

IP NUMBER [REDACTED]: FOSSE GREEN DEADLINE 5 COMMENTS

This submission is in 5 sections; Nature of the Proposed Development, comments regarding the Applicant's response to Deadline 2 Submissions, comments regarding the Applicant's responses to ExQ1 responses, comments regarding the Applicant's responses to Deadlines 3 & 3A, and some additional issues.

Section A

Nature of the Proposed Development

A1. The Applicant has pointed out the temporary nature of this 60 year proposal. However, the proposed National Grid Navenby Substation is only seeking planning permission due to the demand of this proposal and similar renewable energy projects in the area. The substation will be permanent, therefore it is highly likely that in order to continue using what will, in 60 years time, be an existing grid connection, the proposed development will morph into another energy generation project. Hence, this Proposed Development should be considered a permanent, not temporary, development.

Section B

REP3A-025 Response to Deadline 2 Submissions

B1. It is noted that the Applicant does not use names of any individuals providing evidence in support of the Applicant's case (eg no names stated in the Statement of Competence (APP-120)) yet is more than happy to quote names of IPs. Why the difference?

The following page numbers and quotes in italics refer to REP3A-025 unless otherwise stated.

Abnormal Indivisible Loads

B2. At Page 19, the Applicant's response to National Highways (NH) regarding Abnormal Indivisible Loads (AIL) REP1-033 paragraph 2.3.2 & APP-038 para 13.7.65 states no AILs will be required for component replacement during operation. This was reiterated by the Applicant at ISH4 (Session 1, time 24.08+). APP-199 Para 5.7.1 states "*A 46.6m length vehicle to deliver the transformer to the Principal Site*" REP1-033 Table 2 gives a design life of transformers at 30-40 years. **Does a transformer require transporting by an AIL? Is the design life of a transformer 30 to 40 years? Is the Applicant's statement that no AILs will be required during the operation phase to transport replacement transformers therefore correct?** Given the statement at ISH4 (24.38, 24.49), this requires explanation.

Ensuring No Slave Labour

B3. At page 48 the Applicant states that two Environmental Product Declarations are reproduced at Appendix B. The Jinko document refers to manufacturing in either Jiangxi or Zhejiang Province. State sponsored transfer of Uyghur workers from Xinjiang has been allegedly reported in both these provinces. What assurance is the Applicant providing to guarantee there is no slave labour throughout the entirety of the supply chain?

Replacement of Solar PV Panels

B4. At page 49, it is stated, *“The Applicant is confident that using a panel with a 30-year warranty will not present any risk to the site.”* REP2-030 (page 42), states *“During the operational phase of the Proposed Development, any disruption resulting from replacement or repairs would be minimal It is anticipated that maintenance and servicing would include the inspection and, if required, renewal and removal, reconstruction, refurbishment or replacement of faulty or broken equipment, but not the removal, reconstruction or replacement of the whole of Work No. 1 at the same time. Maintenance activity would be phased and would therefore be considerably less intensive than during construction.”* Given this assurance of minimal disruption, over what time period around the 30 year point, will solar PV replacements occur? The ExA has requested (DCO. 2.01) a breakdown by year of the solar PV replacement programme; the Applicant needs to supply this.

Greenhouse Gas Emissions

B5. At page 48, regarding GHG emissions from solar PV panels, the Applicant states *“.. the Respondent’s query uses number of panels to scale, however MW capacity is likely to be the most representative functional unit and was used in Chapter 6.”* Given that neither Springwell nor the Proposed Development have selected panels it is difficult to precisely compare the 2 proposals. If MW capacity were used, Springwell is 800MW compared to 240MW for the Proposed Development. Hence, if Springwell data (1,009,233 tCO₂e from manufacture of solar PV panels (Planning Inspectorate Springwell Solar Farm APP-048 6.1 Environmental statement Volume 1 Chapter 8: Climate Table 8.11)) is applied to Fosse Green, the estimated GHG emissions would be **302,769 tCO₂e** not the 110,110 tCO₂e quoted by the Applicant. Clearly, with nothing decided in terms of panel selection this is not an exact science. However, this is a massive discrepancy between two proposed solar developments, both supposedly following ‘industry best practice’. Hence, the Rochdale Envelope approach should be applied using the worst case data ie, similar to that used by the Springwell applicant.

B6. Regarding carbon intensity, it is noted that the UK Government 2030 target is less than 50 gCO₂e/kWh based on energy generation. In order to generate energy, the facilities need to be manufactured and built in the first place. Therefore, whether included in the target or not, there is a GHG emission penalty. The Applicant argues that only operational emissions should be used, which is the solar industries interpretation of ‘energy generation’. As the Applicant refers to the Government’s Clean Power Action Plan, the benchmark against fossil fuels is only 50% up to 2050 (17 years of operation for the Proposed Development) and zero thereafter. Hence the Applicant’s GHG savings claim is grossly inflated.

B7. At some point the Government will benchmark renewable technologies against each other. This will clearly need to be lifetime carbon intensities as all renewables, including nuclear, have low operational carbon intensity. The Proposed Development produces significantly higher lifetime carbon emissions than other clean energies such as wind and nuclear.

B8. Operational GHG emissions are 477,466 tCO₂e (APP- 031 Table 6-10), yet the Applicant states they are near zero as the Applicant is now suggesting that the Clean Power Action Plan is referring to ‘operational combustion emissions’ and, I assume is now discounting GHG emissions from any component replacement. On page 49 the Applicant states *“The*

Clean Power Action Plan target focusses on DESNZ figures for carbon intensity of electricity which do not include construction of embodied carbon,.....” Could the Applicant point out where in the Clean Power Action Plan this is stated. This is a different statement to the target being ‘based on energy generation’. Certainly component replacement, notably solar PV panels and batteries, must be included otherwise energy generation, and energy storage would cease well short of 60 years.

Inappropriate Fossil Fuel Emission Comparison

B9. At page 50 it is stated, *“The Planning Inspectorate has approved the use of CCGT as a baseline comparison in granting consent for Morecombe Offshore Windfarm.”* The Applicant refers to paragraphs 4.10 and 4.11 of the Morecombe Secretary of State Decision Letter. **Neither of these paragraphs specifically mention CCGT.** Whilst ‘displacing non-renewable generation’ is mentioned, this can only occur when there is non-renewable generation available to be displaced. As stated above, this non-renewable generation will, according to Government targets, be 50% of the grid for the first 17 years of the Proposed Development (up to 2050); thereafter there will be zero displacement of non-renewables. The Applicant is still ignoring those occasions when the Secretary of State has decided, for a number of solar NSIPs, that a CCGT comparison is inappropriate. Moreover, the Applicant has not even used a CCGT comparison but a greater emission comparison, Open Cycle Gas Turbine (APP-031 para 6.4.77); this is even more polluting than a CCGT and is therefore an even more inappropriate emission comparison.

B10. Moreover, at paragraph 4.15 of the Springwell Decision Letter, the Secretary of State reaffirmed his view that **“comparison to a CCGT baseline is not an appropriate reference point ...”**

Secure Energy?

B11. At page 51, it is stated *“The applicant accepts that there are other global locations where solar yields are higher than in UK”* The World Bank ranked the UK 239th out of 240 countries; so there are very few countries with solar potential worse than the UK. If the Applicant was genuinely looking to contribute benefit to UK decarbonisation, why is the Applicant not looking at tidal power where the UK is ranked within the top 3 in the world for potential?

B12. The Applicant has again referred to solar being ‘secure’ energy. Could the Applicant please explain how, with manufacturing in China (introducing both supply and cyber security risks), efficiency at a low 10%, intermittent energy production, and demand at its lowest (summer) when solar is at its least inefficient, the Proposed Development can possibly be described as providing ‘secure’ energy? The Applicant claims that the ‘Proposed Development will power 110,000 homes’ How is this possible when the sun does not shine at night and regularly not in winter? The UK Government’s Advanced Nuclear Framework published 4 Feb 26 states:

“Unlike **intermittent renewables**, nuclear energy can provide consistent baseload supply, which is essential for maintaining grid stability” So even the Government admits that solar is intermittent; it therefore cannot be relied upon at all times and is therefore clearly **not secure energy.**

Incorrect Load Factor (Efficiency) Calculation?

B13. At page 52, the Applicant states “A yield of 916 kWh/kWp/year was used to generate the electricity generation figures of 19,438,499 MWh; this correlates to a load factor of 10%.” Could the Applicant please show the calculation. My calculation is:

Maximum possible output to the grid across 60 years is:

$240\text{MW} \times 24 \times 365 \times 60 = 126,144,000 \text{ MWh}$

$240\text{MW} \times 24 \times 15 \text{ (leap years)} = 86,400 \text{ MWh}$

$126,144,000 + 86,400 = \mathbf{126,230,400 \text{ MWh}}$

$19,438,499 \text{ divided by } 126,230,400 = \mathbf{15.4 \text{ load factor}}$

This calculation is based upon the grid connection capacity of 240MW which the Applicant alleges is confirmed with NGET.

Could the Applicant please explain why the above calculation resulting in a load factor of 15.4% is incorrect?

Funding for Decommissioning

B14. At page 54, the Applicant states “As noted above, the Funding Statement [REP2-009] provides clarity that the cost estimate for the Proposed Development includes decommissioning costs.” It provides no clarity at all. Initially the Applicant stated the Funding Statement did include decommissioning costs; then the Applicant acknowledged it did not; then the Applicant merely inserted the word ‘decommissioning’ into the Funding Statement with no uplift in the capital estimate of the Proposed Development (My REP2-063, Para 5.0 refers). In addition, the Applicant has not answered how it will stand by its **COMMITMENT TO SET ASIDE MONEY FOR DECOMMISSIONING THE PROPOSED DEVELOPMENT?** (Chapter 12, page 12-17 (APP-037)). Note, to repeat earlier comments, this statement refers to **the Applicant, not any subsequent developer or undertaker**. Could the Applicant please confirm or otherwise this commitment.

BMV Land Use

B15. Page 56 states:- “The Applicant has had to balance other environmental constraints, such as including adequate offsets from residential dwellings and heritage settings, and has needed to include solar PV on some BMV land in order to maximise the renewable energy grid connection offer” Firstly, the Applicant’s definition of adequate offset from residential dwellings is clearly nowhere near adequate for those, and those who will follow, who will be living and suffering this torment for over 60 years. Secondly, to justify the use of BMV land based on maximising the output from a grossly inefficient energy production source, will result in an additional 60% of land take (1.6 ratio overplanting) to support a maximum output to the grid for about 5% of the time. This is compounding gross inefficient energy generation with gross inefficient use of land.

Property Prices

B16. Page 60 states “The Applicant is confident that local property prices will not be affected by the Proposed Development...” Although the Applicant states that house prices is not a material planning consideration, it was the Applicant that made the point that property

prices would not be affected by the proposed development. The Applicant has ignored the 2021 reference I mentioned, 'Wind Turbines, Solar Farms and House Prices' by Martijn I Droes and Hans R A Koster.

B17. The following documents were published within the last 3 years:

Solar Q: "Threat to Property Values by Solar Farms in the UK". (3.1% loss in surrounding areas).

David J Rogers (Abode Group/National Planning Infrastructure) "The Effect of Botley West Solar Farm on Local House Values". (Average £14,115 loss per property within 1.5km. Average £30,000 loss within 0.1 km).

Express Conveyancing "Do Renewable Energy Projects Affect UK House Prices?". (Negative impact on home values near solar farms.)

Yahoo News UK "Do solar farms really hurt nearby house prices?" (Solar farms drive down house prices.)

"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." The Applicant has not provided any metrics to support this conclusion, indeed, the University of Birmingham paper quotes a context resulting in a 5.4% reduction in relative prices.

Potential Ground Contamination

B18. On page 61, the Applicant states, with regard to ground contamination, that the solar PV cells will be PFAS (forever chemicals) free. The Applicant does not mention heavy chemicals such as lead, cadmium etc; what measures are being taken to prevent storm damage to solar panels such as occurred to the solar panels at Porth Wen in Anglesey by Storm Darragh in 2024 and at Camblesworth solar farm more recently?

Unplanned Emission Assessment

B19. On page 67, regarding BESS safety, the Applicant refers to APP-176 'Unplanned Emissions Assessment'. It is difficult to understand how a meaningful unplanned emissions assessment can have been carried out when very little detail regarding BESS design is even at the planning stage. A reasonable worst case scenario would model propagation beyond a single container; why is the Applicant refusing to undertake this crucial piece of safety evidence?

Public Right of Ways (PRoW)

B20. At page 71, the Applicant states *"A PROW is a highway (Highways Act 1980) and is not a noise receptor in national policy"*

B21. **UK national policy does not explicitly define Public Rights of Way (PRoW) as noise-sensitive receptors.** However, the **NPPF, Noise Policy Statement for England (NPSE)** and **Planning Practice Guidance (PPG: Noise)** require decision-makers to consider the effects of noise on **health, quality of life and amenity**, including the protection of areas valued for **recreation and tranquillity**. Within this framework, PRoW may reasonably be treated as **amenity receptors** where noise has the potential to affect users' enjoyment of

the route or the perceived tranquillity of the surrounding environment. This approach is consistent with established EIA practice for infrastructure projects, where PRow are routinely included in receptor baselines where they are proximate to construction or operational noise sources. Accordingly, PRow within the study area should have been assessed as **non-residential, amenity-based receptors**, reflecting their recreational function and the policy requirement to safeguard the acoustic environment experienced by users.

B22. Mallard Pass, promoted by the same Applicant, explicitly considered PRow as receptors — not in the Noise chapter itself, but in the project’s Amenity & Recreation assessment, which forms part of the Environmental Statement. Mallard Pass APP-058 Appendix 6.5: Landscape and Visual – Amenity and Recreation Assessment, refers. This appendix identifies PRow as **receptors** and assesses effects on their **amenity**, which includes noise, tranquillity, and disturbance. Why has the Applicant changed this worst case approach?

Tourism

B23. The IP explains he is a resident of Bassingham with 40 years experience in tourism including 20 years as a leading tourism consultant in the UK. Would the ExA please note that the Applicant, who is very quick to use the phrase “in our professional judgement”, **has dismissed the experience and expertise of the IP (Page 85+)**. The Statement of Competence (APP-120) shows the ‘Socio-Economics and Land Use’ expert as having 17 years experience. The listed experience from the Applicant’s expert is from 4 solar DCOs, none of these have even commenced construction, so the expert’s experience derives from considering a theoretical impact of solar development on tourism. The expert appears to have no experience in the tourism and the visitor economy; given that no names are quoted in APP-120, it is not possible to verify the competence of the Applicant’s experts through platforms such as LinkedIn.

B24. The Applicant has dismissed the professional comments from the IP who clearly has greater professional experience to draw on than the Applicant’s expert in relation to the tourism and visitor economy. Page 88 states “*There is no evidence from comparable solar schemes that views of renewable energy infrastructure typically lead to measurable reductions in use of local recreational assets*” Equally, there is no evidence to support the Applicant’s claim that there will be no adverse affect. **Only Cleve Hill has commenced operations (recently) with no data either for or against the Applicant’s argument. No other developments of this scale are operational and very few have even commenced construction. Therefore the ‘no evidence from comparable solar schemes’ is only correct because there is nothing to compare with!**

B25. At page 89, the Applicant states “*.... The evidence indicates that walking activity is primarily influenced by route availability, safety and connectivity...*” **What evidence?** It does not require ‘professional judgement’ to challenge this statement; is the Applicant really saying that visual and audio impact are not of primary consideration? **IT IS THE REASON PEOPLE GO WALKING IN THE FIRST PLACE.** The impact of fields of glass accompanied by a constant humming will drive walkers away from the current tranquillity of the countryside.

Section C

This section deals with the Applicant's Responses to ExQ1 Responses (the page numbers and words in italics refer to REP3A-025 unless otherwise stated):

C1. DCO. 1.04 (page 98)

Regarding 'maintenance' the Applicant refers to the draft DCO (REP2-005), "*this article does not authorise the carrying out of any works which are likely to give rise to any materially different effects that have not been assessed in the environmental statement.*" The Applicant then states "*Therefore, the power to maintain is already sufficiently limited in this way, and no further requirement is necessary.*" The construction phase, which included the installation of the totality of the solar panels, was assessed in the environmental statement. **Therefore, the wording in the draft DCO does NOT prevent the replacement of 99% of solar PV panels under 'maintenance' as that would not "give rise to any materially different effects that have not been assessed in the environmental statement"**. Hence, the draft DCO should include a restriction on the level of unplanned component replacement.

C2. DCO. 1.29 (pages 104, 105)

"The Applicant has received notification from NESO that it has been prioritised for a Gate 2 connection..." The TEC Register states, "This file will be updated twice weekly on Tuesdays and Fridays. The Transmission Entry Capacity (TEC) Registers will include an additional column called "Gate" from 21st November 2025 indicating whether agreements are classified as Gate 1 or 2. This column will be populated once agreements have been countersigned." **If the Applicant had 'secured' a Gate 2 connection, given a twice weekly update, it would now be showing in the TEC Register. As the Applicant has stated the TEC register will not reflect this until Q4 2026, and statements such as "awaiting confirmation of a confirmation' the Applicant should provide the written evidence to the ExA regarding a SECURED grid connection, prior to any DCO approval. In the absence of written evidence proving a Gate 2 status for the solar generation, this must be strong grounds for a delay of the examination process until the Applicant provides such proof. This cannot be left unresolved before any DCO approval. Indeed, in response to an IP in REP4-018 requesting written proof of the Gate 1 & 2 Connection agreements, the Applicant merely refers to its own statement at ISH1. Given the reluctance of the Applicant to produce written proof, it is assumed that the Applicant has a verbal agreement with NESO at best; is this correct?**

C3. GC. 1.14 (page 163)

In response to NGET's statement "*..... 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*", the Applicant merely repeats the previous statement "*..... it would fall to NGET to find an alternative point of connection for the Proposed Development.*" Clearly NGET do not agree with the Applicant. What is clear is that there is no alternative point of connection to the proposed Navenby substation. Therefore, if the substation were not to be approved/built, a new DCO application would be needed; this is a clear reason in support of LCC and NKDC's request for a

DCO clause preventing any work commencing prior to approval of the substation. Indeed, at REP4-018 page 9 the Applicant states that the Technical Note for the Substation (REP3-046) clarifies the situation in the event the substation does not go ahead; **where in the Technical Note can this clarification be found?**

REP3-046 paragraph 2.1.2 states (quoting NPS EN-1 Paragraph 4.11.7) “... it is open to operators without a grid connection to make a DCO application and provide information in the application to demonstrate that there is no obvious reason why a network connection would not be possible.” As the Applicant has failed to provide any evidence of an alternative point of connection should planning permission for the substation not be approved, the Applicant is not complying with NPS EN-1.

REP3-046 paragraph 3.6.8 states “Multiple customers, including the Applicant, approached NGET requesting connections in the vicinity of Navenby.” Yet the Planning Statement (APP-185), Site Selection Report paragraph ES2, states “..... the Applicant was offered and subsequently secured a point of connection at the proposed National Grid substation near Navenby” So did the Applicant approach NGET as stated above or did NGET ‘offer a secured point of connection’? **If the Applicant ‘approached NGET’ then a key argument in the Site Selection is incorrect.**

Section D

The following are comments regarding the Applicant’s Response to Deadline 3 and 3A Submissions (REP4-018). Page numbers and words in italics refer to REP4-018 unless otherwise stated.

Gate 2 Connection Offer?

D1. At page 6 the Applicant quotes NESO, “*The final notifications process has started for all customers and NESO is working in priority order to send offers to customers. Only after customers have signed their offers, will NESO update any relevant registers ...*” Given that the Applicant has stated on a number of occasions, without showing proof, it has SECURED a Gate 2 for the solar element of the Proposed Development, could the Applicant explain exactly where it is in the process?

Load Factor

D2. At page 7 the Applicant States “*The predicted load factor is as a result of the overplanting ratio This has been used as the basis of the DCO Application.*” Could the Applicant please explain where in the DCO Application the predicted load factor is stated. Load factor is a ratio of actual output compared to the theoretical maximum possible. Load factor should be compared to the grid average. **The grid average for solar is less than 10% yet the Applicant’s figures are above 15%.** Overplanting does not increase the load factor to the grid; on the rare occasions the solar arrays generate in excess of 240MW that additional capacity is stored in the BESS (but only for a few hours at most), and that capacity (not above 240MW) fed into to grid. **Load factor is not a result of overplanting, not efficiency of the solar panels, it is due to the UK climate and the resultant hours of sun intensity.**

D3. It is noted that the Applicant has not commented regarding the IP’s suggestion that the Applicant has used a load factor of 15.4% in the estimated total generation figure of

19,438,499MWh. Yet in REP3A-025 (page 52), the Applicant states, *“A yield of 916 kWh/kWp/year was used to generate the electricity generation figures of 19,438,499 MWh; this correlates to a load factor of 10%.”* This total generation figure incorrectly inflates the perceived benefit of the Proposed Development.

Overplanting Ratio

D4. Regarding overplanting (page 8), it is worth noting the ExA asked the Applicant to justify an overplanting ratio of 1.6 at GC. 1.04. The ExA then asked the Applicant to provide clarity in an updated Technical Guide (REP3-036); this document does not provide any clarity, rather it justifies that the overplanting ratio can be reduced to 1.2 and still meet the required output of the Proposed Development. My Deadline 4 submission (REP4-031 B1 Page 5+) refers. This would allow Thorpe on the Hill Parish Council’s suggestion to removal 10 fields of solar PV arrays to be undertaken (REP 4 018 Pages 23 and 24 refers) with no requirement for further redesign.

BESS Safety

D5. At page 9 the Applicant states *“BESS developments are subject to a comprehensive framework including industry standards and guidance ”* Standards and guidance are not legislation. It is fully accepted that all developments such as this are subject to general legislation such as the Health & Safety at Work Act. Can the Applicant state where is specific UK legislation regarding BESS as suggested by the statement *“this does not imply an absence of regulatory control”*?

D6. The Applicant repeats that a BESS fire is unlikely but, given the potential consequences, fails to plan for a realistic worst case event. Indeed, the use of such phrases as *“These fires would not have occurred if the principles and commitments in the Framework BSMP for Proposed Development had been applied”* demonstrates an overconfident approach to safety. What is clear is that, despite referring to it, the Applicant has not adopted the Rochdale Envelope worst case approach which would have modelled a fire and thermal runaway event based upon propagation beyond a single container as has happened in many real world events.

BPA Aviation Fuel Pipeline Modelling

D7. At page 13, in response to PRAX, the Applicant states *“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.”* A “more conservative worst case”; how is it possible to have degrees of ‘worst case’? A worst case is a worst case. Is the Applicant’s updated modelling now going to reduce the safety margin in order to try to produce something more acceptable to PRAX? Given the consequences of a rupture of the pipeline so close to the village of Navenby this approach to the modelling is extremely concerning.

Peak Traffic

D8. At page 73, the Applicant states *“There are no movements in the AM & PM hours....”* Is this another error? Does the Applicant mean “.... AM & PM peak hours”? Even if this statement is referring to peak hours, APP-166 suggests otherwise. Could the Applicant please clarify.

BESS Export/Import

D9. At page 82 APP-031 para 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.”* Then 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 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.”* Therefore, the Applicant initially states the BESS will only export to the grid, then states it will both export and import to/from the grid. Page 82 states *“The Applicant has been consistent that the BESS will have the ability to directly import from the grid ..”* The ability of the BESS to import/export is not being questioned. The conflicting statements from the Applicant, *“the battery will only store and discharge energy generated by the Proposed Development”* and *“exporting it to the grid when it is needed, and by providing a grid balancing function using electricity from the Proposed Development or from the wider grid”* are being questioned. Which is the case?

Screening by Planting

D10. At page 87 it is stated *“The Applicant did not intend to suggest the new planting will entirely screen the proposal in year 1 and acknowledges a typo in REP2-030.”* ‘Entirely screen’? What planting is going to provide any screening within 12 months? Regarding the typo, the wording in REP2-030 was *“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.”* Where is the typo? The wording ‘as, by Year 1 (and by extension at Year 15) of operation....’ is clear and it is difficult to see how a mere typo could change the meaning.

Maintenance Schedules

D11. Regarding DCO. 2.01 (page 103), the ExA asked the Applicant to “submit an indicative set of maintenance schedules for each of operational years 25 to 40.” The Applicant states *“The Applicant has prepared an indicative maintenance schedule which includes an indicative 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 [REP3-045]”* Once again, the Applicant has failed to answer the question. The ExA asked for ‘maintenance schedules for **EACH** of operational years 25 to 40’; the Applicant has produced a table for the ‘repowering period’ of years 29 – 33, but not an indicative maintenance schedule for each year. This is required to assess the impact on a yearly basis not merely across a 5 year period. It is also noted that Appendix C, Table C2, 4th Column, lists whether there is a HGV requirement for the replacement; considering how many HGV comments there are, it is remarkable there is no comment regarding any requirement for a HGV for replacement of MV Transformers. As stated above (comments regarding Page 19 of REP3A-025), the Applicant states no AILs will be required post construction. **How does the Applicant intend to transport the replacement transformers?**

Permanent Sealing of Land

D12. The Applicant, at REP3A-025 page 54, refers to “*the IEMA guidance ‘A New Perspective on Land and soil in Environmental Impact Assessment’*. It is noted the “*Applicant considers it prudent to follow current good industry practice and expectations on this matter rather than aligning with an assessment carried out in 2022 for Mallard Pass.*” The IEMA guidance was published in February 2022. So, given that the IEMA guidance was current at the time of the Mallard Pass environmental assessment, based on what other evidence has the Applicant changed its stance and clearly departed from a Rochdale Envelope worst case approach?

D13. At Page 62 (REP4-018), the Applicant states “*Chapter 12, Socio Economic and Land Use [AS-012] explains that the installation of solar PV cannot lead to a significant effect on soils.*” **AS-012 is ‘Historic Environment’. Does the Applicant mean APP-037?** Where in the documentation is this phrase stated?

D14. Referring to AS-012, which it is assumed should be APP-037, the Applicant states “*This use of land is temporary as it would be returned to use for farming either upon decommissioning (Principal Site) or upon completion of construction (cable corridor).* Yet the Planning Statement (APP-185) Paragraph 4.4.2 states following decommissioning “*...the landowners would choose how the land is to be used and managed.*” At the time of decommissioning there will be an ‘existing grid connection’ so it is highly likely another energy project will replace this one. **Hence, there is no guarantee that the land will return to farming after 60 years, therefore the Rochdale Envelope worst case approach requires the land to be considered permanently lost.**

D15. At page 150, in response to FS. 2.2.02, the Applicant states “*The Applicant responded on this point previously 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.*” The Applicant may have responded on this point previously, but not adequately. Which developers have a contractual agreement? **To be clear, by far the majority of solar NSIPs adopt the cautious assumption that land beneath BESS, substations, access tracks etc will be permanently sealed. This line has been supported by the Secretary of State.** By example:

Mallard Pass – Regarding Mallard Pass the Applicant states “*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.*” **Why is the same Applicant not adopting the same worst case scenario for Fosse Green?”** The Mallard Pass Applicant, advised that the 60 year time limit did not alter the conclusions in Chapter 12 of the ES (paragraph 3.7.96 of the Recommendation Report refers). Table 12-4 of Chapter 12 Land Use and Soils (APP-042) states that the areas of access tracks and solar stations on the site amounts to 8 ha. Paragraph 12.4.16 acknowledged that these areas will be treated as permanently sealed over. It was accepted in paragraph 12.4.20 that even though the Odemp 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 containing 6.4 ha (Table 12-5 refers) was also considered as permanently sealed over for the same reasons as

the access tracks and solar stations. Of the 14.4ha of agricultural land affected by the substation, access tracks and solar stations, 4.2ha was BMV land (Table 1 of the ExA Recommendation Report refers).

Heckington Fen – this was a 40 year time limited consent. Paragraph 16.6.30 Chapter 16 Land Use and Agriculture (APP-069) states “only those areas of land proposed for the fixed equipment and substations, should be treated as sealed-over or irreversibly lost. The final Construction Management plans can require those areas to be restored to agricultural use at the end of the operational phase, but a cautious approach is taken in this ES and it is assumed that restoration may not be back to comparable quality, at least initially, following decommissioning”. Paragraph 3.6.42 of the ExA report noted that of the 20.2ha of agricultural land proposed for the tracks, solar stations and substation, less than 3 ha would be BMV land. Paragraph 4.52 of the Secretary of State’s decision Letter acknowledges that the permanent loss of 2.8ha of BMV is a harm of the proposed development.

Gate Burton – this was a 60 year time limited consent. Paragraphs 12.8.8 of Chapter 12 Socio Economics and Land Use (REP4-010) stated that “the Solar Energy and Solar Park contains 73.6 ha of BMV and 6.8 ha of estimated BMV of which approximately 2 ha will be permanently lost due to the construction of the substation and permanent planting on site... The remainder and vast majority of BMV land affected (approx. 73 ha) will be temporary and reversible following decommissioning”. There was a clear distinction made between the temporary loss of agricultural land for the solar arrays during the operational phase of 60 years where the use could revert back to agriculture and the permanent loss of agricultural land for the permanent planting and substation which was not reversible. Paragraph 1.1.2 of the Decommissioning Environmental Management Plan (APP-026) stated that the future of the substation and associated control buildings would be agreed with the LPA prior to commencement of decommissioning. Paragraph 4.174 of the Secretary of State’s decision letter states “The Secretary of State agrees with the ExA that 2 ha of BMV would be permanently lost and around 73ha would be out of arable use for 60 years.”

Cottam – this was a 60 year time limited consent. Paragraph 19.9.2 of Chapter 19 Soils and Agriculture (REP-010) states that substation, power storage facilities and temporary tracks will cover 47.9 ha of which 4 ha will be BMV land occupied by temporary tracks. At paragraph 19.9.21 it was proposed that the hardstanding and access tracks would be removed on decommissioning. Paragraph 4.56 of the Secretary of State’s decision letter stated “The Applicant argued that the cumulative agricultural land resource loss would be temporary with actual loss limited to the small extent of the switchgear housings and substations”. Paragraph 2.1.1 of the Outline Decommissioning Statement stated that all above ground structures were to be removed and the land restored to agriculture. Paragraph 4.74 of the decision letter says that the Secretary of State agrees that the proposed development would revert back to agricultural use once the operational time period had expired and that the effects would be temporary and reversible. However, given the distinction made between temporary and actual loss in paragraph 4.56, it is not clear whether the Secretary of State’s conclusions in paragraph 4.74 are solely in the context of the majority of the site

which would be covered by solar arrays which he was discussing in the previous paragraphs. It is most likely that the Secretary of State considered the land underneath solar panel would revert back to agricultural usage but land beneath BESS, substations etc would be permanently sealed.

Beacon Fen (yet to be decided) – time limited consent 40 years. Paragraph 14.7.3 Chapter 14 Soils and Agricultural Land (APP-065) says that the permanent land take is the footprint of the built development including the BESS, substation, transformer stations, construction compounds and the access tracks and roads, a total of 23.31 ha. A distinction is made between this permanent loss of land and the temporary nature of the loss of agricultural land for the solar arrays where the land can be returned to agriculture after decommissioning (paragraph 14.7.2 refers). Paragraph 1.4.9 of the Outline Decommissioning Plan (APP-078) states that all solar infrastructure will be removed on decommissioning.

D16. All of the 5 cases referred to were time limited consents and the intention of all, with the exception of Gate Burton (where the future of the substation was to be decided at the time of decommissioning), was to remove the infrastructure and revert the use of the land to agriculture on decommissioning. In all cases there appears to have made a distinction between the loss of agricultural land during operation which was temporary and reversible on decommissioning and an acknowledgement that there would be a permanent loss of agricultural land for the areas of the substations, BESS etc. In Mallard Pass and Heckington Fen, the applicants acknowledged that even though their intention was to remove the infrastructure, there was doubt as to whether the soils under these areas could be returned to their former ALC quality and adopting a cautious approach, they considered that these areas were permanently lost.

D17. The most recent case is the proposed **Springwell** development. In the Springwell decision letter, Paragraph 4.49, the Secretary of State agreed with the ExA “that sealed over hard standing areas of the Proposed Development should be treated on a precautionary basis as ‘permanently lost.’” **Note, Springwell was a 40 year time limited development application compared to 60 years for Fosse Green; hence Fosse Green represents an even greater challenge to return land to its previous ALC grading. The Applicant needs to assume a worst case and state the total area beneath substations, access tracks, BESS and all other sealed land, by ALC grading.**

D18. Of the approved solar NSIPs, **no Secretary of State decision, no Examining Authority report, and no Environmental Statement** has ever formally *stated that land will not be permanently sealed*. The only explicit statement in this respect is “*no land will be permanently sealed*” which appears in the Proposed **Fosse Green Solar** Development, “*apart from the planned orchard, no land will be permanently sealed.*”

Section E

Additional Points:

Food Security

E1. In the Springwell decision Letter, “The Secretary of State agrees that the Applicant should have included the impacts on food production ...” On 20 January 2026, the UK

Government published a national security assessment “Global biodiversity loss, ecosystem collapse and national security”. The following are quotes from the assessment:

Critical ecosystems that support major global food production areas and impact global climate, water and weather cycles are the most important for UK national security. Severe degradation or collapse of these would highly likely result in water insecurity, severely reduced crop yields, a global reduction in arable land

Without significant increases in UK food system and supply chain resilience, it is unlikely the UK would be able to maintain food security if ecosystem collapse drives geopolitical competition for food. The UK relies on imports for a proportion of both food and fertiliser and cannot currently produce enough food to feed its population based on current diets. Countries best placed to adapt are those that invest in ecosystem protection and restoration, and resilient and efficient food systems.

The UK is unable to be food self-sufficient at present, based on current diets and prices. Full self sufficiency would require very substantial price increases for consumers, as well as improvements in efficiency, waste reduction and resilience across the food system, including agricultural production, food processing, distribution and consumption. **The UK does not have enough land to feed its population and rear livestock:** a wholesale change in consumer diets would be required. It would also require greater investment in the agri-food sector so that it is capable of innovating in sustainable food production.

E2. Given that the Iran War is putting even greater focus on food security, it is difficult to comprehend that the use of any BMV land can be justified. Indeed, the excessive use of any productive land, such as the unjustified overplanting ratio to ensure maximum power output for approximately 5% of the time, requires greater explanation.

Landscape & Visual

E3. In the Springwell decision Letter, paragraph 4.62 states “The Secretary of State recognises that the cumulative impacts of solar and related developments represent a level of impact which will no doubt be reflected in any future landscape assessment across the region surrounding the Proposed Development, and Lincolnshire more generally,” The Secretary of State appears to note that at some point, from a cumulative perspective, enough will be enough. The Applicant’s cumulative impact assessment must show clear justification for adding to this massive cumulative change to the entire region and beyond.

Responses to Other Issues (REP4-018 pages 86/88)

E4. The Applicant states various issues are covered under responses to IP REP3-097 at Table 2.1. The following do not appear to be covered under this reference: GC.1.09 regarding funding; FS.1.09 regarding permanent sealing of land; FS.1.10 regarding food security; and FS.1.11 regarding the FSMP. The Applicant also refers to Table 2.1 in response to an IP’s submission regarding Energy Security and Transport, again, Table 2.1 does not appear to address these issues.