

PHILIP HEARD IP NUMBER [REDACTED] : FOSSE GREEN DEADLINE 5A SUMMARY

This submission identifies material deficiencies in the Applicant’s evidence base across technical, environmental, safety, and financial matters. Several issues remain unresolved and, in some cases, contradict established NSIP practice, EN-1/EN-3 requirements, and relevant IEC standards.

1. Overplanting Ratio – Methodological Invalidity

The Applicant’s justification for a **1.6 overplanting ratio** is based on an **incorrect mixing of STC and NOCT/NMOT test regimes**. STC (laboratory maximum output) and NOCT (real-world operating conditions) are defined separately under **IEC 61215/60904** and cannot be used interchangeably. Using STC for Year 1 and NOCT for Year 30 artificially depresses the ratio and overstates the need for land and infrastructure. A consistent NOCT-based assessment supports an overbuild factor of **1.15–1.20**, not 1.6.

2. Maintenance and Mid-Life Panel Replacement

The Applicant asserts that Schedule 16 provides adequate control, yet the ES already assesses construction, mid-life replacement, and decommissioning. This means **near-total panel replacement could occur without further approval**, contrary to NKDC’s concerns and without any mechanism to manage cumulative impacts across multiple regional solar schemes.

3. Decommissioning Funding – Insufficient and Inconsistent

The Applicant’s position on decommissioning funding has changed repeatedly. The Funding Statement does not contain a costed provision, only the late addition of the word “decommissioning”. The stated £7m estimate would be worth **£230k–£1.8m** in real terms by 2093—wholly inadequate for a project of this scale. No evidence has been provided of comparable decommissioning experience or industry benchmarks. A secured fund or recycling-proceeds mechanism is absent.

4. National Highways – Dual Approval Is Standard

The Applicant argues that two approving bodies for Requirement 14 is “impractical”, yet NSIP practice routinely requires multi-body approval (e.g., BNG Plans, drainage strategies). The Applicant’s position is inconsistent with established precedent.

5. BESS Safety – Missing Worst-Case Scenario

The Applicant declines to model a **worst-case thermal runaway propagation event**, despite relying on the Rochdale Envelope elsewhere. This omission leaves a significant safety gap, particularly given recent UK BESS fires and the absence of evidence that the Applicant’s framework would prevent similar incidents.

6. Permanent Sealing of Land

The Applicant provides no credible explanation of “different baseline conditions” that would justify departing from other NSIP decisions. The **Springwell** decision—cited extensively by

the Applicant elsewhere—explicitly treats sealed areas as **permanently lost**. The Applicant does not acknowledge this.

7. Storm Damage and Contamination

The Applicant attributes past solar farm failures to poor workmanship without evidence. Inland sites have also suffered storm damage (e.g. Camblesworth, 2025). No explanation is provided of how heavy-metal contamination of drinking water would be prevented following storm-induced panel breakage.

8. Hedgerows, PRowS, and Population-Level Health

The Applicant disputes that local hedgerows are typically maintained at ~2m, despite this being a matter of observable fact and linked to stewardship cycles.

Proposed 3–4m hedgerows will create “tunnel effects” along PRowS. This impact has been recognised in other decisions (e.g., JBM Stretton Road appeal).

The Applicant accepts that visual change affects wellbeing but argues impacts will not reach “population-level significance”. This is unsubstantiated given:

- Seven villages,
- Numerous farms,
- A population of ~7,000.

This clearly constitutes a population group under EIA definitions.

9. PRAX/Phillips 66 Pipeline – Safety and Regulatory Gaps

The Applicant initially misunderstood the pipeline contents (aviation fuel, not gas), raising concerns about diligence.

HSE is not a statutory consultee under the DCO regime, so the Applicant’s statement that “HSE have not shared concerns” is meaningless unless HSE has actually been engaged. No evidence of post-application engagement is provided.

The proposed HDD crossing would occur through limestone bedrock at ~4.5m depth, raising risks of:

- Vibration transmission to the pipeline,
- Rock fracturing,
- Drilling fluid contamination of the aquifer.

No QRA, ALARP demonstration, or operator agreement has been provided—unlike Gate Burton, Mallard Pass, and Sunnica, all of which supplied full crossing methodologies.

10. Raeshaw Judicial Review – Relevance

The Raeshaw ruling confirms that a project cannot claim benefits dependent on a grid connection while ignoring the associated harms, and that interdependent infrastructure may

require a **single EIA**. Fosse Green and the proposed Navenby substation are mutually relied upon in their respective need cases, indicating that a combined assessment is required.