

Fosse Green Energy Solar Farm (EN010154)

Deadline 4 / 5 Submission by Thurlby Parish Meeting

1. Introduction

1.1 This submission is made by Thurlby Parish Meeting in response to the Applicant's "Response to Deadline 3 and 3A Submissions" (Document 9.24), and in particular the response to REP3-060.

1.2 The Parish's previous submission raised concerns regarding:

- The level of design detail
- The reliance on indicative parameters
- The robustness of environmental assessment
- The security and enforceability of mitigation and commitments

1.3 The Applicant's response relies heavily on established Development Consent Order (DCO) practice, including the use of parameter plans and the Rochdale Envelope approach. The Parish acknowledges that such approaches are standard.

1.4 However, the key issue for the Examining Authority is not whether flexibility is permissible in principle, but whether:

The proposed development is sufficiently defined and secured such that the assessed impacts represent the maximum likely effects, and that mitigation is enforceable.

1.5 This submission therefore focuses on:

- Identifying areas where commitments are not adequately secured
- Highlighting risks of divergence between assessed and actual impacts
- Proposing specific, proportionate amendments to the draft DCO

2. Summary of Position

2.1 The Parish submits that:

- The current drafting of the DCO allows **excessive flexibility in certain key elements**, particularly the Battery Energy Storage System (BESS) and layout parameters
- Several important mitigation measures rely on **outline or indicative documents without sufficient enforceability**
- Construction traffic impacts may be **under-controlled in practice**, particularly at the local road level

2.2 Without the amendments set out below, the Examining Authority cannot be certain that:

- The Environmental Statement assesses a true worst case
- The proposed mitigation will be delivered effectively and in a timely manner

3. Schedule of Required DCO Amendments

3.1 Design Parameters and Maximum Envelope

Requested Amendment

Design Parameters

The authorised development must be carried out in accordance with:

“the Environmental Parameter Plans (Document Ref 2.3), which define the assessed development envelope”

In addition:

- Solar panels shall not exceed **3.5 metres in height above ground level**
- Battery Energy Storage System (BESS) units shall not exceed **4.0 metres in height**
- BESS shall only be located within the areas identified on Parameter Plan - BESS Zones
- The total developable area within each land parcel shall not exceed **70% coverage** (excluding landscaping buffers)

Reason

These values reflect the **upper limits assessed within the Environmental Statement**, and ensure the built scheme cannot exceed assessed impacts.

To ensure that the development remains within the **assessed maximum parameters**, and to prevent unassessed impacts arising from excessive flexibility.

3.2 Battery Energy Storage System (BESS)

Requested Amendment

Battery Storage Details

No BESS shall be installed until detailed plans have been submitted to and approved, including:

- Precise location within approved BESS zones
- Layout and spacing between units
- Finished height (not exceeding 4.0 metres)
- Acoustic mitigation measures demonstrating compliance with agreed noise limits at nearest receptors

The BESS shall be constructed and operated only in accordance with the approved details. We require a proper plan for the proposed BESS. This should be for a single site, contained in one location. It is important for the Parish to know and understand what is potentially going to be installed and where.

Reason

The BESS represents one of the **most environmentally sensitive components**, and must be tightly controlled to align with the assessed noise, fire risk and visual impacts.

3.3 Landscape and Ecological Mitigation (Phasing Control)

Requested Amendment

No phase of the authorised development shall commence until:

- A detailed Landscape and Ecological Management Plan (LEMP) for that phase has been approved
- All structural planting (including boundary hedgerows and screening belts) within that phase has been implemented

The LEMP shall include:

- Planting specifications
- Establishment and maintenance regimes
- Replacement of failures within 5 years

Reason

To ensure that mitigation is delivered **in advance of, or alongside, development**, rather than retrospectively.

This ensures that **visual screening and ecological mitigation are in place at the time impacts arise**, not deferred.

3.4 Construction Traffic Management (Route Control)

Requested Amendment

The Construction Traffic Management Plan (CTMP) must include:

- A defined HGV routing strategy restricting access to the Strategic Road Network via the A46
- A prohibition on HGV movements through Thurlby village and other minor rural roads **A maximum of 200 two-way HGV movements per day during peak construction** Temporary construction worker parking compounds located outside residential areas
- A worker parking strategy preventing on-street parking in local villages
- A monitoring regime including:
 - GPS tracking of HGVs
 - Complaints reporting mechanism
 - Enforcement procedures in case of route deviation

The development must be carried out in accordance with the approved CTMP.

Reason

To convert general traffic management principles into **clear and enforceable controls**

This converts strategic assumptions into **locally enforceable protections**, addressing the Parish's specific concerns.

3.5 Construction Workforce Travel Plan

Requested Amendment

No development shall commence until a Construction Workforce Travel Plan has been approved, including:

- A centralised worker parking facility
- Shuttle bus provision with defined frequency during peak periods
- A prohibition on direct worker vehicle access to construction areas

The plan shall include monitoring and corrective measures where compliance is not achieved.

Reason

Ensures that **traffic impacts remain within assessed levels**, rather than relying on behavioural assumptions.

3.6 Community Benefits (Planning Weight)

Parish Position

Any community benefit measures not secured through:

- A Requirement within the DCO, or
- A legally binding Development Consent Obligation

should be afforded **limited weight** in the planning balance.

Reason

This reflects standard Examination practice and ensures a clear distinction between:

- Secured mitigation
 - Non-binding aspirations
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3.7 Monitoring and Compliance

Requested Amendment

All approved management plans (including CTMP, LEMP, and Travel Plan) must include:

- Defined monitoring indicators
- Reporting to the local planning authority at agreed intervals
- A mechanism for remedial action in the event of non-compliance

The authorised development must be operated in accordance with these approved measures.

Reason

Ensures that mitigation is **actively implemented and enforced throughout construction and operation.**

4. Conclusion

4.1 The Parish acknowledges the Applicant's reliance on standard DCO practice and the use of design flexibility.

4.2 However, flexibility must be balanced by:

- Clear maximum parameters
- Robust and enforceable controls
- Certainty that assessed impacts represent the worst case

4.3 As currently drafted, the DCO does not provide sufficient certainty in several key areas. There is concern that "flexibility" becomes "open ended/ unlimited"

4.4 The amendments set out in this submission are:

- Proportionate
- Consistent with established NSIP practice
- Necessary to ensure that impacts are properly controlled

The Parish submits that:

Without the above amendments, the Development Consent Order does not provide sufficient certainty that the assessed impacts represent the maximum likely effects.

The requested changes are:

- Consistent with established NSIP practice
- Proportionate to the scale of development
- Necessary to ensure enforceability

██████████,
Chairman, Thurlby Parish.

Submitted on behalf of Thurlby Parish Meeting