



Application by Fosse Green Energy Limited for the Fosse Green Energy

The Examining Authority's third written questions and requests for information (ExQ3)

Issued on 23 April 2026

The following table sets out the Examining Authority's (ExA's) questions and requests for information and constitutes the ExA's third Written Questions (ExQ3).

Responses to the questions and requests for information included in ExQ3 must be submitted at Deadline 5A (12 May 2026), in line with the variation to the examination timetable included in the ExA's procedural decision dated 8 April 2026 [[PD-020](#)].

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of **9 December 2025** [[PD-008](#)]. Questions have been added to the issue-based framework as they have arisen from representations and to address the assessment of the application against relevant legislative provisions and policies.

Column 2 of the table indicates which interested parties (IPs) and affected persons (APs) each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 3 (indicating that it is from the third round of written questions) and then a question number. For example, the first question on Transport and Traffic issues is identified as TT.3.01. When you are answering a question, please start your answer by quoting the unique reference number.

Parties with a particular interest in the provisions of the applicant's draft Development Consent Order (dDCO) [REP3A-004] should also refer to the ExA's schedule of proposed changes to the dDCO [PD-022].

An editable version of this table in Microsoft Word is available on request from the case team: please contact FosseGreenEnergy@planninginspectorate.gov.uk and include ExQ3 – Fosse Green Energy in the subject line of your email.



Abbreviations used:

AC	Alternating current
AEGL	Acute exposure guideline level
ALC	Agricultural land classification
AP	Affected person
BESS	Battery energy storage system
BMV	Best and most versatile agricultural land
BNG	Biodiversity net gain
BoR	Book of Reference
BSMP	Battery Safety Management Plan
CA	Compulsory Acquisition
CAH	Compulsory Acquisition Hearing
CLLP	Central Lincolnshire Local Plan of 2023
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
dDCO	Draft Development Consent Order
DC	Direct current
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority



FBSMP	Framework Battery Safety Management Plan
FCEMP	Framework Construction Environmental Management Plan
FCTMP	Framework Construction Traffic Management Plan
FLEMP	Framework Landscape and Ecological Management Plan
FOEMP	Framework Operational Environmental Management Plan
FPRoWMP	Framework Public Rights of Way Management Plan
FSMP	Framework Soil Management Plan
GHG	Greenhouse Gas
ha	Hectare
HE	Historic England
HF	Hydrogen fluoride
HGV	Heavy goods vehicle
IP	Interested Party
ISH	Issue Specific Hearing
Kwh	Kilowatt hour
LCC	Lincolnshire County Council
LFR	Lincolnshire Fire and Rescue
LGV	Light goods vehicle
LIR	Local Impact Report
LWLRP	Lincoln and Witham Landscape Recovery Project
m	Metre
MW	Megawatt
MWh	Megawatt hour



NE	Natural England
NESO	National Energy System Operator
NFCC	National Fire Chiefs Council
NGED	National Grid Electricity Distribution (East Midlands) PLC)
NGET	National Grid Electricity Transmission Plc
NKDC	North Kesteven District Council
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
NTS	National transmission system
PA2008	The Planning Act 2008
Proposed Development	The proposed Fosse Green Energy (solar farm and battery electrical storage system)
PPWEMP	Permitted Preliminary Works Environment Management Plan
PRoW	Public right of way
RR	Relevant Representation
s	Section within an act of Parliament
SF₆	Sulphur Hexafluoride
SoCG	Statement of Common Ground
USI	Unaccompanied site inspection
SoS	Secretary of State
WFD	Water Framework Directive
WR	Written Representation
WVCP	Witham Valley Country Park



The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010154-000223-Fosse%20Green%20Energy%20Exam%20Library.pdf>

The Examination Library will be updated as the Examination progresses.

Index

General and Cross-topic questions (GC)	6
Climate Change (CC)	9
Draft Development Consent Order (dDCO)	10
Ecology and Nature Conservation (ENC)	19
Farming and Soils (FS)	23
Historic Environment (HE)	24
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) (LR)	28
Landscape and Visual (LV)	30
Population Effects (PE)	31
Transport and Traffic (TT)	36
Water Environment, including Hydrology and Flood Risk (WE) ...	38

Question Number	Question to:	Question
General and Cross-topic questions (GC)		
GC.3.01	Applicant, North Kesteven District Council (NKDC), Lincolnshire County Council (LCC), other interested parties and other persons	<p>The Secretary of State’s decision with respect to the Springwell Solar Farm</p> <p>The ExA is aware that the application for the Springwell Solar Farm was determined by the Secretary of State (SoS) on 8 April 2026 and that a Development Consent Order (DCO) has been made for that development.</p> <p>a) All - the making of the Springwell Solar Farm DCO may have implications for the cases that have been made by the applicant, NKDC, LCC, other interested parties and other persons up until 8 April 2026. If you consider the making of the Springwell Solar Farm DCO has had any implications for the case you have made about the proposed development prior to that order’s making, written submissions should be made explaining how you consider your case has been affected. Following the making of the Springwell Solar Farm DCO, the ExA particularly wishes to be informed about any implications there might be for the consideration of the proposed development with respect to:</p> <ul style="list-style-type: none"> • defining: the commencement of the proposed development; maintenance; and permitted preliminary works; • the imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning; • the relationship between the Springwell Solar Farm and the proposed Navenby substation; • the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and • any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC’s responses to ExQ2 [REP3-055]). <p>(If any party has included references to the making of the Springwell Solar Farm DCO in their Deadline 5 submissions then rather than repeating what they may have stated in those submissions in responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.)</p>

Question Number	Question to:	Question
		<p>b) For applicant – it may become necessary for the ExA to refer to either the made Springwell Solar Farm DCO and/or the SoS’s decision during the remainder of the examination and/or when reporting to the SoS following the examination’s close. Accordingly, the ExA requests that you submit copies of the made Springwell Solar Farm DCO and the SoS’s decision letter so that they can be allocated document reference numbers and added to the examination library.</p>
GC.3.02	Applicant	<p>Site selection Clarify whether:</p> <p>a) the applicant would have identified the site for the proposed development without first being “...approached by a group of landowners who were willing to provide land north of the A46 at Morton Manor and Housham Grange ...” [paragraph 2.3.1 in Appendix A: Site Selection Report in AS-098]; and</p> <p>b) some or all of the land south of the A46 would have needed to be included in the proposed Order Limits had National Grid Electricity Transmission PLC (NGET) been able to provide a point of connection to the transmission system near Whisby Hall.</p>
GC.3.03	NGET	<p>Proposed Navenby substation</p> <p>a) Clarify whether a planning application for the proposed Navenby substation has been submitted and if a planning application has not been submitted advise on when it is expected such an application will be submitted.</p> <p>b) If by examination Deadline 5A (12 May 2026) a planning application has been submitted to NKDC then copies of: the site location (‘red line’) plan; a block plan; and elevational drawings for the proposed substation should be submitted to assist other interested parties and the ExA’s understanding of the relationship between the proposed substation and the proposed development.</p>

Question Number	Question to:	Question
GC.3.04	Applicant NGET	<p>Implications for the proposed development were the proposed Navenby substation not to be consented and/or constructed</p> <p>NGET in responding to ExQ1 GC.1.14 has commented “<i>NGET considers that the deliverability 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</i>” [REP2-051]. The applicant’s response to ExQ1 GC.1.14 included in [REP2-029] states “<i>...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. This connection point would then be pursued by the Applicant subject to a separate consent, as is not uncommon in the offshore wind context ...</i>”.</p> <p>The answers to ExQ1 GC.1.14 appear to be inconsistent with one another and the parties should confirm what the situation would be should the proposed Navenby substation not be consented and/or constructed, particularly whether NGET would be bound by the terms of the commercial agreement that the parties have entered into to make an alternative point of connection available to the undertaker for the proposed development.</p>
GC.3.05	NKDC	<p>Proposed battery energy storage systems (BESS) to the south of Hill Rise, west of Coleby and south of Green Man Road, east of Navenby</p> <p>Provide updates with respect to the determination of the planning applications for:</p> <ul style="list-style-type: none"> a) the proposed BESS to the south of Hill Rise, west of Coleby (25/0533/FUL), referred to in NatPower’s letter of 20 March 2026 [AS-131]; and b) the proposed BESS to the south of Green Man Road, east of Navenby (25/0491/FUL) referred to, in amongst other documents, the first iteration of the applicant’s Interrelationships Report [REP4-019]. <p>In providing the update with respect to planning application 25/0491/FULL the council should provide copies of the ‘red line’ plan, the block plan and any elevations accompanying the submitted application.</p>

Question Number	Question to:	Question
GC.3.06	Applicant NKDC LCC	<p>Annual maintenance schedules</p> <p>The Statements of Common Ground (SoCGs) between NKDC and LCC and the applicant (respectively [REP4-013] and [REP4-012]) indicate that the Councils retain concerns about the definition of “<i>maintain</i>” included in Article 2 of the dDCO and the implications this may have for the extent of activities during the operational phase.</p> <p>Comment on whether a requirement for the planned maintenance schedule identified in paragraph 2.3.3 of the Framework Operational Management Plan (FOEMP) [REP3-018] to be approved by the Councils would address those concerns.</p>
Climate Change (CC)		
CC.3.01	Applicant	<p>Assessment of greenhouse gas (GHG) emissions offset</p> <p>With respect to the offset of GHG emissions, the ExA notes the applicant’s response to EXQ2 CC.2.03 [REP3-045] on this matter. However, the ExA is not content with the explanation that has been provided. In particular, the statement that “<i>Any anticipated value which assumes that government’s capacity ranges are met (noting that the Proposed Development contributes to meeting these ranges) therefore does not constitute a realistic scenario for if the Proposed Development does not go ahead</i>”. Given the current policy drivers in place, the ExA considers it highly likely that the UK’s electricity grid will become less carbon intensive regardless of whether the proposed development goes ahead. Consequently, the ExA still considers that a scenario for the operation of the UK’s grid with no projected decarbonisation is unrealistic.</p> <p>The ExA notes that carbon savings of 225,115tCO₂e have been identified as compared with generation in May 2033. The ExA requests that the applicant provides an overall lifetime carbon saving, based on the anticipated carbon intensity for electricity generation in May 2033.</p>

Question Number	Question to:	Question
CC.3.02	Applicant	<p>Sulphur Hexafluoride (SF₆)</p> <p>In responding to ExQ2 CC.2.04 [REP3-045] the applicant states that “<i>where the use of SF₆ is unavoidable due to supply chain availability or technical feasibility – which is likely for 33kV infrastructure - this decision would be communicated to the Council in the detailed design as part of Requirement 6 of the dDCO</i>”.</p> <p>Comment on whether that commitment should be identified in the Design Approach Document [APP-186] and/or the Proposed Development Parameters [REP1-029] or in some other way to ensure that it would be secured via Requirement 6.</p>
<p>Draft Development Consent Order (dDCO)</p>		
<p>Note All references to the numbering of Articles and Schedules (including Requirements) refer to those used in the version of the dDCO submitted at Deadline 3A [REP3A-004]</p>		
DCO.3.01	Applicant	<p>Article 2 – interpretation (“maintain”) and Article 5 (power to maintain authorised development) and indicative annual maintenance schedules</p> <p>a) The ExA notes that the indicative annual maintenance schedules Tables C-1 and C-2 in [REP3-045] submitted in response to ExQ2 DCO.2.01 do not appear to identify general maintenance arrangements for the proposed BESS nor design life replacement. Revised versions of Tables C-1 and C-2 should be submitted including the maintenance arrangements for the proposed BESS.</p> <p>b) With respect to the repowering of the proposed solar arrays, clarify for the first row of Table C-2 in [REP3-045] how heavy goods vehicle (HGV) trips per year are being defined, for example does the reference to approximately “... 200 HGV trips per year” mean 100 inbound and 100 outbound (200 two-way trips) or something else?</p>
DCO.3.02	Applicant NKDC LCC	<p>Article 2 – interpretation</p> <p>a) Applicant – Clarify what purpose the definition for “<i>commissioning</i>” would serve, given, unlike “<i>date of final commissioning</i>”, it is a term that is not relied upon elsewhere in the dDCO? If it is considered that</p>

Question Number	Question to:	Question
		<p>a definition for commissioning needs to be included in Article 2, should Work Nos 4, 5A, 5B and 6 be added to Work No.1, given those works would need to be fully operational (and thus tested and commissioned) prior to the proposed development being capable of generating and exporting electricity on a commercial basis?</p> <p>b) All – There is a definition for the date of final commissioning and Requirements 5, 9, 13, 17 and 20 include provisions tied to that date. Similarly the proposed protective provisions in favour of Lincolnshire Fire and Rescue (LFR), included in Part 3 of Schedule 14 are tied to the date of final commissioning. An additional paragraph has been added to the Framework Construction Environmental Management Plan (FCEMP) [paragraph 2.2.3 in REP4-008] stating that the applicant will inform LCC of the date of final commissioning once it has occurred. However, the relevant planning authority for Requirements 5, 9, 13 and 20 is NKDC and there is no provision within any of the requirements included in Schedule 2 for date of final commissioning to be notified to NKDC.</p> <p>To allow for the effective monitoring and/or enforcement of Requirements 5, 9, 13, 17 and 20, a notification mechanism (either as a standalone requirement or an amendment to an existing requirement(s)) must be added to Schedule 2. Submit wording for the required notification mechanism.</p> <p>Note for the applicant and other all parties</p> <p>With respect to the scope/definition for “permitted preliminary works” included in Article 2, the ExA notes the applicant’s intention to submit a “Permitted Preliminary Works Environment Management Plan” (PPWEMP) no later than Deadline 5 [response to ExQ2 DCO.2.08 and DCO.2.09 in REP3-045]. Following the PPWEMP’s submission it may be necessary for the ExA to seek further information relating to that plan’s contents and/or the definition for permitted preliminary works included in Article 2 from the applicant and/or other interested parties.</p>

Question Number	Question to:	Question
DCO.3.03	Applicant	<p>Requirement 8 (Landscape and ecological management plan)</p> <p>The applicant's response to ExQ2 DCO.2.13 [REP3-045] identifies that it is agreeable to including National Highways as a consultee on Requirement 8 with the caveat that consultation would be limited to mitigation works within 15 metres of the A46. The dDCO was amended at Deadline 3A to reflect that [REP3A-004].</p> <p>Explain why the consultation with National Highways should be restricted to mitigation works within 15 metres of the A46 and the reasons for not including National Highways as a consultee on the same basis as the other bodies referred in Requirement 8.</p>
DCO.3.04	Applicant LCC	<p>Requirement 17 (Permissive paths)</p> <p>The ExA notes the applicant's concern about ensuring that the permissive paths do not become treated as public rights of way at the end of the operational lifetime of the proposed development. However, it is unclear why the exclusion of "up to seven days" as set out in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (FLEMP) [REP3-028] has now been included.</p> <p>In responding to ExQ1 [REP2-043], LCC advised "<i>provided that there is sufficient signage to show that use of the route is by permission, there is no need to restrict access for a day. The efficacy and legal impact of a one day closure is not likely to have any impact on a user based claim, unless there is sufficient other actions taken by the landowner to disabuse the public of the notion that they are exercising a public right.</i>"</p> <p>a) Applicant: Explain why up to seven days in any calendar year has been identified as an exclusion for public use of the permissive paths.</p> <p>b) LCC: Explain whether appropriate signage to show that use of the permissive paths is by permission would be sufficient to protect against possible claims for public rights in the future, or what other mechanisms would be required.</p>

Question Number	Question to:	Question
DCO.3.05	Applicant	<p>Requirement 20 and funding for decommissioning</p> <p>The ExA notes the applicant's response to ExQ2 DCO.2.28 [REP3-045] and the comments made during the course of Issue Specific Hearing 4 [REP3-043] concerning the arrangements for the decommissioning of the proposed development at the end of its operational life that any undertaker would be bound by under the provisions of Requirement 20. In relation to the response to ExQ2 DCO.2.28 the ExA, amongst other things, is mindful of:</p> <ul style="list-style-type: none"> • the written answer provided on the government's behalf by Lord Wildson of Sedgefield on 16 June 2025 to the question tabled by Lord Kirkhope of Harrogate on 2 June 2025 • the applicant's comments relating to project viability • the observations made about the asset value of the proposed development's components, albeit it would seem likely that the value of components would have depreciated after their installation, with any such depreciation becoming more marked towards the end of a replacement cycle <p>If the provisions of Requirement 20 were to be breached an offence would be committed and that could result in a prosecution being brought, pursuant to section 161(1) of PA2008. A person convicted of breaching or failing to comply with an order granting development consent would be liable to a fine under section 161(4) of PA2008. Under section 161(3) a defence to a prosecution is that "<i>(a) the breach or failure to comply occurred only because of an error or omission in the order</i>". Were there to be a breach of Requirement 20, irrespective of whether a successful prosecution was brought and the guilty person or persons was/were fined, that would not as a matter of course guarantee the decommissioning and restoration of the land affected by the proposed development. In the event of injunctive relief being sought and an injunction being issued, any subsequent contempt of court resulting in a prison sentence would also not necessarily result in the site's decommissioning.</p> <p>The ExA remains concerned that neither Requirement 20 nor the dDCO in general would adequately provide for the decommissioning of the land affected by the proposed development. Accordingly, the applicant, on a without prejudice basis, should provide wording for inclusion within Requirement 20</p>

Question Number	Question to:	Question
		establishing a mechanism for funding the decommissioning of the proposed development once it ceased to be operational.
DCO.3.06	Applicant	<p>Schedule 3 (Legislation to be disapplied)</p> <p>The applicant in [REP3A-001] has advised that it expects that it will have completed its review of the legislation sought for disapplication by Deadline 6 (2 June 2026). The ExA considers that review ought to be completed not later than Deadline 5A so that there will be sufficient time remaining within the examination for the ExA to seek any further information relating to this matter if required.</p>
DCO.3.07	Applicant	<p>Schedule 6 (Streets and public rights of way)</p> <p>Explain whether there is a difference between a “<i>temporary partial closure</i>” and “<i>temporary single lane closure</i>” in part 1 of Schedule 6. If not, should the terminology be the same and the dDCO amended accordingly?</p>
DCO.3.08	Network Rail Prax Downstream UK Limited (in liquidation) Prax Lindsey Oil Refinery Limited (in liquidation)	<p>Schedule 14 (Protective provisions)</p> <p>In the event that bespoke protective provisions in your favour have not been agreed with the applicant in advance of examination Deadline 5 (28 April 2026), then you MUST at Deadline 5 submit sets of your preferred protective provisions in portable document format (PDF) and in clean editable (Microsoft Word) forms. The Microsoft Word version must be compatible for use with the Statutory Instrument template so that if the ExA considers it necessary your preferred protective provisions can be incorporated by the ExA into its recommended version of the dDCO that will accompany its recommendation report for the SoS’s consideration irrespective of whether the ExA recommends that a DCO should or should not be made.</p>

Question Number	Question to:	Question
DCO.3.09	Applicant and other interested parties for which protective provisions are proposed	<p>Schedule 14 (Protective Provisions) minor drafting amendments</p> <p>With respect to minor drafting amendments to the proposed protective provisions included in Schedule 14, the parties should refer to the ExA's schedule of proposed changes to the dDCO [PD-022]. The applicant and other interested parties should identify any typographic and/or formatting errors that require correction within the dDCO not included in the ExA's schedule of proposed changes to the dDCO.</p>
DCO.3.10	Applicant National Highways	<p>Part 5 of Schedule 14 (Protective provisions in favour of National Highways)</p> <p>With respect to:</p> <p>a) Paragraph 37(1) (Interpretation), is there a need to:</p> <ul style="list-style-type: none"> i include the abbreviations “AMOR” and “NOMS” because they are not repeated within any other paragraph in Part 5? ii include a definition for “road space” within paragraph 37 in the interests of precision, given a definition for “road space booking” has been included and that term has been used on multiple occasions within Part 5 whilst the extent for the affected road space has not been defined? <p>b) Paragraph 42(f) (Prior approvals and security) “CV” needs to be defined or replaced with its long form if only used once within Part 5.</p> <p>c) Paragraph 46 (Opening) in Part 5 of Schedule 14, clarify the purpose of this paragraph, given that while the proposed development might cause some interference with the operation of the existing strategic road network, it would not involve the opening of new sections of the strategic road network. If it is considered that paragraph 46 would be necessary, a clearer explanation of what is meant by the opening of the strategic road network should be provided within paragraphs 37 or 47.</p> <p>d) Paragraph 50(b) (Security), clarify whether meeting obligations to make payments should be “... under paragraph 41 ...” or under a different paragraph within Part 5 because paragraph 41 (Works outside the Order limits) does not appear to relate to meeting payment obligations.</p>

Question Number	Question to:	Question
		<p>e) Paragraph 51(1) (Commutated sums) “FS” needs to be defined or replaced with its long form if only used once within Part 5.</p> <p>f) Paragraph 55(1), (2) and (4) (Land), would there be any land within the extent of the strategic road network boundary affected by the proposed development that is currently not owned by National Highways that would be capable of being transferred to National Highways from the undertaker under the provisions of paragraph 55? If not then paragraphs 55(1), 55(2) and 55(4) should be deleted.</p>
DCO.3.11	Applicant Anglian Water Services Limited	<p>Part 6 of Schedule 14 (Protective provisions in favour of Anglian Water Services Limited)</p> <p>Explain what the practicable application of paragraph 69 (Miscellaneous) would be, citing any examples to assist explaining the need for the inclusion of this paragraph in any made DCO for the proposed development.</p>
DCO.3.12	Applicant and National Grid Electricity Distribution (East Midlands) PLC (NGED)	<p>Part 7 of Schedule 14 (Protection of National Grid Electricity Distribution (East Midlands) PLC)</p> <p>a) Paragraph 77(6) (Removal of apparatus) states “...<i>Should such an alternative engineering solution not be practicable and deliverable in a reasonable timescale and at a reasonable cost (which shall be determined by the undertaker acting reasonably), NGED may but shall not be compelled to use the powers of compulsory acquisition set out in this Order or the Electricity Act 1989(a) to obtain the necessary facilities and rights in the land outside the Order limits ...</i>”</p> <p>Review and amend the drafting as necessary. The ExA considers the drafting of paragraph 77(6) is likely to need amendment because it appears the scenario envisaged within paragraph 77(6) would concern: 1) land outside the proposed Order Limits; and 2) in any event it would be the undertaker, rather than NGED, that would be authorised to exercise the powers of compulsory acquisition included in Part 5 (Powers of Acquisition) of any made DCO for the proposed development.</p> <p>b) Paragraph 78(2) (Facilities and rights of alternative apparatus) appears to presume as a default no amicable agreement would be achieved under paragraph 78(1) and determination by an expert, to be appointed pursuant to the provisions of paragraph 82 (Expert determination), would automatically be required. The ExA considers that paragraph 78 needs to be amended to address circumstances</p>

Question Number	Question to:	Question
		<p>whereby agreement might be reached between the undertaker and NGED under paragraph 78(1) without recourse to determination by an expert. Accordingly, appropriate wording should be incorporated into paragraph 78(2) as an intervening step before there being any recourse to an expert determination.</p> <p>c) In paragraph 79(8) (Retained apparatus) it is stated that “...<i>Nothing in this sub-paragraph prevents NGED from exercising its rights under sub-paragraph (7)</i>”. Is the cross reference to sub-paragraph (7) correct, given sub-paragraph (7) does not refer to rights exercisable by NGED?</p>
DCO.3.13	Applicant NGET	<p>Part 8 of Schedule 14 (Protection of National Grid Electricity Transmission Plc as electricity undertaker)</p> <p>a) Both - in paragraph 85(3) (Application) what does the reference to “... <i>(but without prejudice to 11(3)(b))</i>” mean?</p> <p>b) Both - in paragraph 86 (Interpretation) what does the abbreviation “NGESO” stand for? Although the abbreviation is used on several occasion it has not been stated in long form in paragraph 86. Why is it necessary to make any reference to NGESO, given the only reference to it is within paragraph 86?</p> <p>c) Applicant - Paragraph 90(2) states “<i>Regardless of any provision in this Order or anything shown on the land plans, the undertaker mu[s]t not unless otherwise agreed in writing acquire any land forming part of the Navenby Site</i>”.</p> <p>Given the wording of paragraph 90(2) and the expectation that works relating to the construction of the proposed Navenby substation by NGET would precede the construction of the proposed development, explain why it would be necessary for the undertaker to be granted powers of compulsory acquisition relating to the site for the proposed Navenby substation because such powers could not be used in connection with the implementation of the proposed development without the use of that land being agreed with NGET, in effect negating any benefit of the acquisition powers sought? It appears that a commercial agreement entered into by NGET and the undertaker pursuant to the</p>

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		<p>provisions of paragraph 90 could obviate the need for the compulsory acquisition of land forming part of the site for the proposed Navenby substation.</p> <p>d) Both - Within paragraph 95(4)(b) (Indemnity) a cross reference is made to Article 35 (Consent to transfer the benefit of the Order). However, under Article 34 (Benefit of the Order) in respect of proposed Work No. 5B (high voltage connection works for the proposed Navenby substation) NGET is intended to be a beneficiary of any made DCO for the proposed development. Is there a need to amend paragraph 95(4)(b) so that either Article 34 is referred to rather than Article 35 or both Articles 34 and 35 are cited?</p>
DCO.3.14	Applicant NKDC LCC	<p>Schedule 15 (Procedure for the discharge of requirements)</p> <p>a) All - with respect to paragraph 5 (Fees) should the discharge fees quoted in the made DCO for the Springwell Solar be used in paragraph 5(2)? If so, is a further adjustment required to take account of the annual indexation increase for planning application fees introduced by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, given an annual indexation increase recently took effect on 1 April 2026?</p> <p>b) Applicant – with respect to the fees to be paid for discharging requirements, the ExA notes your response to ExQ2 DCO.2.31 [REP3-045], in which you have expressed the view that the fees cited in paragraph 5 of Schedule 15 should not be increased annually in line with the consumer price index because:</p> <p><i>“...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</i></p>

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		<p><i>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. ...”.</i></p> <p>However, within the five year commencement period (Requirement 2) there could still be an appreciable inflationary effect with resourcing implications for the planning authorities, as has been recognised within the fee regulations applying to applications submitted under the provisions of the Town and Country Planning Act 1990 (as amended). Accordingly, the ExA considers wording for an indexing mechanism should be submitted, on a without prejudice basis, for consideration by the ExA.</p>
Ecology and Nature Conservation (ENC)		
ENC.3.01	Applicant Forestry Commission	<p>Ancient and Veteran Trees</p> <p>Paragraph 5.4.53 of National Policy Statement (NPS) EN-1 (2023) states that the SoS should not grant development consent for any development that would result in the loss or deterioration of any irreplaceable habitats, including ancient woodland, and ancient and veteran trees unless there are wholly exceptional reasons and a suitable compensation strategy exists.</p> <p>Direct and indirect impacts on ancient woodland is identified as a matter under discussion in the SoCG between the applicant and the Forestry Commission [REP3A-010].</p> <p>Comment on whether the proposed development would result in the loss or deterioration of ancient woodland or ancient or veteran trees. If so, comment on whether the various management plans would provide a suitable compensation strategy.</p>
ENC.3.02	Applicant NKDC LCC	<p>Ecological Advisory Group</p> <p>The changes made to the FLEMP [REP3-028] and the applicant’s response to Deadline 3 and Deadline 3A submissions (page 11 in [REP4-018]) indicate that the councils would not have a role on the ecological advisory group (or similar). The FLEMP (paragraph 7.1.9) describes the key function of the group as</p>

Question Number	Question to:	Question
		<p>reviewing monitoring data on habitats and species to inform future management plans. Monitoring reports would be sent to the councils and the Lincolnshire Wildlife Trust for information.</p> <p>In responding to ExQ2 ENC.2.09 in [REP3-055], NKDC has referred to the approaches taken for the Springwell and Beacon Fen schemes. NKDC's submission includes an extract from the draft Outline LEMP for Springwell which identifies that a representative from NKDC and LCC would be on the ecological steering group. NKDC's submission also includes the dDCO for Beacon Fen (submitted at Deadline 8) and Requirement 7 of that dDCO requires that the ecological steering group would include representatives from each of the relevant planning authorities.</p> <p>a) Applicant - Explain the rationale for excluding representatives from NKDC and LCC on the ecological advisory group and what role is envisaged for the councils in terms of monitoring and advising on any corrective action required to ensure that the mitigation and enhancement measures secured through the LEMP would be achieved.</p> <p>b) Applicant - Paragraph 7.1.9 of the FLEMP sets out that the terms of reference for the ecological advisory group (or similar) would be agreed as part of the agenda for the first group meeting. Based on the current drafting of the FLEMP, the councils would not be members of the group and so would have no input into the group's terms of reference. The ExA is of the view that at least draft terms of reference for the ecological advisory group (or similar) should be included in the FLEMP. This should include confirmation of when it would be established and how long it would be in place.</p> <p>c) NKDC and LCC - comment on the applicant's approach to the ecological advisory group.</p>
ENC.3.03	Applicant NKDC LCC	<p>Biodiversity Net Gain (BNG)</p> <p>Paragraph 2.6.2 of the FLEMP [REP3-028] states that the applicant has committed to deliver a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units using DEFRA's Statutory Biodiversity Metric (Version 1.0.4). That is consistent with statements in paragraph 1.4.6 of the BNG Report [REP3-024]. Requirement 8 of the dDCO [REP3A-004] requires the BNG percentages to be based on the metric used to calculate those</p>

Question Number	Question to:	Question
		<p>percentages specified in the BNG Report. Paragraph 2.9.2 of the BNG Report states that the calculation will be updated as part of the detailed design stage for the proposed development.</p> <p>Comment on whether there is a need to add wording to the FLEMP, the BNG Report and/or Requirement 8 to establish that the achievement of the BNG percentages specified in Requirement 8 would be based on the metric extant at the time the LEMP would be submitted for approval. If so, provide suggested wording.</p>
ENC.3.04	Applicant	<p>BNG – strategic significance</p> <p>LCC in its relevant representation [RR-157] considered that as NKDC has identified criteria (Central Lincolnshire Biodiversity Opportunity Mapping) for assessing strategic significance and that the metric should be updated to reflect that.</p> <p>In responding to the revised BNG Report, LCC states that the Medium strategic significance category should no longer be used because NKDC has identified the Lincolnshire Biodiversity Opportunity Mapping as a suitable document [REP4-020]. NKDC expressed a similar view in its response to the revised BNG Report [REP4-021].</p> <p>a) Given the councils’ comments about the identification of a ‘suitable document’, explain why the Medium strategic significance category has been used in the BNG Report within the context of the advice on strategic significance included in DEFRA’s Statutory biodiversity metric: user guide.</p> <p>b) Quantify how applying the approach described by the councils would affect the BNG calculations that have been undertaken.</p>
ENC.3.05	Applicant NKDC LCC	<p>NPS EN-1 and the approach to BNG</p> <p>NKDC and LCC consider that if the full benefit of the BNG claimed is to be given weight/positive weight, the methodology and guidance for calculating BNG should be followed [REP4-021] and [REP4-020]. As highlighted by the councils, the BNG Report [REP3-024] does not currently meet the Statutory Biodiversity</p>

Question Number	Question to:	Question
		<p>Metric trading rules because of the loss of a plastic-lined agricultural reservoir classified as “Lake – Reservoir” habitat.</p> <p>Comment on whether the applicant’s approach to assessing BNG conflicts with the requirements of NPS EN1 such as those set out in paragraphs 4.6.2, 4.6.6, 4.6.7, and 5.4.19.</p>
ENC.3.06	Applicant	<p>Embedded avoidance and mitigation measures - fish</p> <p>Table 8-13 in Environmental Statement (ES) Chapter 8 (Ecology and Nature Conservation) [page 124 in REP1-019] states that “<i>construction will be undertaken during daylight hours to avoid the need for artificial light</i>”. However, item ECO-C4 in the FCEMP [REP4-008], which addresses impacts for fish, identifies that “<i>where practicable, construction will be undertaken during daylight hours to avoid the need for artificial light</i>”. (ExA emphasis)</p> <p>Should “<i>where practicable</i>” be removed from ECO-C4 in the FCEMP to provide certainty that the conclusion of the effects for fish in Table 8-15 [REP1-019] can be relied on. If not, why?</p> <p>In responding to this question, a review should be undertaken to determine whether there are other similar references in the various management plans that may introduce doubt about the deliverability of mitigation measures identified in Chapter 8 of the ES, with any necessary amendments being made.</p>
ENC.3.07	Applicant	<p>Significance of effects – fish</p> <p>Table 8-15 in Chapter 8 of the ES [page 144 in REP1-019] presents the determination of potential impacts and effects on important ecological features. That assessment considers whether there would be a potential impact pathway and identifies if there would be the potential for an effect to occur. The ecological features where a potential for an effect to occur was identified have been taken forward for further assessment in section 8-12 of Chapter 8 of the ES other than aquatic macrophytes and macroinvertebrates</p>

Question Number	Question to:	Question
		<p>and fish [respectively pages 155 and 157 in REP1-019]. Aquatic macrophytes and macroinvertebrates are referenced under main rivers in section 8-12, however fish are not.</p> <p>Comment on whether fish should be subject to further assessment in line with the approach described in paragraphs 8.12.2 and 8.12.3 Chapter 8 of the ES.</p>
Farming and Soils (FS)		
<p>FS.3.01</p>	<p>Applicant NKDC LCC Natural England</p>	<p>Framework Soil Management Plan – operation and decommissioning</p> <p>In [REP3A-037] reference is made to the Framework Soil Management Plan (FSMP) [REP4-010] not addressing the proposed development’s operational and decommissioning phases.</p> <p>In response, the applicant in [REP4-018] states that “<i>post construction</i>”, as covered in section 6 of the FSMP, is the operational phase and that the FDEMP is intended to capture all mitigation measures for the decommissioning phase, including those in relation to soils, with mitigation related to soils during decommissioning presented in Table 7 of the FDEMP [REP3-020].</p> <p>However, section 6 of the FSMP appears to be focussed on describing the use of soils and does not address, for example, soil protection measures during maintenance or replacement activities. Table 7 of the FDEMP identifies the mitigation/enhancement measure as being the SMP.</p> <p>Comment on whether the FSMP should provide a more explicit framework for the management measures that would be adopted to manage the soil resource during the proposed development’s operation and decommissioning and if so, what should be included, for example measures to deal with soil compaction in areas under the proposed solar stations and the BESS.</p>

Question Number	Question to:	Question
FS.3.02	Applicant	<p>Framework Soil Management Plan – soil stockpiling</p> <p>Paragraph 5.7.1 in the FSMP [REP4-010] identifies a generally acceptable height of 2 to 4 metres for soil stockpiles and that wet soils must be stockpiled to a minimum height due to risk of compaction.</p> <p>Clarify what is meant by “<i>a minimum height</i>” for wet soils.</p>
FS.3.03	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan</p> <p>Given the importance of the SMP for avoiding soil deterioration, comment on whether there are other matters which should be included in the FSMP [REP4-010] to provide a clear framework for inclusion within a detailed SMP.</p>
Historic Environment (HE)		
HE.3.01	Applicant Historic England	<p>SoCG – archaeology</p> <p>In the SoCG between the applicant and Historic England submitted [REP3A-011] some matters are identified as being under discussion:</p> <ul style="list-style-type: none"> • 4.1.3 - acceptability of the Methodology for Appendix 7-G: Detailed Gradiometer Survey Report • 4.1.4 - acceptability of the Methodology for Appendix 7-H: Written Scheme of Investigation for an Archaeological Evaluation • 4.1.11 - acceptability of mitigation measures in relation to buried archaeology proposed during operation and contained within Management Plans <p>In the applicant’s Deadline 3A submissions’ covering letter [REP3A-001] it is stated that the applicant, LCC and Historic England “<i>are in agreement that the Framework Written Scheme of Investigation, together with the subsequent work and activities secured under Requirement 11 of Schedule 2 to the draft Development Consent Order [REP2-005], can adequately manage the risk of discovering as yet unknown buried remains, with a suite of mitigation options available to avoid or adequately minimise adverse effects during construction, operation (including maintenance) and decommissioning of the Proposed Development.</i>”</p>

Question Number	Question to:	Question
		Confirm whether that means that the three areas identified as being under discussion in the SoCG [REP3A-011] are now agreed. If not, explain what further assessment would be required to address any remaining areas of disagreement and identify the timescale for completing any such assessment.
HE.3.02	Applicant LCC	<p>SoCG - archaeology</p> <p>In the applicant's Deadline 3A submissions' covering letter [REP3A-001] it is stated that the applicant, LCC and Historic England "<i>are in agreement that the Framework Written Scheme of Investigation, together with the subsequent work and activities secured under Requirement 11 of Schedule 2 to the draft Development Consent Order [REP2-005], can adequately manage the risk of discovering as yet unknown buried remains, with a suite of mitigation options available to avoid or adequately minimise adverse effects during construction, operation (including maintenance) and decommissioning of the Proposed Development.</i>"</p> <p>However, in commenting on Deadline 3 and 3A documentation, LCC states that it is currently reviewing the latest version of the Framework Written Scheme of Investigation and will respond in detail at Deadline 5 [REP4-020].</p> <p>Provide an update on the matters identified as "<i>under discussion</i>" in the SoCG [REP4-012], including whether they have been resolved, will likely be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if they are matters which cannot be agreed.</p>
HE.3.03	Applicant LCC	<p>SoCG – built heritage assets</p> <p>The SoCG between the applicant and LCC [REP4-012] indicates that LCC maintains that for a limited number of designated heritage assets, the ES "<i>... may understate the effect of the development on their significance through changes to their setting ...</i>". Heritage assets specifically identified by LCC are:</p> <ul style="list-style-type: none"> • Hall Close, Scheduled Ancient Monument (SAM) • Morton Manor, listed building • Morton Grange, listed building <p>In responding to the applicant's Heritage Technical Note, LCC states that the heritage assets where it has remaining concerns are reflected in the locations identified 'above' to assist the ExA when undertaking its</p>

Question Number	Question to:	Question
		<p>further Unaccompanied Site Inspection (USI) [REP4-020]. LCC identified locations for the USI in [REP3-049]. In addition to the locations listed above, [REP3-049] also included Corner Farmhouse.</p> <p>a) LCC: Confirm whether the remaining concerns about built heritage assets relate to Hall Close SAM and Morton Manor, Morton Grange and Corner Farmhouse listed buildings.</p> <p>b) Both: This matter is identified as “<i>under discussion</i>” in the SoCG [4.4B.6 in REP4-012]. Provide an update on this matter including whether it has been resolved, is likely to be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if it is a matter which cannot be agreed.</p>
HE.3.04	Applicant NKDC	<p>SoCG – built heritage assets</p> <p>The SoCG between the applicant and NKDC [REP4-013] indicates that NKDC maintains its view that the applicant’s assessment underestimates the effects on the following listed buildings: Morton Manor; Morton Grange; River Farmhouse; and Grange Cottage. NKDC considers that those assets should be the subject of further analysis in order to inform a bespoke mitigation strategy. As set out in the SoCG, the applicant considers that the assessments undertaken are appropriate.</p> <p>This matter is identified as “<i>under discussion</i>” in the SoCG (item 4.6B.3). Provide an update on this matter including identifying whether it has been resolved, is likely to be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if this is a matter which cannot be agreed.</p>
HE.3.05	NKDC	<p>Built heritage assets</p> <p>The purpose of the applicant’s Heritage Technical Note [REP3A-026] is identified as responding to matters raised in the Local Impact Reports [REP1-053 and REP1-056] relating to the study area used and a group value assessment for farmsteads.</p>

Question Number	Question to:	Question
		In the context of the Heritage Technical Note's purpose and the assessments included in Chapter 7 of the ES (Cultural Heritage) [APP-032] and Appendix 7-D (Detailed Heritage Asset Setting Assessment) [APP-127], clarify what is meant by the statement made in [REP4-022] that " <i>Despite requests that these get treated separately from the farmsteads study, Morton Manor, Morton Grange and River Farmhouse have only been considered in the farmsteads study as part of a group value exercise</i> "

Question Number	Question to:	Question
Land Rights (Compulsory Acquisition (CA) and Temporary Possession (TP) (LR)		
LR.3.01	Network Rail	<p>Land plots for which Network Rail has an interest</p> <p>The ExA notes: the response provided by Network Rail to ExQ2 DCO.2.29 in [REP3-066]; Network Rail’s relevant representation [RR-205]; and the contents of the signed SoCG between Network Rail and the applicant [REP3A-018] which refer to Network Rail possessing rights in respect of Land Plots 13/3 and 13/6 as shown on the Land Plans [AS-104]. The ExA further notes that the Book of Reference [REP4-004] records that for Land Plots 13/3 and 13/6 there are Category 1 owners and/or occupiers.</p> <p>a) With respect to Land Plots 13/3 and 13/6, which appear to relate to a stretch of overgrown disused railway track in a cutting, identify what accommodation rights owed to unknown third party beneficiaries would be affected by the proposed development and explain how “...any extinguishment, interference and/or suspension of these rights could negative[ly] impact Network Rail’s ability to comply with such obligations to maintain the accommodation works” and “... may interfere with the safe and efficient operation of the Railway and could cause a serious detriment to the carrying on of Network Rail’s statutory undertaking.” as referred to in [RR-205].</p> <p>b) Explain how the conveyance of Land Plots 13/3 and 13/6 in 1977 to the extant Category 1 owners and/or occupiers might be prejudiced by the implementation of the proposed development and why the inclusion of protective provisions in favour of Network Rail in any made DCO for the proposed development would more appropriately protect Network Rail’s interests as an alternative to any rights that could be exercised by the Category 1 owners and/or occupiers for Plots 13/3 and 13/6?</p> <p>c) With respect to the response to ExQ2 DCO.2.29 included in [REP3-066] explain what is meant by “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 ...”, given that none of the land within the proposed Order Limits, as shown on the Land Plan [AS-104], appears to be within a railway corridor comprising operational railway land.</p>

Question Number	Question to:	Question
LR.3.02	Applicant Navenby Energy Limited	<p>Proposed BESS to the south of Hill Rise, west of Coleby</p> <p>a) Applicant - Comment on the contention made by Navenby Energy Limited in [REP3-070], as promoters of the proposed BESS to the west of Coleby and subject to the undetermined planning application 25/0533/FUL, that the proposed development “... <i>creates a significant and unresolved land-use conflict</i>”. In responding to this question identify what design measures could be utilised to enable the proposed BESS and the proposed development to operationally coexist.</p> <p>b) Navenby Energy Limited –</p> <p>i. The applicant has summarised the details for this proposed BESS in section 2.2 of its Interrelationships Report [REP4-019]. In that summary the applicant has questioned where the intended point of connection to the transmission system would be for the proposed BESS. Clarify where the intended point of connection for the proposed BESS would be.</p> <p>ii. Explain precisely why “...<i>the easternmost field cannot accommodate a cable easement for the technical and operational reasons set out above</i>” [foot of page 3 in REP3-070].</p>

Question Number	Question to:	Question
Landscape and Visual (LV)		
LV.3.01	Applicant	<p>Visual assessment</p> <p>Part of the Bassingham and villages circular Stepping Out walk is along Clay Lane. Table 55 in Appendix 10-F (Visual Assessment) [page 171 in AS-120] relates to users of Clay Lane and Bassingham Road. The assessment presented in Table 55 finds that there would be adverse visual effects of moderate significance during construction and up to at least year 1 of operation, decreasing to minor adverse from year 15 of operation and during decommissioning, with the assessment stating that views would be <i>“experienced at speed and short lived”</i>. NKDC in its written representation [page 26 in REP1-057] observes that the assessment relates to the effects for motorists and suggests it places too low a value on the existing views for walkers, who will spend longer traversing this area and taking in the landscape. This point does not appear to have been addressed in the applicant’s response to written representations [REP2-030] or the LIR [REP2-031] when responding to the Stepping Out network matters.</p> <p>Comment on the Council’s point that too low a value has been placed on views for walker in this location and any implications for the assessment.</p>
LV.3.02	NKDC	<p>Relationship between the proposed development, the Lincoln and Witham Landscape Recovery Project (LWLRP) and Witham Valley Country Park (WVCP)</p> <p>The council in its post Issue Specific Hearing 3 note providing background information about the LWLRP has advised of an intention to submit: a plan (“mapping”) superimposing the proposed Order Limits and the boundary for the WVCP onto a plan showing the extent of the area covered by the LWLRP; and further timescale information relating to the LWLRP [paragraphs 3 and 12 in REP3A-030]. The submission of that information would assist the ExA’s understanding of the interrelationships between the proposed development, the LWLRP and the WVCP. Accordingly, the ExA requests that the additional information referred to in [REP3A-030] is submitted as soon as possible.</p>

Question Number	Question to:	Question
PE.3.01	NKDC	<p>Hours of construction</p> <p>During Issue Specific Hearing 3, the applicant stated that no noisy works would be undertaken in the final hour of the day (18:00 – 19:00) (page 26 of [REP3-042]). In responding to the action points arising from Issue Specific Hearings 3 and 4, NKDC recommends that the FCEMP includes a restriction that there is to be no audible noise from the proposed development at sensitive receptors between the hours of 18:00 – 19:00 [REP3-051].</p> <p>Comment on whether the change made to NV-C1 of the FCEMP [REP4-008] would address your recommended restriction.</p>

Question Number	Question to:	Question
PE.3.02	Applicant UK Health Security Agency	<p>BESS safety</p> <p>The SoCG between the applicant and the UK Health Security Agency [REP3A-020] identifies two areas under discussion. One relates to the identification of individual receptors relative to the BESS units for inclusion within future modelling at the detailed design stage. The other, that consideration should be given to all products of combustion, not just hydrogen fluoride as identified in ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176].</p> <p>Under the heading of pre-construction requirements, paragraph 5.1.5 of the Framework Battery Safety Management Plan (FBSMP) [REP3-030] explains that a site-specific plume analysis study based on the detailed design would be conducted to assess the environmental impact of a site incident for sensitive receptors within a 1km radius. Paragraph 5.1.5 goes on to state that production of a particulate matter and a visibility impact assessment on any transport links within a 1 km radius of the BESS area would also be included. That seems to contradict the applicant's response to the UK Health Security Agency's point in the SoCG (reference 4.1.2) about considering the potential off-site impacts for sensitive receptors of wider products of combustion (e.g. particulate matter) that could result during a fire.</p> <p>a) Applicant - Confirm whether production of particulate matter would be included within the plume assessment referred to in the FBSMP.</p> <p>b) UK Health Security Agency - Given the applicant's response in the SoCG confirming the proposed stand-off distances and that the plume assessment would include a map of receptors within 1km, clarify what other information and/or measures you would expect to be provided during the examination and/or within the FBSMP relating to the location of receptors.</p>

Question Number	Question to:	Question
PE.3.03	Applicant UK Health Security Agency NKDC LCC	<p>BESS safety</p> <p>A number of statements have been made in sections 2 and 3 of ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176] about potential emissions in the event of a BESS fire. For example, paragraph 2.1.7 states that only hydrogen fluoride would likely be present at concentrations of concern at distances of more than a few tens of metres from the fire. That is based on a report that included gas sample measurements from batteries subjected to external and internal ignition tests for BESS with a capacity of up to 100 kilowatt hours (Kwh). BESS of 100Kwh are markedly smaller than the proposed BESS, which would have a capacity of 480 megawatt hours. The distance of “tens of metres” is also referred to in the applicant’s Health and Wellbeing Summary Statement (paragraph 3.9.22 of [REP3-047]).</p> <p>Comment on the reasonableness of the assumptions presented in the Unplanned Emissions Assessment [APP-176] on which the assessment and findings are based, including their applicability to the scale of BESS proposed.</p>
PE.3.04	Applicant	<p>BESS safety</p> <p>Paragraph 4.1.8 of ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176] states that “<i>the FBSMP includes a commitment at section 5.1.5 to undertake a unplanned emissions assessment using consequence modelling methods to demonstrate that the impacts associated with an unplanned fire would not exceed the effects outlined in this report or cause any significance adverse health effects to the local community</i>”.</p> <p>What action would be taken if the plume analysis study referred to in [REP3-030] showed that the impacts would exceed the effects outlined in [APP-176] or would exceed relevant public health exposure limit guidelines?</p>

Question Number	Question to:	Question
PE.3.05	Applicant UK Health Security Agency NKDC LCC	<p>BESS safety – health effects</p> <p>Paragraph 3.9.26 of the Health and Wellbeing Summary Statement [REP3-047] refers to the information presented in ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176]. Paragraph 3.9.26 states <i>“The assessment identified that safe human health thresholds relating to the inhalation of fumes from a BESS fire would be met 200m from the BESS. There are no residential receptors within this distance from the BESS infrastructure proposed, whether a distributed or centralised BESS is brought forward”</i>.</p> <p>However, paragraph 2.3.5 in the FBSMP [REP3-030] states that the distributed BESS enclosures would be sited a minimum of 150m from residential structures offsite. Table 4 in [APP-176] identifies 150 to 200 metres as the indicative distance to achieve acute exposure guideline level (AEGL) -1 value for 100% of metrological conditions, based on 3 kilograms of hydrogen fluoride (HF) from a single cabinet fire. Paragraph 4.1.5 in [APP-176] identifies that <i>“... the specification reached in detailed design will be required (by a requirement to the DCO) to be consistent with the parameters assumed in this study (i.e., 1kg to 3kg of HF from a single cabinet fire)...”</i></p> <p>Comment on the implications of the minimum distance of 150 metres referred to in the FBSMP for the consideration of health effects set out in the Health and Wellbeing Summary Statement.</p>
PE.3.06	Applicant UK Health Security Agency	<p>Electromagnetic fields (EMFs)</p> <p>Comment on the potential for any EMFs arising from the presence of the proposed development to affect the operation of body worn/implanted medical devices.</p>

Question Number	Question to:	Question
PE.3.07	Applicant LCC	<p>Tourist Accommodation</p> <p>LCC maintains its concerns about the effects of the proposed development on tourist accommodation, both individually and cumulatively with other schemes [REP3-048].</p> <p>In terms of cumulative effects, the assessment in Chapter 12 of the ES (Socio Economics and Land Use) [AS-016] states that as it was anticipated that there would be no effect on the hotel, bed and breakfast, and inns accommodation sector from the proposed development, it would not make a meaningful contribution to any cumulative effect which may occur from other developments in the area.</p> <p>Table 12-25 in Chapter 12 of the ES presents the temporary accommodation capacity in a 30-minute rush-hour drive time radius of the Order Limits (considered to be the worst-case scenario in paragraph 12.4.5 of [AS-016]). Table 12-25 shows that there would be limited spare capacity with the proposed development and a deficit in room availability during some months. That suggests that even a small increase in demand could lead to a shortage, which the proposed development would contribute to.</p> <p>Comment on whether there should be: a commitment to undertake monitoring of tourism accommodation usage by construction workers; and the implementation of management measures if required. If so, provide details of what that would involve and how it could be secured.</p>

Question Number	Question to:	Question
Transport and Traffic (TT)		
TT.3.01	Applicant LCC	<p>Framework Construction Traffic Management Plan (FCTMP) – condition surveys</p> <p>The ExA notes the changes made to the FCTMP [REP3-032] 3 in response to the clarification sought by the ExA through the asking of ExQ2 TT.2.05. While that change to the FCTMP confirms that any defects to highway assets/verges during the construction of the proposed development would be made good, it does not explicitly identify who would have the responsibility for undertaking the reinstatement works.</p> <p>Comment on whether the FCTMP should be amended to identify the body responsible for any reinstatement works. The same point applies to the change made to the Framework Public Rights of Way Management Plan [page 22 in REP3-026].</p>
TT.3.02	Applicant	<p>Abnormal indivisible loads (AIL) during the operation and maintenance period</p> <p>Table 2 of the FOEMP [REP3-018] identifies the indicative life of key equipment. This includes an indicative design life for transformers of 30 to 40 years. Table C-2 of the Applicant’s Response to the ExA’s ExQ2 DCO.2.01 [REP3-045] identifies the “<i>MV Transformers</i>” as having a typical design life of 30-40 years (and being upgraded only if required) and the typical design life for the “<i>400kV power transformer</i>” as 40 to 60 years with no anticipated replacement.</p> <p>Clarify whether the reference to an AIL delivery under point (a) in paragraph 5.7.1 of the FCTMP [REP3-032] relates only to the delivery of the 400kV transformer rather than the MV transformers and if this is the reason for stating that no AILs would be required during the operation and maintenance period in paragraph 13.7.65 of Chapter 13 of the ES (Traffic and Transport) [REP3-010].</p>

Question Number	Question to:	Question
TT.3.03	Applicant	<p>Link 11– HGV volumes</p> <p>In responding to the points made by an interested party in paragraphs 5.2.5 to 5.2.10 of [REP3A-037], the applicant in [REP4-018] has queried where the figure of 78 HGV movements has come from, as there would be no HGV movements in the AM and PM hours; the only larger vehicles travelling in those periods would be shuttle buses.</p> <p>Table 13-26 in Chapter 13 of the ES (Traffic and Transport) [REP3-010] identifies that in the AM and PM peak (07:00 to 08:00 and 18:00 to 19:00), 78 vehicle movements would be generated on Link 11. Appendix 13-D (Receptor Traffic Flow Tables) [APP-166] is consistent with that figure for total vehicle traffic flows. The table that presents HGV traffic flows in [APP-168] identifies 9 HGVs in the AM and PM peak for Link 11.</p> <p>Clarify which HGV movement figure is correct for Link 11 – the statement made in [REP4-018] that no HGVs would use Link 11 in the AM and PM hours or the figures presented in Table 13-26 of [REP3-010] and [APP-166]. If the former is correct, explain what the implications that has for the assessment presented in Chapter 13 of the ES.</p>

Question Number	Question to:	Question
TT.3.04	Applicant	<p>Permissive Paths</p> <p>Initially the applicant identified that it would provide approximately 9.5km of new permissive paths (for example, paragraph 5.3.15 of the Planning Statement [AS-098]).</p> <p>In responding to NKDC’s answer to ExQ2 TT.2.03 regarding the Stepping Out Routes, the applicant explains that the layout plans have been updated to include additional permissive paths to facilitate the Stepping Out Routes, and that <i>“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 1.8 km. The net difference therefore is 8.4km”</i> [pages 89 and 90 in REP4-018]. The response goes on to say that <i>“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”</i>.</p> <p>a) Explain what the above means in terms of new lengths of permissive paths that would be delivered as part of the proposed development. For example, would 8.4km of new permissive paths be created?</p> <p>b) You have stated that the suggested additional permissive paths include two small deviations from the NKDC Stepping Out Routes, as illustrated on Figure 3-2A [REP4-006]. Explain the reason for those changes.</p>
Water Environment, including Hydrology and Flood Risk (WE)		
WE.3.01	Applicant LCC Environment Agency	<p>Assessment of effects - water run-off, operational phase</p> <p>a) Applicant: Page 85 of the Flood Risk Assessment [REP3-012] states that the research by Cook and McCuen notes boundary swales, as well as good, vegetated ground cover, is a suitable mitigation measure to counter any non-significant increase in runoff from a solar panel field. What consideration</p>

Question Number	Question to:	Question
		<p>was given to boundary swales around the solar array areas to address runoff from the panels in addition to suitable planting?</p> <p>b) All: In responding to ExQ1 WE.1.05(b) concerning the monitoring of water run-off from the proposed solar panels, the applicant in [REP2-029] stated that this would be picked up as part of the monitoring identified in section 6.9 of the FSMP. The second bullet point in paragraph 6.9'1 of the FSMP [REP4-010] addresses monitoring of soil conditions and refers to the "<i>created green space areas</i>". Comment on whether the wording of the second bullet point in paragraph 6.9.1 of the FSMP is sufficiently clear to ensure that the monitoring would apply to the areas under the solar panels? If not suggest appropriate wording.</p>