Deadline 2 Submissions <b>[REP3A-025]</b> (ref. Table 3-1b, GC.1.16 Applicant Response to LCC) that a meeting was held with LCC’s Waste Officer on 4 March 2026 to discuss the ‘under discussion’ issues within the SoCG between the Applicant and LCC. SoCG reference 3.10.6 regarding forecasts for waste arisings was discussed and it was noted that forecasts for waste arisings are outlined in Chapter 14: Other Environmental Topics <b>[APP-039]</b> of the Environmental Statement, with reference to paragraph 14.5.84 Component Replacement Waste for operational waste. The SoCG between the Applicant and LCC has been submitted to the Examination at Deadline 4.</p> <p>In summary, solar panel waste during operation is as follows:</p> <ul style="list-style-type: none"> <li>• Operation (ad hoc replacement) – 39 m<sup>3</sup> of solar panel waste per year.</li> <li>• Operation (full replacement) - 77,190 m<sup>3</sup>.</li> </ul>
DCO.2.02	LCC	<p>Article 10 - power to alter layout, etc. of streets In response to ExQ1 DCO.1.08 <b>[REP2-029]</b>, the applicant considers that a limit on the</p>	<p>LCC suggest that prior consent is obtained through specific wording included in the CTMP (as proposed in LCC’s LIR): <i>“5.4. Delivery of Road Modifications</i></p>	<p>As set out in the Applicant’s Response to Local Impact Reports <b>[REP2-031]</b> (ref. p122/123), the Framework CTMP</p>

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		<p>generality of the power is afforded by paragraph 4 which provides that the general power provided for under paragraph 2 may not be exercised without the prior consent of the street authority. Such consent to be in a form reasonably required by the street authority.</p> <p>If paragraph 4 would not enable LCC to secure the technical details it requires, submit suggested wording that would cover the provisions being sought in relation to the approval of technical details.</p>	<p><i>5.4.1. Prior to any construction works being undertaken within the limits of highway adoption, the detailed design of these works must be submitted to the Lincolnshire County Council for approval. These submissions will include:</i></p> <ul style="list-style-type: none"> <li><i>• A programme for the works, details of the construction method and traffic management requirements;</i></li> <li><i>• A detailed design pack of drawings and specifications detailing the works and any service / utility works that may need to be accommodated;</i></li> <li><i>• The necessary health and safety information required under the Construction, (Design &amp; Maintenance) Regulations, or their equivalent at the point of submission; Details of the proposed contractor, including their insurance provisions;</i></li> <li><i>• If required by the local road authorities, a Road Safety Audit (RSA) to a combined Stage 1 and Stage 2 standard;</i></li> <li><i>• Details of any necessary road signage and road markings; and</i></li> <li><i>• Details of any proposed remediation proposals should the works not be permanent.</i></li> </ul> <p><i>5.4.2. The Applicant will reimburse the highway authorities for the technical approval process at the time the applications are made, in line with costs for similar Section 278 or Section 184 applications made under the Highways Act.</i></p> <p><i>5.4.3. The finalised CTMP will detail the exact process for these technical approvals.”</i></p>	<p><b>[REP3-032]</b> was updated at Deadline 2 to include the following wording at paragraph 7.1.3:  <i>“Prior to any construction works being undertaken within the limits of highway adoption, the detailed design of these works must be submitted to LCC for approval. These submissions will include:</i></p> <ul style="list-style-type: none"> <li><i>• A programme for the works, details of the construction method and traffic management requirements;</i></li> <li><i>• A detailed design pack of drawings and specifications detailing the works and any service / utility works that may need to be accommodated;</i></li> <li><i>• The necessary health and safety information required under the Construction, (Design &amp; Maintenance) Regulations, or their equivalent at the point of submission;</i></li> <li><i>• Details of the proposed contractor, including their insurance provisions;</i></li> <li><i>• If required by the local road authorities, a Road Safety Audit (RSA) to a combined Stage 1 and Stage 2 standard;</i></li> <li><i>• Details of any necessary road signage and road markings; and</i></li> <li><i>• Details of any proposed remediation proposals should the works not be permanent.</i></li> </ul> <p><i>The detailed CTMP will detail the exact process for these technical approvals.”</i></p> <p>It should be noted that the Applicant will agree a cost reimbursement process with LCC which will apply to the discharge of Requirements and will be agreed post-consent.</p>
DCO.2.03	Applicant LCC	<p>Article 16 - traffic regulation measures            In response to ExQ1 DCO.1.11 in <b>[REP2-029]</b>, the applicant considers that the general power in paragraph 2 is necessary in the interests of public safety and the power is appropriately regulated by paragraph 4, which states that prior to exercising the power conferred by paragraph 2, the undertaker must consult with the chief officer of police in whose area the</p>	<p>LCC is satisfied with the measures contained within paragraph 4. As this requires the developer to obtain the written consent of the traffic authority, LCC considers this to be an acceptable control mechanism.</p>	<p>The Applicant acknowledges LCC's comments and has set out the position with regards to the Permit Scheme in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b> (ref. DCO.2.03).</p>

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		<p>road is situated and obtain the written consent of the traffic authority.</p> <p>b) LCC - Comment on whether paragraph 4 would provide an acceptable control mechanism to ensure that traffic regulation measures that may be undertaken under paragraph 2 would allow for the safe operation of the highway.</p>		
DCO.2.07	Applicant IPs who fall within the definition of 'consenting authority' under Article 46(7)	<p>Article 46 (Procedure in relation to certain approvals etc.)</p> <p>a) Applicant – Article 46 seeks to explain the procedure for seeking approvals for matters other than those subject to the requirements included in Schedule 2, with the procedure for discharging requirements being stated in Schedule 15. The ExA considers the drafting of Article 46 is unnecessarily complicated and could be simplified through amending paragraph (1) to make it clear that Article 46 concerns approvals other than requirements, which would be subject to the approval procedure set out in Schedule 15 and then: deleting paragraph (3); amending paragraphs (4) and (6) to remove the references to Schedule 15; and amend paragraph (7) as necessary.</p> <p>b) In their LIRs, NKDC and LCC consider that a time period of ten weeks would be more consistent with the timeframe for the discharge of requirements in Schedule 15.</p> <p>1. Applicant - Explain the rationale for the different timescales.</p> <p>2. Other IPs - Confirm whether or not your organisation is content with the eight-week period for determinations under Article 46 and if not explain why that is the case.</p>	As suggested within the Councils LIR, LCC would seek a 10-week determination timeframe, in line with the timescales for determining discharge of requirements in Schedule 15. LCC notes the applicants response to this point within REP2 031, but, would highlight that there are several made Orders which include a 10-week timeframe for articles regarding 'procedure in relation to certain approvals etc' West Burton Solar Project, Gate Burton Energy Park and Cottam Solar Project for example.	<p>The Applicant's position is set out in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b> (ref. DCO.2.07) and the justification for the eight week time frame in this Article is that these discharges will not require a significant amount of consideration or review of detailed information prior to approval. This is in contrast to the discharge of Requirements dealt with under Schedule 15, where more detailed information will be submitted for consideration before the Requirements can be discharged. These discharges also require consultation with other bodies, and potentially requests for further information, hence the longer timescale of ten weeks applies.</p> <p>Additionally, the wording used in Article 46 of the draft DCO <b>[REP3A-004]</b> has precedent in the following made Orders, The Tillbridge Solar Order 2025; and The Mallard Pass Solar Farm Order 2024.</p>
DCO.2.09	Applicant NKDC LCC	Permitted Preliminary Works In responding to ExQ1 DCO.1.03 <b>[REP2-029]</b> , the applicant has stated that the permitted preliminary	LCC would reiterate what was stated within Issue Specific Hearing 4 here. LCC considers the definition of "permitted	As set out in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b> (ref. DCO.2.08 and DCO.2.09), the Applicant is proposing that the

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	<p>Environment Agency Historic England Natural England</p>	<p>works would be governed by the parameters assessed in the ES and the provisions of the framework management plans, which are intended to ensure that those works would not result in new or materially different effects from those assessed in the ES impacts.</p> <p>However, there does not appear to be a clear statement in all of the framework management plans to demonstrate that the permitted preliminary works would be governed by their provisions. For example, the Framework Construction Environmental Management Plan (FCEMP) [REP2 013] does not appear to expressly refer to the proposed permitted preliminary works. In responding to ExQ1 DCO.1.03, NKDC [REP2-045], LCC [REP2-043] and Natural England [REP2-053] raised concerns about the approach to permitted preliminary works, which the ExA shares. The ExA considers there are three options:</p> <ol style="list-style-type: none"> <li>1. To have no permitted preliminary works and remove their definition in Article 2 of the dDCO</li> <li>2. To have a shortened list of permitted preliminary works defined in Article 2, with those retained being justified in the EM [REP2-007]</li> <li>3. To extend the use of exceptions in the relevant requirements to exclude preliminary works on a specific basis</li> </ol> <p>Comment on the acceptability or otherwise of the identified options, providing the reasons for your position. Your comments should also include, where relevant, activities which you consider should not be included in the list of permitted preliminary works and the permitted preliminary works which should be excluded on a specific basis.</p>	<p>preliminary works”, especially in light of the definition of “commence” in Article 2, is overly broad.</p> <p>LCC also considers preliminary works should be expressly addressed in the relevant framework plans. LCC continues to state its position seeking a requirement restricting commencement of development, including any preliminary works, unless and until the Navenby substation has been granted consent, for the reasons set out in its LIR [REP1-053].</p> <p>The Applicant stated that it was going review the interrelationship between the drafting and works intended to be carried out within ISH4. LCC welcomes that approach and will review and comment on the updated definition, or mechanism proposed, in due course.</p>	<p>permitted preliminary works (PPW) will be undertaken in accordance with the mitigation contained in a new detailed plan (to be known as the PPW EMP) to be submitted to the Examination at or before Deadline 5. This will be a certified document under Article 41 and compliance with the mitigation contained in it will be secured within the Requirements of the draft DCO. As this will be a detailed plan, no approval mechanism will be necessary under the Requirements. Amendments were made accordingly to Article 2, Requirement 6 and Requirement 11 of Schedule 2, and Schedule 12 to the iteration of the Draft DCO [REP3A-004] submitted to the Examination at Deadline 3A.</p>

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DCO.2.24	Applicant LCC NKDC	<p>Requirement 17 (Permissive paths) The ExA notes the applicant's response to ExQ1 DCO.1.22, nevertheless it considers any made DCO for the proposed development should 'on its face' make it clear that the proposed permissive paths would be available for 364 days a year unless maintenance works, emergencies or unforeseen circumstances necessitate the temporary closure of a permissive route, with the reason for any temporary closures to be notified in writing to the relevant planning authority.</p> <p>The ExA considers that reliance on the single reference to the availability of the permissive paths in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (FLEMP) [REP2-021] would be too tenuous because: 1) the final version of the Landscape and Ecological Management Plan (LEMP) submitted for approval pursuant to Requirement 8 would only have to be "substantially in accordance" with the FLEMP and the FLEMP therefore remains subject to change; and 2) within Requirement 17 there is no cross reference to the provisions of Requirement 8 and the enforcing local planning authority, potentially decades into the future, would be expected to be familiar with any controls for permissive paths included in the finally approved version of the LEMP. Accordingly, the ExA considers the applicant should amend the wording for requirement 17 to make it clear that the proposed permissive paths would be available for use for 364 days a year unless any temporary closures would be required to undertake maintenance works or be necessitated by emergencies or other unforeseen circumstances. Such an approach would be consistent with how the delivery of the proposed biodiversity net gain (BNG)</p>	LCC PRoW colleagues have stated 'We are not able to comment on permissive path arrangements in detail, however we can advise that the permitted nature of the path should be communicated to the users by signage, as a 1-day limitation may not be sufficient to protect against possible claims for public rights in the future'.	As set out in section 6 of the Framework LEMP [REP3-028], signage may be displayed to confirm that the use of the permissive paths by the public is with permission of the landowner. The Applicant has updated the Framework LEMP to remove reference to the one day limitation and instead provide that the paths will be made available for public use during operation of the Proposed Development, but to allow the Applicant to withdraw permission and periodically exclude the public for up to seven days in any calendar year (in addition to closures to carry out repair and maintenance works). The updated Framework LEMP [REP3-028] was submitted at Deadline 3 and Requirement 17 of Schedule 2 to the draft DCO has been amended accordingly, as per the iteration of the draft DCO [REP3A-004] submitted at Deadline 3A.

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		commitments would be secured, with those commitments being written on the face of any made having regard to the proposed drafting for Requirement 8.		
DCO.2.31	Applicant LCC NKDC	Schedule 15 - fees Comment on whether there should be a provision to ensure that fees would be increased in line with the consumer price index or other similar index over the lifetime of the proposed development.	Within its LIR (page 95) REP1-053 LCC has suggested an increase in the fees to those currently set out within Schedule 15. LCC considers that the fees should be in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 which were increased in April 2025. This approach is consistent with the Springwell Solar Farm dDCO. LCC would support the inclusion of a link to CPI due to the longevity of the proposed development.	<p>With regards to the fee schedule set out in Schedule 15 the Applicant is considering the proposed amendments and will provide an update at Deadline 5.</p> <p>In terms of the suggestion for the inclusion of a provision for CPI indexation, the Applicant does not consider it is necessary to include an inflationary index to increase the fees contained in Schedule 15. Under Requirement 2 of Schedule 2 to the draft DCO <b>[REP3A-004]</b>, the Proposed Development must be commenced within five years from the date that the Order comes into force. The majority of the Requirements set out in Schedule 2 will be discharged prior to or during the construction period, which is anticipated to take place between 2031 and 2033. The only Requirement which will be discharged at a later date is Requirement 20 which provides for approval of the Decommissioning Environmental Management Plan. Further, the fees due will not be affected by inflation in the same way in which, for example, costs of construction would be.</p> <p>Therefore, given that the time period within which the majority of the Requirements will be discharged is relatively short, inclusion of an inflationary index is considered unnecessary.</p>
DCO.2.32	Environment Agency LCC	Schedule 15 – time periods Paragraph 2(5) of schedule 15 was amended at Deadline 1 in <b>[REP1-007]</b> to include a reference to giving consultees no less than 15 working days to respond to the relevant planning authority. This amendment was made to address the Environment Agency's EA03 issue in <b>[RR-089]</b> and <b>[REP1-071]</b> . However, LCC in <b>[REP2-043]</b> considers that addition to be unnecessary on the basis that timescales to respond are already referenced within the schedule at paragraphs 2(1) and 3(3) and the	Part 3.3 of Schedule 15 refers to consultation with a Requirement Consultee – specifying that within 10 days of receipt of the application the Discharging authority must send consultation to required consultee(s) - and that they must inform the undertaker within 10 days thereafter, or in any event within 20 days of receipt of application, that either they or the required consultee require further information (NB – LCC consider there may be a typographical error here: ‘...considers necessary of...’ should read “...considers necessary or...”). Under this construction, there already is a timeframe within which a required consultee has to respond to the Discharging Authority, and in turn for them to request	The Applicant acknowledges LCC's comments and, as set out in the Applicant's Response to Deadline 2 Submissions <b>[REP3A-025]</b> , the Applicant has reviewed the timescales for discharge of Requirements as contained in Schedule 15 of the Draft DCO <b>[REP3A-004]</b> . The additional timescale in paragraph 2(5) of Schedule 15 was included in response to a relevant representation submitted by the Environment Agency <b>[RR-089]</b> . The Applicant is content to include this to ensure that there is a minimum period of time for Requirement consultees to respond to any requests from the relevant planning authority. The Applicant does not consider that this causes any confusion and indeed gives clarity and certainty

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		<p>addition of a further timescale could create confusion, particularly when if timescales were running concurrently.</p> <p>a) Environment Agency: Explain why a specific consultation period is required in addition to the timescale stated in paragraph 2(1), which gives the relevant planning authority 10 weeks to make a decision on the discharge of a requirement.</p> <p>b) LCC: Explain in what way there could be confusion with the various timescales as they appear to relate to different matters.</p>	<p>further info from the undertaker. The suggested clause from the EA at 2(5) for 15 days is at odds with the timescale set out in 3(3).</p>	<p>to a Requirement consultee of the minimum timescales within which they will be required to respond.</p> <p>However, the Applicant notes LCC's concerns. Therefore the Applicant has made a minor amendment to extend the timescale within which the relevant planning authority may request further information where the discharge requires consultation with a Requirement consultee. This will be extended in paragraph 3(3) from 20 working days to 25 working days, so that there is sufficient time for the relevant planning authority to take into account any responses of the Requirement consultee, noting that the earliest they can be asked to provide their response is within 15 working days of the submission of the discharge application (as per paragraph 2(5)).</p> <p>The Applicant considers that this amendment, which is reflected in the iteration of the draft DCO [REP3A-004] submitted at Deadline 3A, addresses LCC's concern whilst retaining the timeframe requested by the Environment Agency.</p>
ENC.2.06	LCC	<p><b>Mitigation - Navenby Green Man Road Verges Local Wildlife Site (LWS)</b> In responding to ExQ1 ENC.1.10 [REP2-029], the applicant identifies ECO-C1 part b of the FCEMP [REP2-013] and the methods for re-instating species-rich grassland outlined in the FLEMP [from paragraph 5.3.36 in REP2-021] as adequately covering all necessary features to avoid and mitigate impacts for the LWS.</p> <p>Paragraph 8.12.7 of ES Chapter 8 [REP1-019] refers to ensuring the removal, storage, management and watering of turves from the LWS until they can be replaced in the verge. Reference is also made to how verge topsoil and subsoil would be stored. However, Table 8-13 in ES Chapter 8 (summary of embedded avoidance and mitigation measures) and ECO-C1 part b of the FCEMP [REP2-013]</p>	<p>As stated in our response to ExQ1 ENC.1.10 (REP2-043) The Council considers that additional wording and clarification is required in ECO-C1 part b of the FCEMP (REP2-013) in order to ensure that it aligns with the stated intent of Para 8.12.7 and 8.12.8 of REP1-019.</p> <p>8.12.7 of REP1-019 makes specific reference to the removal, storage and watering of turves from the LWS whereas ECO-C1 part b only refers to soil removal and reinstatement. The Council is of the opinion that both soil and turves should be removed and stored to ensure that re-instatement of impacted areas of the LWS is as effective as possible. 8.12.8 of REP1-019 refers to the collection of seed from more diverse areas of the LWS whereas ECO-C1 part b simply refers to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. Whilst the Council agrees that it may be appropriate to use locally sourced seed to supplement any collected from the LWS, ECO-C1 part b</p>	<p>As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. ENC.2.06), the Applicant has updated the wording of ECO-C1 part b of the Framework CEMP [REP3-016], with the specific measures stated in Chapter 8: Ecology and Nature Conservation of the ES [APP-033] paragraphs 8.12.7 and 8.12.8 regarding storage of turves, collection of seed from the LWS and supplementary planting of locally sourced seed.</p> <p>The updated Framework CEMP [REP3-016], reflecting these changes, was submitted to the Examination at Deadline 3.</p>

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		<p>only refer to removing, storing and reinstating soil. The FCEMP and the FLEMP do not therefore appear to address the safeguarding of turves for reuse, which paragraph 8.12.7 indicates is needed to limit the potential impacts for the LWS.</p> <p>Paragraph 8.12.8 of ES Chapter 8 states that it may be possible to supplement the re-instated areas with seed collected from more diverse areas of the LWS, while Table 8-13 of ES Chapter 8 and ECO-C1 part b of the FCEMP refer only to the use of locally collected seed from nearby higher quality calcareous grassland where practicable. The section on species rich grassland within the FLEMP includes a reference at paragraph 5.3.40 to obtaining seed from a local source for the purpose of maintaining continuity with local species-rich grassland where practicable.</p> <p>Comment on whether the FCEMP should more closely reflect the mitigation measures identified in in ES Chapter 8 relating to turves and soil storage and whether it should include a specific reference to the collection of seed from within the LWS.</p>	<p>should still include specific reference to the collection of seed from within the LWS as well.</p>	
FS.2.02	Applicant LCC	<p><b>Temporary and permanent loss of agricultural land</b> Paragraph 12.7.44 of ES Chapter 12: Socio-Economics and Land Use [AS-016] advises that the only areas of agricultural land that would be permanently taken out of agricultural production would be areas of planting and habitat creation introduced as part of the proposed development. The applicant considers that areas that would be used by, for example, the BESS, substation, and access tracks, would not be classed as permanently lost. Paragraph 15.20 of LCC's LIR [REP1-053] suggests that is in contrast with how</p>	<p>One example is the Beacon Fen project, reference Chapter 14 (Soils and Agricultural Land) of the submitted ES [APP-065] – within that document there are several references to land taken up by the substation, the BESS, any construction compounds, transformer station and access roads as representing permanent loss. At paragraph 14.3.3, it states: <i>'The Proposed Development will occupy agricultural land (arable) and will result in a change to its agricultural potential over the lifespan of the project. Associated works such as the creation of access tracks, substation and Battery Energy Storage System (BESS) will have a more direct and potentially permanent impact on the agricultural potential of the land. These elements of the design involve soil stripping and soil sealing for the duration of the Proposed</i></p>	<p>The Applicant responded on this point previously (e.g. FS.2.02 in REP3-045) noting that some developers will have a contractual agreement to leave onsite substations in place for the local distribution company to take ownership after removal of the solar farm, or for tracks to remain for landowners' use. In these circumstances a permanent loss is assessed, either because the infrastructure will not be decommissioned or as a worst-case approach. For example, a bespoke access road within Beacon Fen Energy Park [Planning Inspectorate Reference: EN010151] was assessed in this way (assessed as permanent in case the landowner requests it is retained following decommissioning).</p>

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		<p>applicants for other NSIP solar projects have approached the matter of built infrastructure.</p> <p>Give examples of NSIP solar projects where land to be used for BESS, substations, access tracks and other similar equipment/development has been treated as resulting in a permanent loss of agricultural land for assessment purposes.</p>	<p><i>Development's lifetime. Whilst storing the stripped soils for the duration of the operational phases enables these areas to be restored to agricultural use following decommissioning, this assessment considers this 'permanent' development as a worst-case scenario, based on the definition of permanent land take and hard development in the IEMA (2022) guidance'. The reference here to 'hard development' from the Institute of Environmental Management and Assessment (IEMA) 2022 guidance (A New Perspective on Land and Soil in Environmental Assessment) can be found under section 6.2 (pp 28 of the Guidance), where it states that 'Land take for hard development is considered a permanent land used change...'</i></p> <p>On pp 19 of Chapter 14 of the Beacon Fen ES [APP-065] there is reference also to a similar approach being taken with respect to 'permanent' land take for the Gate Burton Energy Park. Whilst access to certain Gate Burton Examination Library documents on the PINS website was not possible at the time of writing, there is reference to this topic in the draft SoCG with Natural England [APP 202].</p> <p>Land affected by access tracks, solar stations and the onsite substation for the Mallard Pass Solar Farm was also treated as 'permanent' loss due to sealing (reference Chapter 12 Land Use and Soils of the ES [APP-042].</p>	<p>The Applicant has reviewed Gate Burton Energy Park Environmental Statement [Planning Inspectorate Reference: EN010131], which was authorised by the same consultant as for the Proposed Development. It assesses planting (e.g. tree and shrub and hedge planting) as permanent, in the same way as the Proposed Development. It is acknowledged that Mallard Pass [Planning Inspectorate Reference: EN010127] assessed the substation as permanent. This is because, as explained in Paragraph 12.4.16 of the Mallard Pass application (Chapter 12 of the ES (Examination Library reference: [APP-042]), " For the purposes of this assessment, in light of a time limit not being proposed for the consent these areas are considered as though they are permanently sealed". It was later, during Examination that the applicant for Mallard Pass committed to a 60 year time limit.</p> <p>The Applicant is not seeking flexibility to leave any above-ground infrastructure in place (including access tracks) following decommissioning, and therefore the approach taken in the ES is considered to be robust. It should be noted, as set out in paragraph 2.3.2 of the Framework DEMP [REP2-017], that cabling and/or cable ducting in the Cable Corridor may remain in-situ following decommissioning. The mode of cable decommissioning for the Cable Corridor and interconnecting cables will be dependent upon government policy and best practice at that time and will be discussed with the relevant planning authority at the requisite time. Currently, some local authorities consider the most environmentally acceptable option to be leaving the cables or cable ducting in situ, as this avoids disturbance to overlying land and habitats and to neighbouring communities. Alternatively, the cables or cable ducting can be removed by opening the ground at regular intervals and pulling the cable through to the extraction point, avoiding the need to open up the entire length of the cable route.</p>
LV.2.03	Applicant NKDC LCC	<p><b>Perception of solar panels in the landscape</b> In paragraph 3.3 of Appendix 7-D of the ES (Detailed Heritage Asset Setting Assessment)</p>	<p>It is true that solar panels will be perceived differently by different individuals, but LCC would question whether anyone would ever perceive them as rural or even agricultural. Rural</p>	<p>Regarding the comment on perception of solar panels as rural or agricultural, those perceptions are shifting. As explained in the Applicant's Response to the Examining Authority's</p>

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		<p><b>[APP-127]</b> when referring to solar panels it is stated that within the landscape they are perceived differently by different individuals <i>“...Some will perceive them as unwanted, industrial and urbanising; others will see them as important, sensitive, rural and even agricultural. When solar farms were first introduced to our landscapes, they would have seemed alien. However, the prevalence of these features within the countryside, a function of nearly 20 years of construction and operation, requires recognition that solar farms have become a more commonplace landscape character type, much in the same way we acknowledge golf courses or greenhouses / polytunnels. Furthermore, it has been recognised that beyond a certain distance, solar arrays lose definition and assume a ‘washed-over’ appearance. As a result, solar farms are perceived as blocks of faded colour within an established agricultural landscape. ...”</i></p> <p>b) <b>Applicant</b> - identify the evidential basis underpinning the above mentioned quotation in <b>[APP-127]</b> and comment on whether historic and/or visual perceptions relating to existing solar farms in the countryside should be applied to a solar farm of the scale associated with the proposed development, given that to date only one NSIP scale solar farm (Cleve Hill) has been constructed and become operational.</p> <p>b) <b>NKDC and LCC</b> – do you agree with the views expressed by the applicant: 1) that as solar farms in the countryside have become more commonplace they are being perceived like golf courses or greenhouses/polytunnels; and 2) that with distance solar farms have a washed over appearance and are being</p>	<p>– means characteristic of the countryside rather than the town; agricultural – means the practise of farming including cultivation of the soil for the growing of crops and the rearing of animal to provide food, wool and other products. Solar panels can be located in both urban and rural settings.</p> <p>Arguably, it is preferable that they are located in urban environments where the balance of man-made features is more suited to their introduction. Solar panels do not relate to either the science or practise of farming. Unlike Solar panels, golf courses retain a sense of openness and seasonal change. Poly tunnels and greenhouse are both connected to agriculture as they are used for growing crops. Poly tunnels are temporary Farming is defined as ‘the activity or business of growing crops and raising livestock’.</p> <p>b) 1) Solar panels may have been in use at a small and localised scale for the last 20 years, but the NSIP projects now proposed, will significantly increase their scale and distribution, with potential cumulative impacts, that will change the character of the landscape on a regional scale.</p> <p>This is a relatively new phenomenon and the long-term impacts of this change on the landscape and the communities that live within them, are not yet fully understood.</p> <p>The current LCAs do not mention Solar panels as a defining characteristic of the landscape in NK or Lincolnshire.</p> <p>Unlike Solar panels, golf courses retain a sense of openness and seasonal change.</p> <p>Poly tunnels and greenhouse are both connected to agriculture as they are used for growing crops. Poly tunnels are temporary structures that are often taken down and relocated. Greenhouses are also relatively temporary when compared with the life of solar panels (60 years).</p>	<p>Second Written Questions (ExQ2 LV.2.03) <b>[REP3-045]</b> support for this view can be found in recent Appeal Decisions, including (amongst others) Land at Park Farm, Gillingham, Dorset (Appeal Ref: APP/D1265/W/22/3300299), where the Inspector remarked (on the matter of the character of solar farms) <i>“... are becoming gradually accepted in rural areas.”</i>. Additionally, according to Lancaster University’s 2025 study<sup>6</sup>, <i>“solar farms are expected to become increasingly common features of agricultural landscapes in coming decades as part of the low-carbon energy transition”</i>. The authors at University of Lancaster wrote on the university’s website that <i>“Ground-mounted solar farms have become a familiar sight across the UK’s agricultural landscape”</i>. The Applicant’s intention is also to introduce sheep grazing to mow the grass beneath solar PV, which is currently the most economical and practical method to maintain the grass and would provide some perceived continuation of agricultural practices within the site. The solar PV is also distributed across the Site, meaning 48% of the Principal Site remains available for arable crop production during operation; some of this is bird mitigation land and other fields will be where underground cabling is laid between solar farms where the fields can be returned to agricultural use during operation.</p> <p>Regarding the scale and cumulative impacts, clarification was also provided in the Applicant's Response to the Examining Authority's Second Written Questions <b>[REP3-045]</b>. Visual impacts from the Proposed Development would typically result from people’s views of a relatively small part of the wider Site, given that the Proposed Development is not visible in its entirety from an individual location. As such the overall scale of the Proposed Development has less of an impact on a static visual receptor than the design and layout of the part of the Order Limits closest to them.</p> <p>2 The Applicant agrees that the experience of solar panels in views is dependent on the viewpoint distance, viewing angle and seasonality. This has been factored into the assessment of visual effects on the agreed visual receptors contained within <b>Chapter 10: Landscape and Visual Amenity of the ES [AS-117]</b>.</p>

<sup>6</sup> Carvalho et al 2025. *Plant and soil responses to ground-mounted solar panels in temperate agricultural systems.*

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		<p>perceived as blocks of faded over colour within established agricultural landscapes. If you disagree with either one or other or both of those propositions explain why that is the case.</p>	<p>2) With distance solar panels can appear as a continuous colour over the surface of distant fields. In some lights, this can be perceived as similar to water. However, this illusion is dependent on the angle of the viewer relative to the solar farm. When viewed side on, even at distance, solar panels look like jagged rows of man-made structure in the landscape. Unlike, farmed fields, solar panels are unchanging and this block of 'faded' colour will remain the same year after year. In comparison, a farmed field will change through out the year from brown when fresh ploughed, to golden when cropped, and green when grassed for fallow. The 'faded' colour of solar panels, will not match these colours at any time, and will stand out in contrast to them throughout the year.</p>	
LV.2.05	NKDC LCC	<p><b>Significance of identified negative landscape and visual impacts</b> In your respective LIRs, [REP1-056] and [REP1-053], you have each concluded that the proposed development would have "negative landscape and visual impacts". Do you consider those negative landscape and visual impacts would or would not amount to a reason for consent being withheld for the proposed development? Your response to this question should include any necessary elaboration.</p>	<p>We believe that the negative landscape and visual impacts identified and described in the LIRs would amount to a reason for consent being withheld for the development (specifically - on Landscape and Visual Impact grounds).</p> <p>Significant adverse effects on landscape character and the visual amenity are identified at all main phases of the scheme. Some of these effects are considered to be understated.</p> <p>Visual receptors adversely affected will include users of PRoW with the development altering the perception of the landscape both locally and at a regional scale. The effects on these routes are considered to be underestimated with Stepping out Walks promoted by NKDC not included in the LVIA.</p> <p>The LVIA identifies that multiple residents of properties will experience significant adverse effects - even if the RVAT is not met. Cumulative impacts of the proposals with other large scale solar energy schemes are also underestimated.</p> <p>A key concern is the development's reliance on mitigation to reduce effects, combined with maintenance commitments that may not ensure mitigation planting will grow as anticipated.</p>	<p>The Applicant understands that AAH consultants advise both Councils and so has responded to this comment within Table 3-1a so as to avoid duplication.</p>

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			<p>The development will remain on site for at least 60 years and the developer should see their commitment to the existing planting and the proposed mitigation planting in terms of this timescale. The LEMP should cover the whole operation period.</p> <p>A 3–5-year establishment / replacement and maintenance period (as presently muted) is inadequate and should be extended to at least 15 years (on which the findings of the LVIA are based) with a commitment to monitoring, replacement planting and maintenance during this period.</p> <p>Monitoring of planting should be carried out periodically with replacement of failed planting as required for the whole operation period. The LEMP should be updated every 5 years.</p> <p>Otherwise, it is very likely that the significance of effects claimed in the assessment are unreliable and the effects claimed underestimated.</p>	
PE.2.04	UK Health Security Agency LCC	<p><b>Effects on human health – electromagnetic fields</b> An assessment of electromagnetic fields is presented in section 14.8 of ES Chapter 14: Other Environmental Topics [APP-039]. The applicant provided further information in response to RRs (for example pages 71, 140, 291, 335 in [REP1-047]) and LCC's LIR [REP2-031].</p> <p>Confirm whether the explanation provided by the applicant satisfactorily addresses your concerns and if not explain why that is the case.</p>	<p>The assessment aligns with relevant guidelines such as those of the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, we consider that Extremely Low Frequency Electromagnetic Fields (EMFs) should be referenced.</p> <p>We would like to emphasise the UK Health Security Agency (UKHSA) is the primary UK government body responsible for public health matters relating to electromagnetic fields (EMF) and not local Public Health services. If the Examining Authority wishes to seek an expert view on relative EMF emissions from different sources and their health impacts it should address this to the UK Health Security Agency (UKHSA).</p> <p>The assessment in Section 14.8 only covers physical health effects, and we feel that this section (or the wider Environmental Statement (ES)) should also cover the mental health effects arising from perceived risk from EMFs.</p>	<p>An assessment of electromagnetic fields is presented in section 14.8 of ES Chapter 14: Other Environmental Topics [APP-039] which demonstrates the Proposed Development will not exceed the relevant EMF thresholds set for the safety of human health.</p> <p>Extremely low frequency (ELF) EMF is within the frequency range of 3 to 30 Hz. The UK Government and ICNIRP does not provide a safe threshold for ELF EMF. As noted in Chapter 14 of the ES, the electrical field is absorbed by the cable sheath and soil. The magnetic field is assessed against the health thresholds set by ICNIRP (the ICNIRP 'reference levels' for the public in the 2020 publication 'Guidelines for limiting exposure to electromagnetic fields' are 100 microteslas for magnetic fields and 5,000 volts per metre for electric fields).</p> <p>A health and wellbeing summary statement [REP3-047] has been submitted into Examination. However, this does not attempt to address each and every perceived risk, and it is not</p>

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			<p>Finally, LCC consider that the final paragraph of Section 14.8 on cumulative effects is underplayed. The methodology should be more robust in identifying all other potential electrical infrastructure, proposed and existing (e.g., Battery Energy Storage System(s) (BESS), substations, overhead pylons, and buried cables) and explain the cumulative effect of overlapping EMFs where these may occur within local communities.</p> <p>Overall, LCC consider that the conclusions reached in the methodology are insufficiently robust, as they are not grounded in an evidence based, comprehensive Health Impact Assessment for the project.</p>	<p>considered that perceived risk from EMFs is a material consideration for the Proposed Development as these have been demonstrated to be safe.</p> <p>LCCs comment on cumulative effects is noted. The effect from EMF has been demonstrated as negligible for the Proposed Development, and therefore there is no potential for cumulative effects to occur along with other developments. Furthermore, the effects of EMF from high voltage cabling diminishes to being indistinguishable from background levels within approximately 10 metres from the source, and there are no places where the public will be regularly present within this distance where the Proposed Development high voltage cabling is also situated within 10 m of other existing or proposed high voltage cabling.</p>
PE.2.05	NKDC LCC	<p><b>Suggested skills and education section 106 (s106) planning obligation</b> Further to the applicant's comments about there being no need for a skills and an education planning obligation, for example in response to ExQ1 GC.1.19 [REP2-029] and in the responses to the submitted LIRs [included in REP2-031], provide a detailed justification for the suggested making of an annual contribution of £50,000 (index linked) per year for the lifetime of the proposed development. In replying to this question, the Councils should explain whether: 1) the suggested planning obligation would meet the conditions for entering into obligations; and 2) the proposed development would be unacceptable in the absence of the obligation sought.</p>	<p>LCC would draw the Examining Authority's attention to Paragraph 5.13.11 of EN-1 which states 'The Secretary of State should consider any relevant positive provisions the applicant has made or is proposing to make to mitigate impacts (for example through planning obligations) and any legacy benefits that may arise as well as any options for phasing development in relation to the socio-economic impacts'.</p> <p>Whilst the applicant is resistant to a S106 agreement in relation to employment and skills funding, as stated within REP2-031, LCC would consider it necessary to secure the commitments proposed within the Framework Employment Skills and Supply Chain Plan (fESSCP).</p> <p>LCC welcomes the inclusion of Requirement 19 within the dDCO, but would note that the requirement only ensures the submission of a SSECP. This raises potential concern as the framework document uses phraseology such as, 'could be pursued' and 'potential for'. Whilst LCC acknowledges that this is an outline document that would be refined and agreed through Requirement 19, LCC are of the view that a clear delivery mechanism with secured funding must be</p>	<p>The Applicant has set out in detail the reasons as to why it does not consider the provision of a financial contribution through a s106 agreement to be necessary or justified in the Applicant's Response to Local Impact Reports [REP2-031]. In short, the contribution sought is not required to make the Proposed Development acceptable in planning terms, and nor is the scale of the requested figure proportionate. No policy requirement has been identified that would indicate otherwise.</p>

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			<p>established, to ensure delivery of the initiatives as described within the fESSCP.</p> <p>Similar contributions have been secured as part of the Heckington Fen Solar Farm and Springwell Solar Farm.</p>	
PE.2.06	LCC	<p><b>Socio-economic assessment of construction effects – temporary workforce</b> Confirm whether the applicant's response to your LIR [REP2-031] and ExQ1 PE.1.04 and PE.1.05 [REP2-029] addresses your concerns about how the "impact of a changing influx of workers" has been considered and if not, explain why that is the case.</p>	<p>LCC consider the applicants response in REP2 031 and REP2-029 address LCCs concerns in part. However, there still seems to be a lack of appreciation (with or without detailed workforce numbers) that even when booking out larger hotels in the larger settlements that this will have impacts. Such impacts are not just restricted to healthcare facilities.</p> <p>While some (e.g. hotel bookings themselves or increase in meal bookings at local eateries) are positive in a financial sense, there is high potential with temporary worker bookings interacting with events that provide annual attractions and thus maximum bookings and revenue in a regular basis, especially in Lincoln.</p> <p>Even though suggested hotels within Lincoln will be used, these have a focus on areas such as the Brayford, high weeknight numbers of workers could conflict with other users of the area/students. We consider that social cohesion issues may still arise, with high numbers of workers in one location, even if demand on facilities such as health care does not occur.</p> <p>This would be further compounded by any overlap in construction periods with other projects. While a brief analysis of accommodation vacancy rates has been undertaken and demonstrates the project can be accommodated, very little in the way of cumulative impact has been considered. It is wholly possible that up to 1000 temporary workers, or even more depending on project construction period overlaps, could be seeking weeknight accommodation in the area should construction overlap. It is very likely that such impact would result in maximum capacity being reached and demand not fulfilled. We still believe that the travel times utilised are overly optimistic and therefore flawed.</p>	<p>This matter was discussed at ISH3, with the Applicant explaining that as set out in Table 12-19 in Section 12.5 of Chapter 12 of the ES, even during peak summer occupancy, there would be a surplus of 811 rooms available (17% of total rooms) within 60 minutes of the Site after housing these workers. The assessment 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, demonstrating that these workers can be accommodated locally. Furthermore, occupancy during quieter months would provide a positive benefit to the sector through the additional revenue from selling rooms. The overall effect was therefore assessed as negligible and not significant.</p> <p>It is not expected that the workforce will add pressure to the local health facilities. By the nature of the type of people who work in construction on site, they are typically healthy and require very little medical attention (as recognised by HSE workplace health standards). Construction sites at solar farms have a good safety record and infrequently require medical support. Any health matters arising during construction are typically managed through on-site welfare, first-aid provision and contractor health and safety procedures, rather than through reliance on local GP or hospital services.</p> <p>The Council's concern over accommodation pressures is noted. Contractors inherently prioritise large hotel chains in urban centres ahead of small independent accommodation services, due to the ability to negotiate block discounts. These locations are inherently better equipped to accommodate fluctuating weekday demand associated with temporary workforces and are accustomed to transient business users. As a result, any potential social cohesion</p>

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			<p>Therefore, we do not agree with the total available accommodation within 30 mins and 60mins. This is likely to be significantly less especially within the 60-minute drive time, and compound impacts beyond those set out. The ES at chapter 12 acknowledges that it will utilise all the available room capacity within the 30-minute travel time used. Should any overlap occur the capacity within the 60-minute travel time boundary will also be significantly impacted. There are currently 25 NSIP applications within the DCO approval system, and a high likelihood of construction periods overlapping.</p> <p>Block bookings for temporary workers filling tourist accommodation will impact on other destinations, as workforce will not visit/spend in majority of other destinations and venues.</p>	<p>effects are more readily absorbed within these larger urban environments, reducing the likelihood of perceptible or lasting impacts on local communities, particularly when compared with smaller rural settlements.</p> <p>The number of large-scale construction projects anticipated within the county over the next 5–10 years is acknowledged. However, these projects each operate within different travel-to-work catchments and construction programmes reducing the likelihood of direct overlap in accommodation demand. It is also unlikely that peak construction periods would fully coincide across multiple NSIPs, particularly given differing grid connection dates, phasing strategies and commercial drivers for each scheme. Furthermore, peak construction workforce numbers are typically overstated within environmental assessments to ensure that associated impacts, particularly workforce travel and accommodation demand, are not underestimated. This approach provides increased confidence that the conclusions of the ES remain robust.</p>
TT.2.05	Applicant LCC National Highways	<p><b>Framework Construction Traffic Management Plan (FCTMP) – conditions surveys</b></p> <p>a) <b>Applicant and LCC</b> - While noting the responses to ExQ1 TT.1.17, comment on whether the wording in paragraph 7.3.2 of the FCTMP [REP2-023] is sufficiently clear to identify who would be responsible for any necessary reinstatement work.</p>	<p>The wording is not clear and should be amended to identify that the Developer will undertake the agreed reinstatement works.</p>	<p>A commitment to reinstate/ make good any defects that arise to highways assets/verges during the construction phase due to the Proposed Development has been added into the 'Road Condition Surveys' section of the Framework CTMP [REP3-032], and to the Framework DEMP (ref. TT-D1) in respect of decommissioning (submitted to the Examination at Deadline 3).</p>
TT.2.06	Applicant LCC NKDC	<p><b>Framework Public Rights of Way Management Plan (FPRoWMP)</b></p> <p>Paragraph 12.8 of LCC's LIR [REP1-053] sets out several comments on the FPRoWMP [REP2-019], with the applicant's responses provided on page 127 in [REP2-031].</p> <p>a) <b>LCC</b> - Confirm whether the applicant's responses address the matters you have identified.</p> <p>b) <b>All</b> - Given the commitment in paragraph 3.2.3 (item f) of the FPRoWMP that the</p>	<p>a) LCC are happy with the changes made.</p> <p>b) Crossing gates would be needed for the vehicles using the haul roads, we are opposed to new gates being installed that the public would have to operate. The haul roads would be gated off to stop the public using the haul road and prevent the risk of vehicles driving across the PROW without stopping first.</p>	<p>b) As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (ref. TT.2.06), the Applicant is not committing to gated access across PROWs at this stage and proposes that the detail for how PROW users are kept safe is agreed with the councils in the detailed Public Rights of Way Management Plan, which is secured by Requirement 18 of the draft DCO [REP3A-004]. Measures will depend on the nature of the crossing (for example, whether it is a precise crossing point perpendicular to the PROW or whether the construction vehicles will travel along the PROW (which is the case for The Avenue at</p>

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		<p>default would be for construction traffic to give-way to other users, should paragraph 3.2.3 (item a) in the FPRoWMP commit now to not having crossing gates across PRowWs?</p>		<p>Morton)), and the expected level of usage of the PRow. Measures may include (to be established and included within the detailed Public Rights of Way Management Plan, as relevant):</p> <ul style="list-style-type: none"> <li>• Establishing formalised crossing nodes where PRowWs meet haul roads.</li> <li>• Designing access tracks with adequate forward visibility so drivers see pedestrians early.</li> <li>• Installing speed humps or rumble strips, either side of the crossing to slow vehicles approaching the PRow</li> <li>• Posting speed limits (often ≤ 15 mph / 25 km h)</li> <li>• Installing "Crossing Ahead" signs before (say 100 m) PRow junctions (distances adjusted for site speeds).</li> <li>• Erecting temporary information boards at PRow entry points explaining construction activities, expected vehicle numbers, and safety etiquette.</li> <li>• Allocating trained marshals at busy periods while pedestrians, cyclists, or horse riders pass, and providing two-way radios linking marshals to the site logistics team.</li> </ul> <p>The appropriate measure will depend on the specific location and nature of works. It is not expected that crossing gates will be required, and this will be a last resort in the event the Applicant is not satisfied that the above would result in safe usage of PRowWs.</p>