Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Deadline 5A –
Responses to Examining Authority's Third Written Questions
and requests for information

prepared by

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1. This document sets out the responses of North Kesteven District Council to the Third Written Questions (ExQ3s) and requests for further information issued by the Examining Authority on 23rd April 2026.

2. The responses are set out in the table below underneath question. The emphasis has been on responding to those questions where the Council is expressly named; but responses are also offered to some questions where that is not the case.

3. In addition, the following information is provided separately as Appendices to this document:

    - **Appendix A** – question GC.3.05 update and relevant plans for planning application 25/0533/FUL

    - **Appendix B**: - question GC.3.05 update and relevant plans for planning application 25/0491/FUL

    - **Appendix C –** question ENC.3.02 Ecological Advisory Group

    - **Appendix D –** plan showing relationship between the Witham and Lincoln Landscape Recovery Project, the Witham Valley Country Park, and the Order Limits

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	**The Secretary of State's decision with respect to the Springwell Solar Farm** 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. 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: • 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]). (If any party has included refences 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

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		submissions in responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.) 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.
	NKDC response	North Kesteven District Council (NKDC) acknowledges the Springwell Solar Farm decision issued on 8 April 2026. However, NKDC does not agree with a number of the conclusions reached by the Secretary of State (SoS) and is currently taking legal advice. In these circumstances, NKDC is unable to comment further on the Springwell decision at this stage. NKDC therefore wishes to reserve its position while this is under consideration and will endeavour to provide the ExA with a response to question GC.3.01 by 22 May 2026.

Question Number	Question to	Question
GC.3.05	NKDC	**Proposed battery energy storage systems (BESS) to the south of Hill Rise, west of Coleby and south of Green Man Road, east of Navenby** Provide updates with respect to the determination of the planning applications for: 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]. 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.
	NKDC response	The Council has provided this information in the following Appendices to this response: • Appendix A – update and relevant plans for application 25/0533/FUL • Appendix B: - update and relevant plans for application 25/0491/FUL

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GC.3.06	Applicant NKDC LCC	**Annual maintenance schedules** 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 *"maintain"* included in Article 2 of the dDCO and the implications this may have for the extent of activities during the operational phase. 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.
	NKDC response	In its SoCG with the Applicant, NKDC expressed concern regarding the definition of 'maintain' in article 2 (item reference 4.2.7 on page 24 of REP4-013). However, it should be noted that the SoCG reflects the Council's position up to Deadline 3 (20th March 2026). Subsequently, in paragraphs 2.39 – 2.42 of submission REP4-021 the Council commented at Deadline 4 (31st March 2026) on the Applicant's response to the Examining Authority's Second Written Question DCO.2.01, including the maintenance schedules contained Appendix C to that document (REP3-045). The Council indicated that – subject to the concerns of the waste planning and management authority (Lincolnshire County Council) being addressed - spreading the peak period of the wholesale replacement / repowering stage of the operational phase as suggested in the Appendix C maintenance schedules is likely to be acceptable. However, concerns remained that this spread-out pattern of activity – which would minimise the level of adverse effects and disruption – was not secured. The definition of 'maintain' would still allow wholesale replacement to be more intensive than indicated by the Appendix C schedules. Therefore the Council suggested (paragraph 2.42 of REP4-021) that a 50% limit for replacement in any 12 month period would be a reasonable restriction allowing greater flexibility than suggested in the Appendix C schedules; but at the same time providing confidence that adverse effects and disruption

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		would remain at acceptable levels, even given the uncertainties of a 30 year timescale from the present day. Paragraph 2.3.3 of the FOEMP (REP3-018) does commit to the annual submission of a planned maintenance schedule for the coming year; and the subsequent paragraphs provide further information regarding what the schedule would include. However, this commitment does not involve any limit on the extent of replacement work within that coming year; and there is no provision for the approval of the schedule. Therefore it would be possible in theory for the undertaker to design and implement a schedule involving the replacement of 100% of the solar panels and other equipment in a single year; albeit we accept that the likelihood of this is low. Consequently it is NKDC's current position that its concerns set out in the SoCG at 4.2.7 have not been addressed by paragraph 2.3.3 of the FOEMP. The Council continues to seek a commitment that, irrespective of the definition of 'maintain' in article 2 of the DCO, replacement activities will not exceed 50% of the solar panels and other equipment in any 12 month period. In the view of the Council, this would be best achieved by additional text in the FOEMP, rather than by altering the definition of 'maintain' in article 2 of the DCO.

Question Number	Question to	Question
Draft Development Consent Order (dDCO)		
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]		
DCO.3.02	Applicant NKDC LCC	**Article 2 – interpretation** a) **Applicant** – Clarify what purpose the definition for *"commissioning"* would serve, given, unlike *"date of final commissioning"*, it is a term that is not relied upon elsewhere in the dDCO? If it is considered that 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? 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. 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.

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		Note for the **applicant and other all parties** 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.
	NKDC response	In paragraphs 2 and 3 of REP5-030, NKDC commented on paragraph 2.2.3 of the FCEMP (REP4-009). In response to this further question from the Examining Authority, the Council comments as follows. Paragraph (7) was inserted into Requirement 6 at Deadline 3A (REP3A-005), with the effect that the authorised development must not commence until a written scheme setting out the 'parts' in which construction is to proceed has been submitted to both the relevant planning authority (NKDC, for most purposes), and Lincolnshire County Council. The date of final commissioning is defined in Article 2 as: '… the date on which the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;' This definition of the date of final commissioning in turn governs the date by which decommissioning must commence under Requirement 20. Therefore, although the authorised development may be carried out in a number of 'parts' over time, there is a single date from which the 60 year operational lifespan of the authorised development commences; regardless of the 'part' being commenced. NKDC agrees that effective monitoring and/or enforcement of Requirements 5, 9, 13, 17 and 20 would be assisted by a clear requirement to notify the relevant planning authority of that date.

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		The Council suggests that the best way to secure this would be to amend Requirement 2 to deal with both commencement and notification of the date of final commissioning as set out below: Commencement and final commissioning of the authorised development 2. – (1) The authorised development must not be commenced after the expiration of five years from the date this Order comes into force. (2) Notice of the date of final commissioning must be given to both North Kesteven District Council and Lincolnshire County Council within 15 working days of the date of final commissioning of the authorised development. This wording would capture instances where NKDC is the relevant planning authority, and those where Lincolnshire County Council (LCC) would be the relevant planning authority. Requirement 7 relates to battery safety management, and requires LCC to consult with Lincolnshire Fire and Rescue on the approval of the battery safety management plan prior to the commencement or Work No.2 or Work No.3; and as Lincolnshire Fire and Rescue forms part of LCC, NKDC considers that this would likely also be sufficient to ensure the protective provisions in Part 3 of Schedule 14 are secured. However, NKDC defers to LCC on this point.

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DCO.3.05	Applicant	**Requirement 20 and funding for decommissioning** 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: • 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 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 *"(a) the breach or failure to comply occurred only because of an error or omission in the order"*. 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. 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

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		establishing a mechanism for funding the decommissioning of the proposed development once it ceased to be operational.
	NKDC response	NKDC shares the Examining Authority's concerns in this regard, which are consistent with the Council's position explained during Issue Specific Hearing 4. The Council maintains its position that funding for decommissioning is an even more significant issue for 'temporary, long-term' developments with an extended operational lifespan of 60 years than it is for developments with a 40 year lifespan. NKDC looks forward to seeing the Applicant's response to this question, and suggests that consideration is given to a mechanism such as securing a 'sinking fund' or similar to provide funding for decommissioning, as suggested in paragraph 2.49 of REP4-021. As noted above the Council will provide a fuller response to matters engaged as a result of the Springwell DCO on 22nd May and which may include further commentary on this matter.

Question Number	Question to	Question
DCO.3.14	Applicant NKDC LCC	**Schedule 15 (Procedure for the discharge of requirements)** 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? 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: *"…the Proposed Development must be commenced within five years from the date that the Order comes into force. The majority of the Requirements set out in Schedule 2 will be discharged prior to or during the construction period, which is anticipated to take place between 2031 and 2033. The only Requirement which will be discharged at a later date is Requirement 20 which provides for approval of the Decommissioning Environmental Management Plan. Further, the fees due will not be affected by inflation in the same way in which, for example, costs of construction would be. …".* 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.

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	NKDC response	Referring to its answer to question GC.3.01 earlier in this document, the Council cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date. Without prejudice to that position, the Council offers the following comments to assist the Examining Authority. NKDC previously set out its position on discharge application fees in paragraphs 2.35 – 2.53 of REP4-022. This included which category of fee rate should apply to each Requirement discharge. The Council considers that the fees for discharge of applications set out in any DCO for the Proposed Development should be in line with the fee schedule introduced by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023. Although not directed at NKDC, the Council confirms its agreement with the thrust of the Examining Authority's question b), in that fees should be subject to annual indexation, consistent with the Government's approach to planning applications under the Town and Country Planning Act 1990. Following on from this, the Council considers that paragraph 5 of Schedule 15 to the Fosse Green DCO should be reworded as follows: 5.—(1) Where an application is made to the relevant planning authority for a discharge, a fee is to apply and must be paid to the relevant planning authority for each application. (2) The fee payable for each application under sub-paragraph (1) is as follows— (a) a fee of ~~£2,535~~ £2,676 for the first application for the discharge of each of the requirements 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 20; (b) a fee of ~~£578~~ £610 for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement 4 in respect of the requirements listed in paragraph (a); and

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		(c) a fee of ~~£145~~ £309 for any application for the discharge of— (i) any other requirements not listed in paragraph (a); (ii) any application under requirement 4 in respect of requirements not listed in paragraph (a); and (iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement. (3) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2027, then section 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended by the Town and Country Planning (Fees for applications, Deemed Applications, Requests and Site Visits (England) Amendment Regulations 2023) will apply as modified by this Order, so that "the relevant amount" means the fee payable under sub paragraph (2)(a), (2)(b) or (2)(c) above. (~~3~~4) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of— (a) the application being rejected as invalidly made; or (b) the relevant planning authority failing to determine the application within the decision period as determined under paragraph 2(1) and (as relevant) unless— (i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or (ii) a longer period for determining the application has been agreed pursuant to paragraph 2(1) or of this Schedule (as relevant).

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Ecology and Nature Conservation (ENC)		
ENC.3.02	Applicant NKDC LCC	**Ecological Advisory Group** 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 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. 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. 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. 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.

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		Referring to its answer to question GC.3.01 earlier in this document, the Council cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date. Nevertheless, and without prejudice to that position, the Council has set out comments on question c) and related matters of funding in Appendix C to this submission, in order to assist the Examining Authority.
ENC.3.03	Applicant NKDC LCC	**Biodiversity Net Gain (BNG)** 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 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. 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.

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	NKDC response	For developments under the Town and Country Planning Act 1990, biodiversity net gain plans are assessed in accordance with the statutory metric which would apply at the time the gain plan is approved, which may be different from the one used when the planning application was submitted. That said, the Council accepts that at present, NSIP proposals are not subject to statutory BNG rules; and that overall the gains proposed are significant. Therefore the Council is prepared to take a pragmatic view, and suggests that the wording of Requirement 8 is amended as follows: (2) The landscape and ecological management plan must be substantially in accordance with the framework landscape and ecological management plan and for that part of the authorised development to which it relates must include details of how the plan proposals will contribute to the achievement of 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 for all of the authorised development during the operation of the authorised development based on the Department of Environment, Food and Rural Affairs' Statutory Biodiversity Metric (Version 1.0.4) ~~metric~~ used to calculate those percentages specified in the Biodiversity Net Gain Report, or if this is withdrawn or replaced, a biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body).
ENC.3.05	Applicant NKDC LCC	**NPS EN-1 and the approach to BNG** 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 Metric trading rules because of the loss of a plastic-lined agricultural reservoir classified as "Lake – Reservoir" habitat. 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.

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	NKDC response	NKDC understands that the Applicant has now decided to retain the agricultural reservoir, so it is no longer necessary to address this point.
Farming and Soils (FS)		
FS.3.01	Applicant NKDC LCC Natural England	**Framework Soil Management Plan – operation and decommissioning** 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. In response, the applicant in [REP4-018] states that *"post construction"*, 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]. 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. 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.
	NKDC response	As part of the detailed SMPs, it is important that a schedule of condition for each development area is prepared prior to entry. This will include a series of soil health measures, such as:- • Visual evaluation of soil structure (VESS)

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		• Soil texture • Earthworm counts • pH • Nutrient status (typically N, P and K and some micronutrients and any contaminants) • Soil organic matter / soil carbon % • Bulk density • Infiltration/ hydraulic conductivity • Water holding capacity • Aggregate stability • Porosity • Soil structure + aggregate distribution This will enable a preparation of a suitable baseline of soil health, against which a soil handling programme – including proposals for stockpiling – and any future restoration can be assessed. This is consistent with the 8th bullet in paragraph 5.7.1 of the FSMP (REP4-010).
FS.3.02	Applicant	**Framework Soil Management Plan – soil stockpiling** 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. Clarify what is meant by *"a minimum height"* for wet soils.
	NKDC response	Although not directed at the District Council, the following comments are offered in response to this question.

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		The final sentence of the 9th bullet point in paragraph 5.7.1 as currently worded could be read to mean that wet soils should not be placed in stockpiles of <u>less</u> than some minimum height, otherwise the risk of compaction would be increased. The Applicant may be able confirm, but NKDC suspects that what is meant is that where wet soils are being stockpiled, those stockpiles should be of the lowest height possible, so as to minimise the risk of compaction. However, NKDC would make the following points: a) Soils should not be handled when wet – that is consistent with the DEFRA and AHDB soil guidance, and would avoid the issue altogether. The FSMP should be amended to make it clear that this is a 'golden thread' running through the document b) Soils should be stockpiled according to the recommendations in the final site-specific SMP – which should include a height range for different soil types, taking into account their wetness characteristics and susceptibility to damage, including by compaction
FS.3.03	Applicant NKDC LCC Natural England	**Framework Soil Management Plan** 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.
	NKDC response	NKDC recommends that the following matters should be addressed by amendments to the FSMP: • Where the word 'guidance' is used in the FSMP, this should be qualified with a requirement that the guidance will be followed.

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		• In section 5.3.3 of the FSMP, it is stated that '*Details of the on site soil moisture assessment techniques shall be outlined in the SMP*.' It is recommended the FSMP is amended to specify guidance to be followed when carrying out these soil moisture assessments prior to handling. • Section 5.4.1 of the FSMP states that *'Soils on site comprise topsoil to between 20cm and 35cm depth, with some variability anticipated across the site. The majority of the topsoil on site falls within the Heavy texture and is therefore less susceptible to degradation and compaction when handling.* However the DEFRA guidance indicates that heavy/clay textured soils are more susceptible to degradation and compaction when handling. This paragraph should be amended to reflect this. • Section 5.5.1 of the FSMP suggests that the heavy subsoils are resistant to structural damage but this is not the case. Trafficking on the site when wet or even 'moist', will lead to subsoil compaction and damage. This paragraph should be amended to reflect this.
Historic Environment (HE)		
HE.3.04	Applicant NKDC	**SoCG – built heritage assets** 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. This matter is identified as *"under discussion"* 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.

Question Number	Question to	Question
HE.3.05	NKDC	**Built heritage assets** 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. 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 "*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 …* ."
	NKDC response	NKDC responds below to both question HE.3.04 and HE.3.05 together, as it considers there is considerable overlap between the two. <u>Failure to address potential impacts on Morton Manor, Morton Grange and River Farmhouse as separate heritage assets</u> The assessments included in Chapter 7 of the ES Cultural Heritage (APP-032) and Appendix 7-D Detailed Heritage Asset Setting Assessment (APP-127) include assessments of the heritage assets named above. However, concerns were raised regarding the impact on the settings of these assets, as settings assessments to date have been undertaken from a number of static locations only – and do not address issues such as movement through the locality. The only additional work undertaken has been the Heritage Technical Note (REP3A-026). No contact has been made by the Applicant's heritage advisor with NKDC's Conservation Officer since the officer provided feedback on the draft Heritage Technical Note on 17th March 2026 (also see the Council's comments on ExQ2 question HE.2.01 on page 23 of REP3-055).

Question Number	Question to	Question
		The Heritage Technical Note (REP3A-026) subsequently submitted for Deadline 3A (24th March 2026) has not addressed NKDC's concerns raised about the draft document. The Note omits any further setting assessments of these individual assets, and only includes them as part of a wider, group farmsteads assessment. This farmsteads group assessment was written to address the concerns raised by LCC, and does not address the points raised by NKDC. Further detailed analysis of the impacts on the settings of each individual asset has been requested for a number of months, the requests outlined in NKDC's LIR and on numerous occasions since. Indeed, our concerns as to the evidential basis for the settings assessment and the rationale for selecting the study area go back to our formal response to the Applicant's Scoping Report (18/7/23) and as such it is disappointing and frustrating that the Council continues to have to repeat these requests at this stage of the Examination. This further assessment should include a wider setting assessment to including the impact on the setting of the heritage assets including approaches towards and away from the heritage assets. Movement from Morton Manor and Morton Grange specifically along The Avenue will be affected. Currently the changes the solar array would have on the appreciation of the landscape setting of The Avenue, and how this would impact further impact the setting of the heritage assets has not been considered. Similar concerns can be found for River Farmhouse, Norton Disney and Grange Cottage in Aubourn. These are in very close proximity to solar arrays, but the assessments do not consider movement, and only assess setting from immediate environments, and are only considered from static locations. <u>Statement of Common Ground</u> As the Examining Authority will be aware, in addition to the issues around the specific heritage assets identified above, NKDC also remains concerned at the absence of any proper analysis and justification for limiting the extent of the study area. Repeated requests for additional clarity have not been addressed, and there is an over-reliance on the views of Historic England, which has a different remit.

Question Number	Question to	Question
		The lack of progress on both the study area point and the individual heritage asset setting assessments was verbally relayed to the non-heritage specialists in the Applicant team in a meeting on 24th April 2026. However, the Council has received no further information from the Applicant on this matter to date. NKDC considers that it has been clear on what additional work needs to be undertaken; and if the Applicant seeks additional clarity, then contact should be made with the Council's Conservation Officer. It is up to the Applicant to decide how long it would take to carry out this further work. But in the view of the Council it is not a significantly large piece of work, and could be completed within a few days by a qualified individual if the Applicant were to commit time and resources to it. Therefore this matter cannot be agreed at the present time. The Council remains open to discussion, but in the absence of any evidence to the contrary, currently assumes that the Applicant is unwilling to address the points raised above. On that basis, it seems to the Council that this is a matter which is unlikely to be agreed prior to the end of the examination. However, the onus is still very much on the Applicant to resolve these matters.

Landscape and Visual (LV)		
LV.3.02	NKDC	**Relationship between the proposed development, the Lincoln and Witham Landscape Recovery Project (LWLRP) and Witham Valley Country Park (WVCP)** 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.
	NKDC response	The Council has provided an overlay plan in Appendix D showing relationship between the Witham and Lincoln Landscape Recovery Project, the Witham Valley Country Park, and the Order Limits. The Council is able only to provide a little further information at this stage, because although the project is moving forwards, it might be described as being in its relative infancy. Timescales for implementation remain largely uncertain at the present time. The final funding bid will be submitted to DeFRA at the end of June 2026; and a decision is anticipated before the end of October, but this is not guaranteed. If successful, the project will launch in earnest from that point onwards, and cover a duration of 30 years, providing the blended finance model of private/public finance is secured.

Population Effects (PE)		
PE.3.01	NKDC	**Hours of construction** 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]. Comment on whether the change made to NV-C1 of the FCEMP [REP4-008] would address your recommended restriction.
	NKDC response	Whilst the change made to NV-C1 is welcomed, the Council does not consider that this fully addresses the point. In providing a fuller answer to this question, NKDC notes the comments of the Applicant (page 16 of REP5-025) in response to the Council's request for the 'no audible noise' request which states as follows: *'The suggestion of "no audible noise at sensitive receptors" is considered subjective (and therefore unenforceable) and disproportionately restrictive to end-of-day activities, hence the Applicant's choice of wording.'* The Applicant has indicated that the activities and works taking place in the extra hour would not be noisy, so it is of some surprise to the Council that the applicant has taken the view that it would be disproportionately restrictive to have no audible noise during that limited period of the working day. This is particularly the case as the majority of the site is a significant distance from substantial residential areas. NKDC also points out that . in relation to construction activities, the Council's practice is as follows:

		• its starting position is that all works should end at 18:00, in line with the Council's standard construction times guidance • to sometimes allow an extra hour at the end of the normal afternoon working period as a goodwill gesture to assist with works progressing faster, and to reduce the length of time residents are exposed to noise. • that this 'end of day extra hour' would be used for quieter winding-down activities and not involve what might be classed as noisy works – such that the extra final hour would be used for activities such as tidying, closing down etc). All of the above, including the request for a 'no audible noise' criterion at sensitive receptors between the hours of 18:00 and 19:00 was succinctly set out in the Council's response to Issue Specific Hearing 4 Action Point 7 (paragraphs 8 – 10 of REP3-051). It is also pointed out that noise assessments and enforcement cases involve an element of professional judgement, and it is not considered that the 'no audible noise' criterion is unenforceable. Therefore NKDC maintains that NV-C1 should include a restriction that there would be no audible noise at sensitive receptors between the hours of 18:00 – 19:00.

Question Number	Question to:	Question
PE.3.03	Applicant UK Health Security Agency NKDC LCC	**BESS safety** 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]). 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.
	NKDC response	On this matter NKDC defers to the views of Lincolnshire Fire and Rescue Service, which it is anticipated will be submitted via Lincolnshire County Council. For the avoidance of doubt NKDC does not have any unresolved concerns in relation to the matter of Unplanned Emissions from the BESS, however as above would refer the EXA to the advice of the UKHSA and LFR on this matter.

PE.3.05	Applicant UK Health Security Agency NKDC LCC	**BESS safety – health effects** 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 "*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*". 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 "… *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)…"* 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.

	NKDC response	On most issues related to BESS safety, NKDC defers to the views of Lincolnshire Fire and Rescue. However, the Council would make the following points in relation to this question. It is noted that within the Design Approach document (APP-186) there is design commitment BA1 set out within Table A1, on page 82. This commits the development to a minimum separation distance between residential receptors and the centralised BESS of 200m. There is no such design commitment for a distributed BESS. The Proposed Development Parameters (REP5-009) do not include parameters for the siting of the BESS (centralised or distributed) relative to residential structures. Therefore the minimum separation distance for the distributed BESS is secured only through the FBSMP and Requirement 7, not through the design commitments or the development parameters. There would appear to be a straightforward solution available, which would be to amend the separation distance for the distributed BESS quoted in the FBSMP to 200m minimum; and to add an equivalent Design Commitment for the distributed BESS. It seems to the Council that this would represent a more precautionary approach to the health and safety issues raised by the BESS; and would make the Proposed Development consistent with the Health and Wellbeing Summary Statement. NKDC would support such amendments, which may help to allay public concerns regarding the BESS, including the perception of risk and harm from what is still a relatively new technology at this scale (see the Council's LIR (REP1-056), paragraph 25.22). Finally, the Council has noted that paragraph (2)(a) of Requirement 6 of the draft DCO (REP3A-004) requires that the detailed design must accord with '*the design commitments'*. Article 2 of the draft DCO defines '*design commitments'* as '*the document of that name identified in the table of Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the design commitments for the purposes of this Order'*. However, there is no application document with the name 'design commitments'; rather, the design commitments are contained within Table A1 within the Design Approach document. Unless the Council is mistaken on this point, it is suggested that the draft DCO should be amended to reflect this.

Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Deadline 5A –

Responses to Examining Authority's Third Written Questions and requests for information:

Appendix A :

Question GC.3.05 - Update and relevant plans for planning application 25/0533/FUL

prepared by

North Kesteven District Council

ID [redacted]

NKDC reference: 23/0325/NSIP

Planning Inspectorate reference: EN010154

12th May 2026

Appendix A – Question GC.3.05 update and relevant plans for application 25/0533/FUL - Land south of Hill Rise, west of Coleby – 25/0533/FUL

1. Following an initial review of the submitted application, and consultee feedback, the Council issued a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to the following matters:

    a) Landscape and Visual Impacts - The LPA consider the landscape to comprise a 'Valued Landscape' and it has been requested that the value of the landscape should be fully assessed against both Box 5.1 of GLVIA3, and more importantly against the Landscape Institute's Technical Guidance Note 02/21 'Assessing landscape value outside national designations'. Further information is also sought in respect of the assessment of cumulative impacts, and consideration of ground level changes.

    b) Cultural Heritage/Historic Environment - An archaeological evaluation (including a programme of trail trenching) has been requested to determine the presence, significance, depth and character of any archaeological remains; and to provide an assessment of potential and likely impact of the proposals on any archaeological deposits.

    c) Ecology - The assessment in the submitted Environmental Statement is incomplete as there are there are a number of protected species reports outstanding, including for bats, breeding birds, great crested newts, water vole and otter.

    d) Hydrology and Drainage - Further information has been requested regarding how the scheme will accommodate and manage contaminated fire water and with regard to the sufficiency of on-site firefighting water.

2. In addition to the above, further information has been required in respect of a number of non-EIA matters, including:

    e) Fire Safety - issues have been flagged with regard to the submitted Smoke Plume Analysis

    f) Highways and Transport - concerns have been flagged with regard to the suitability of Hill Rise for construction traffic.

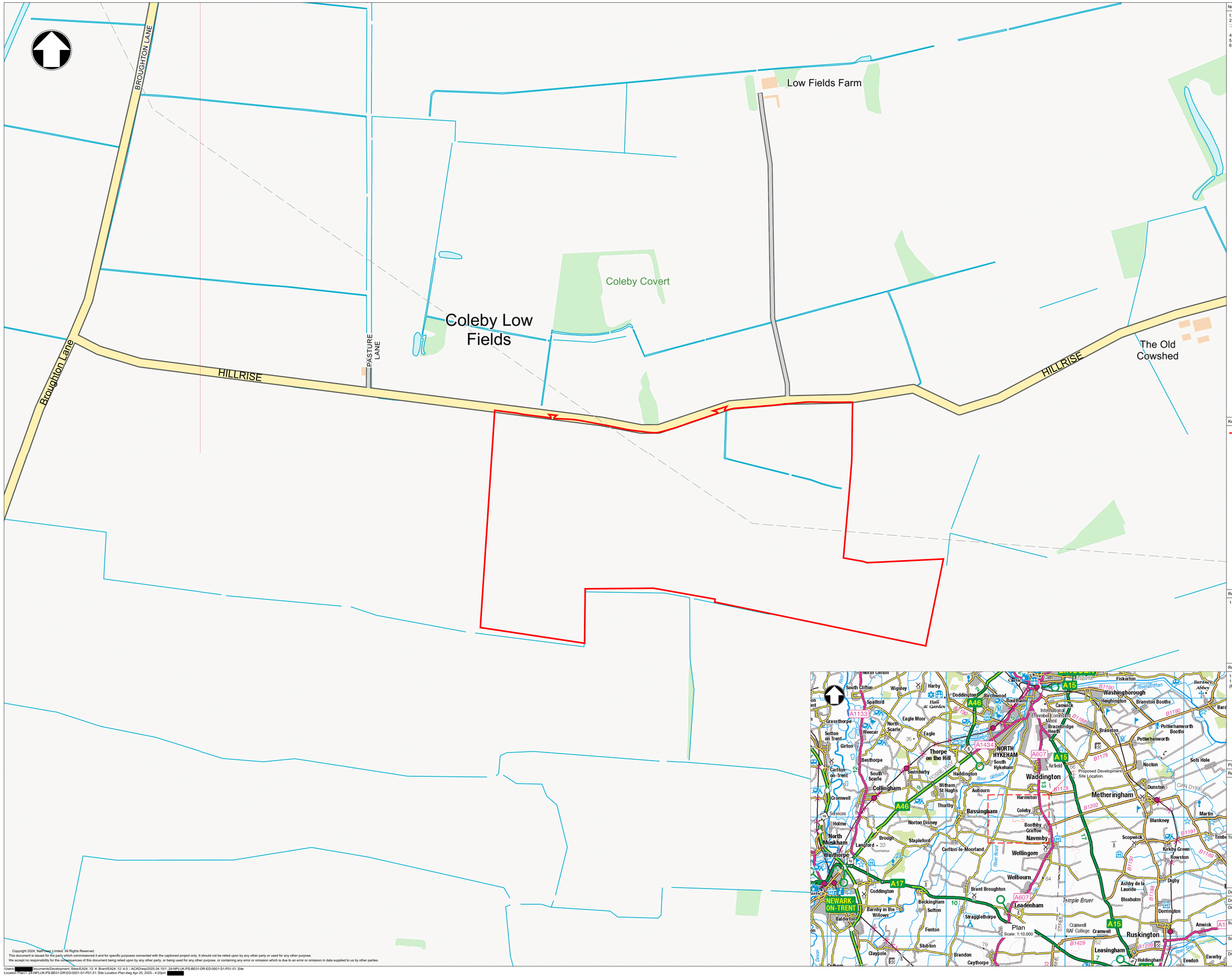
g) Tree/landscaping Protection - Concerns have been flagged regarding impacts from cut and fill operations, and the adequacy of proposed protection measures.

h) Waste Management - further information is sought in respect of how waste batteries/equipment would be managed throughout the life of the development.

i) Biodiversity Net Gain - queries have been raised with regard to encroachment to the ditches within and adjacent the site. It has also been requested that the layout accommodate enhancement informed through the outstanding ecology surveys.

3. Submission of the requested information is expected in early summer, which will be subject to statutory consultation and publicity requirements. The application is referred for consideration by the Planning Committee with the earliest expected Committee date being 1st September 2026; however this is indicative only.

4. In addition to the above, a request has been made for a more detailed assessment of the relationship of the proposed development to the Navenby substation (NGNS) proposals and their likelihood of gaining planning permission.



Notes

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6. This drawing is to be read in conjunction with all relevant drawings.

Key to symbols

Planning Application Boundary

Reference drawings

1:0:NPLUK-PS-BE01-DR-ED-000:-S1-P01.12:Proposed Site Layout Plan

Reference models

1:24-EMS-PS-BE01-M2-ED-0010-S1-P01.01:OS-Mastermap
1:24-NPLUK-PS-BE01-M2-ED-000:-S1-P01.02:Planning Application Boundary (RLB)

0 125 250m

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01.01	14/04/2025	CJE	Preliminary Issue	DF	RJ

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Title

Brant Energy Storage Location Plan

Designed	R. D. Smith	--	Dwg check	D. Fu	--
Drawn	C. J. Easson	--	Approved	R. James	--

Originator: --

Suitability Code	Suitability Description
S1	Suitable for coordination

Scale at A0	Work Stage	Status	Rev
2,500	PS	PRE	P01.01

Drawing Number: Figure 1

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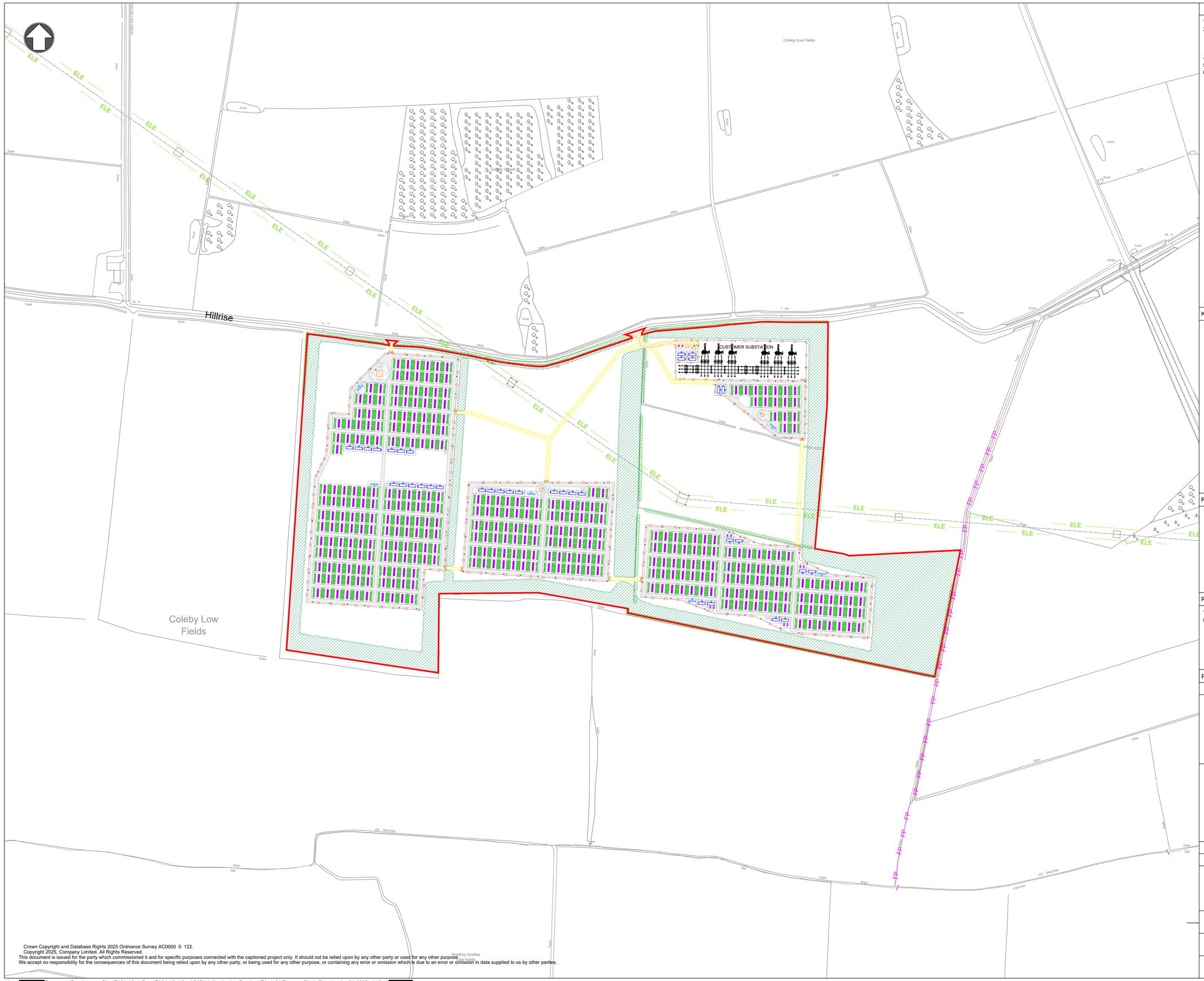

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Key to symbols

- PLANNING APPLICATION BOUNDARY
- TRANSFORMER ACCESS
- SITE ACCESS
- INTERNAL ACCESS
- PERIMETER FENCELINE
- EXISTING O/H 400kV CABLE
- FP — FOOTPATH
- REMOVED VEGETATION
- EXISTING VEGETATION
- PROPOSED VEGETATION
- BATTERY
- INVERTER
- TRANSFORMER
- CCTV CAMERA / LIGHTING COLUMN
- 40ft SPARE PARTS CONTAINER
- WATER HYDRANT
- CUSTOMER SWITCHGEAR
- CONTROL ROOM
- WATER TANK

Reference drawings

Reference models

1 24-NPLUK-PA-BE01-M2-ED-0002-S1-P01.01 Proposed Option Area (RLB)

0 125 250m

P01.01	0 /0 /2025	CJE	Preliminary Issue	-	-

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NatPower

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Brant Energy Storage
Block Plan

	R. D. Smith	RDS		D. Fu	-
	C. J. Easson	CJE		R. James	-

--

S1 Suitable for coordination

1:2,500	PA	PRE	P01.02

Figure

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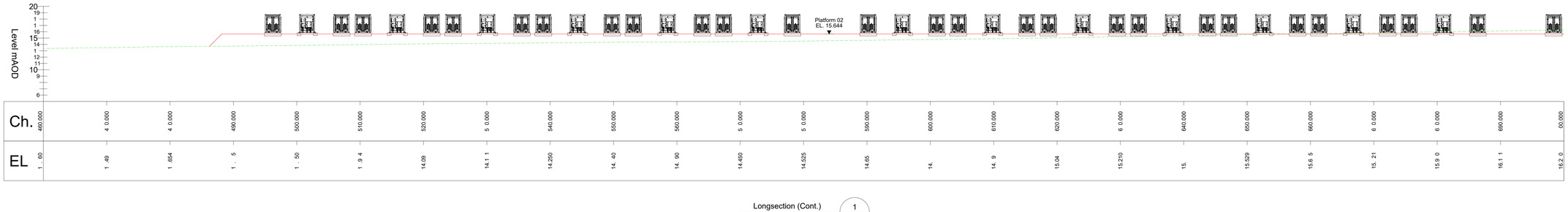
0005



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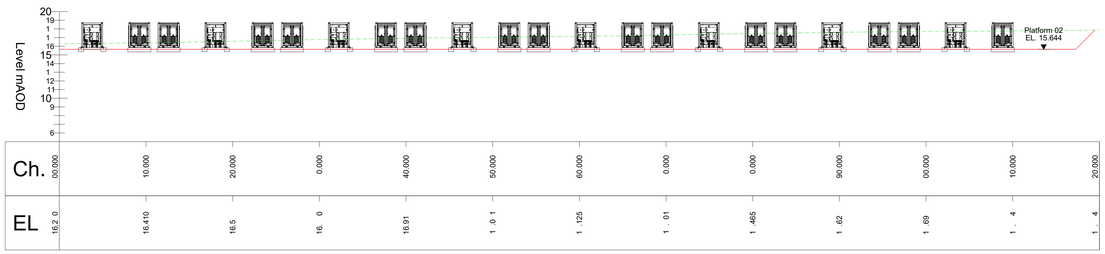

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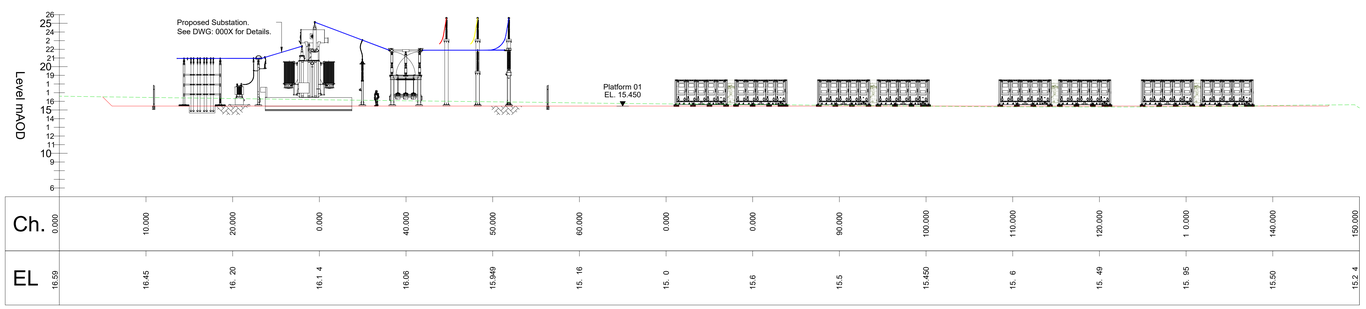

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Key to symbols

Existing Ground Level (EGL)
Design Level

Reference drawings

1 24-NPLUK-PS-BE01-DR-ED-0001-S4-P01 Site Location Plan

Reference models

1 24-NPLUK-PS-BE01-M -ED-0100-S1-P01 EGL Site Surface
1 24-NPLUK-PS-BE01-M -ED-0102-S1-P01 Proposed Site Design

1:250 A0 — 0, 12.5m, 25m
1:2500 A0 — 0, 125m, 250m

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	1 /04/2025	CJE	Issued For Approval	DF	RJ

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Title

Brant Energy Storage
Sectional Elevations
Figure 4b

Sheet 2 of 2

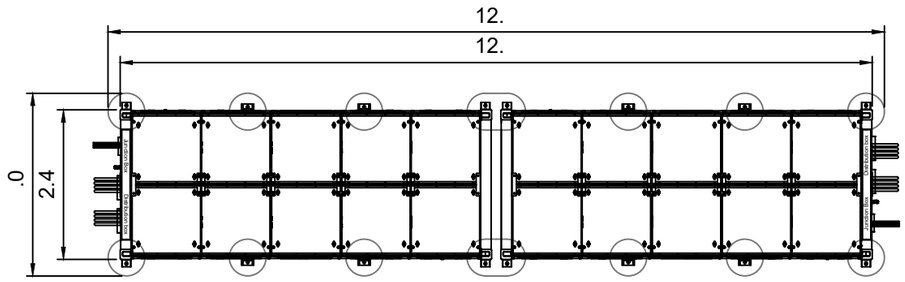
Designed	R. D. Smith	--	Dwg check	D. Fu	--
Drawn	C. J. Easson	--	Approved	R. James	--

Originator: --

Suitability Code	Suitability Description
S4	Suitable for stage approval

Project Number	Work Stage	Status	Rev
1 0	PS	APR	P01

Drawing Number: 1 24-NPLUK-PS-BE01-DR-ED-0006



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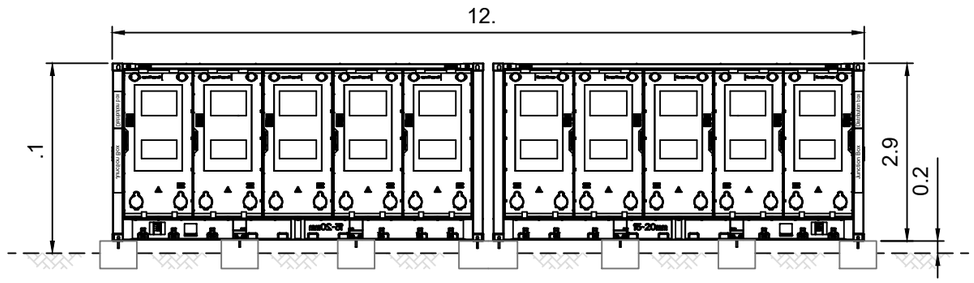

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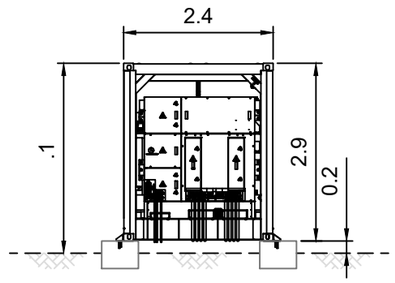

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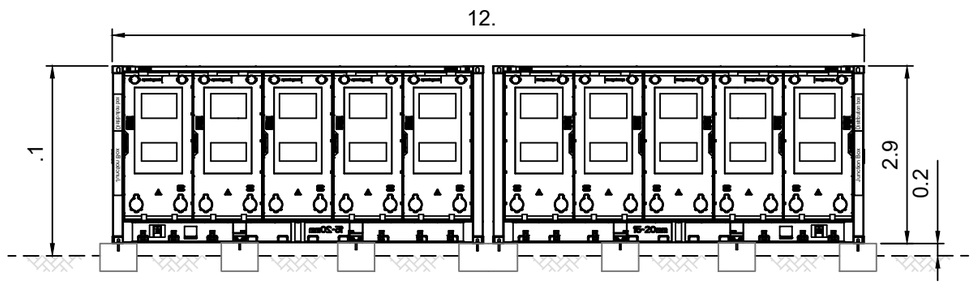

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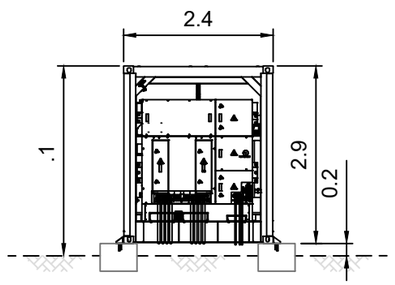

Side Elevation
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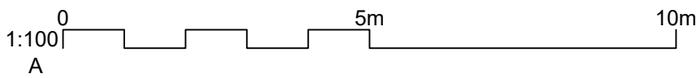

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/Users[redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 5 Battery Container Details.dwg Apr 25, 2025 - :14am[redacted]

Notes

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6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Exact depth of foundation to be determined by detailed engineering surveys before commencement of construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

../../../../../logo.png
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Title
Brant Energy Storage

Battery Container Details

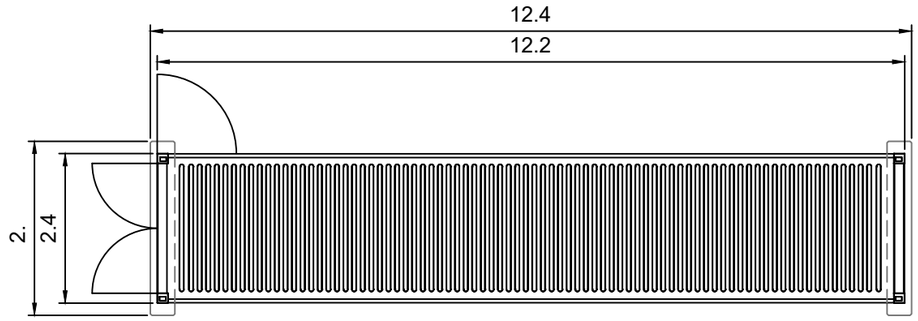
Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator
--

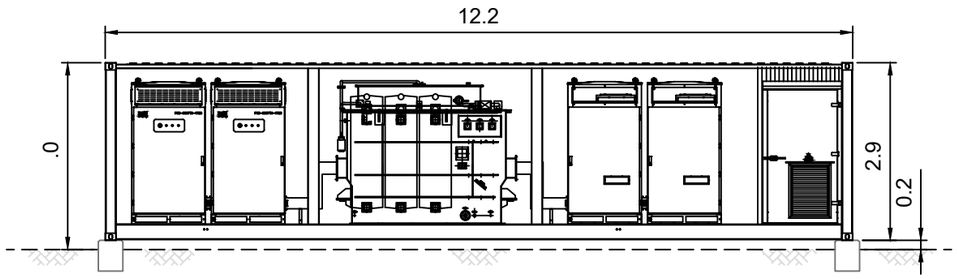
Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
22	PA	PLN	P01

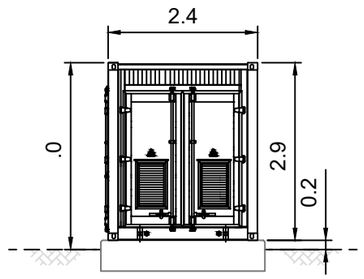
Drawing Number
Figure 5



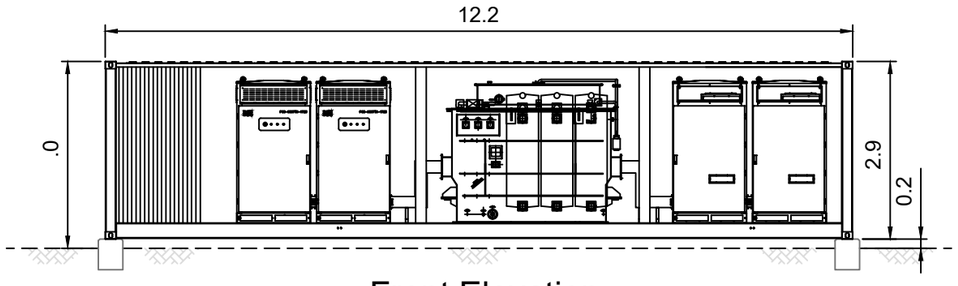
Plan
Scale: 1:100



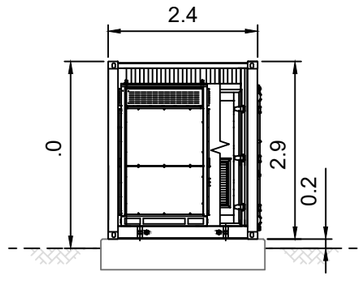
Rear Elevation
Scale: 1:100



Side Elevation
Scale: 1:100



Front Elevation
Scale: 1:100



Side Elevation
Scale: 1:100

1:100 A

0 5m 10m

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/Users[redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 6 PCS.dwg
Apr 25, 2025 - 11:5am[redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Exact depth of foundations to be determined by detailed engineering surveys before commencement of construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

../../../../../logo.png
Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W[redacted]

Title
Brant Energy Storage

Power Conversion System

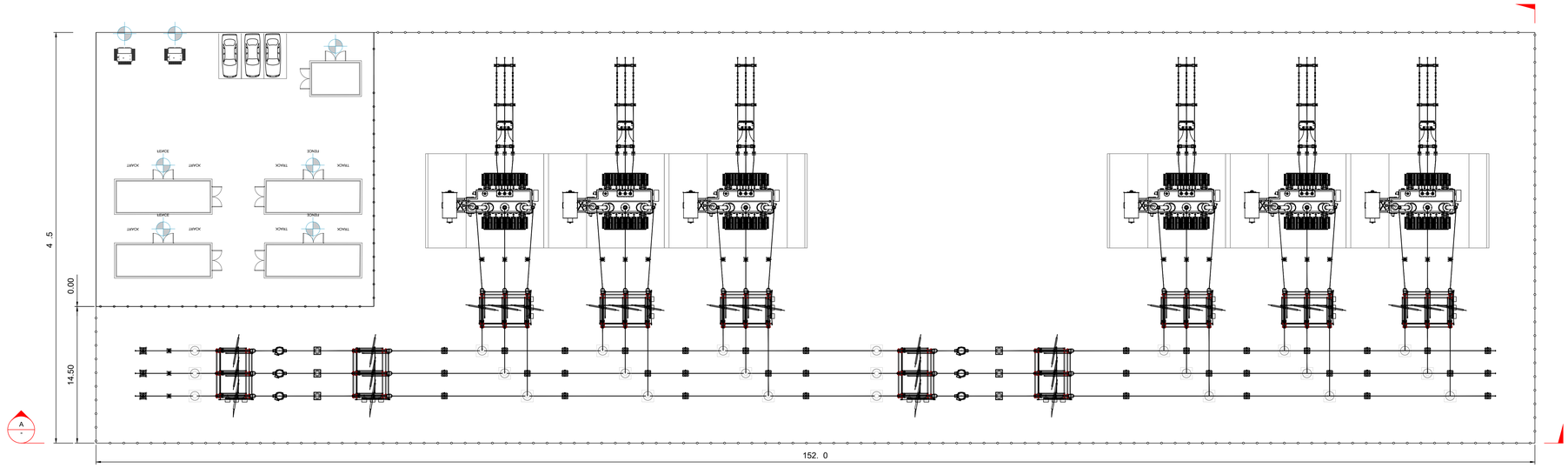
Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator
--

Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
24	PA	PLN	P01

Drawing Number
Figure 6



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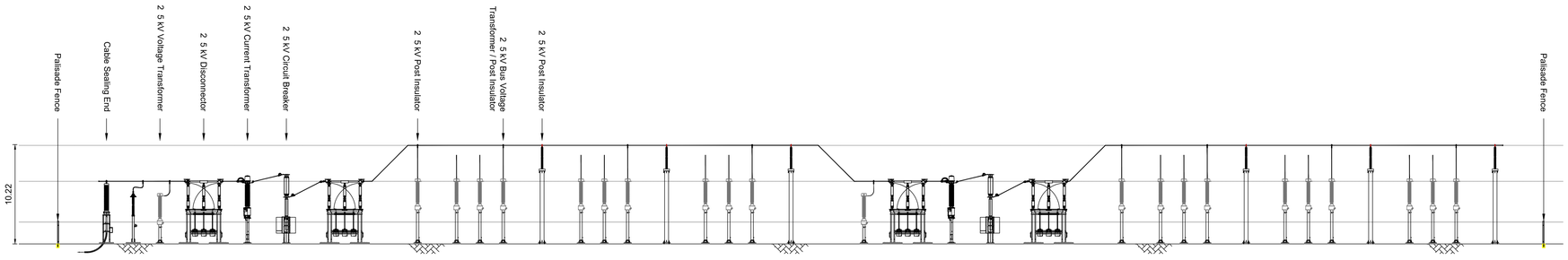
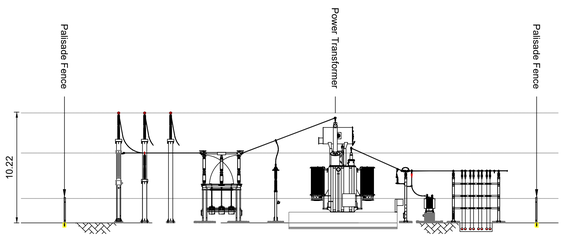
Scale: 1:200



Elevation A
1:200
Elevation



Elevation B
1:200
Elevation

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/Users/[redacted]Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure Customer Substation.dwg
Apr 25, 2025 - 9:06am [redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
3. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.

Key to symbols

Reference drawings

Reference models

1:200 A0 — 0, 10m, 20m

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W [redacted]

Title

Brant Energy Storage

Customer Substation

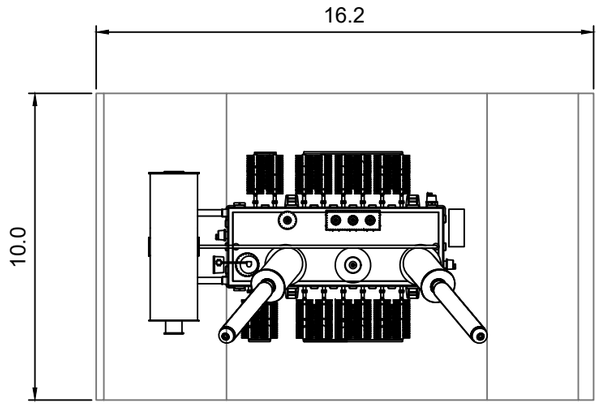
Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator: --

Suitability Code	Suitability Description
S4	Planning

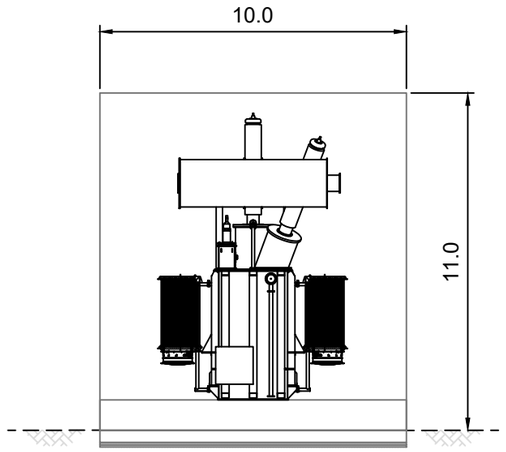
Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

Drawing Number: Figure



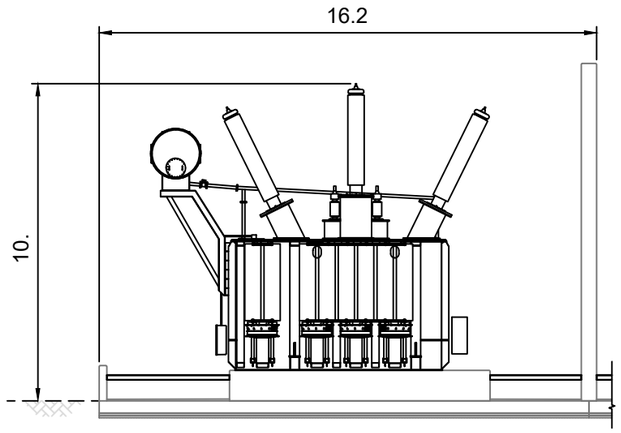
Plan

Scale: 1:200



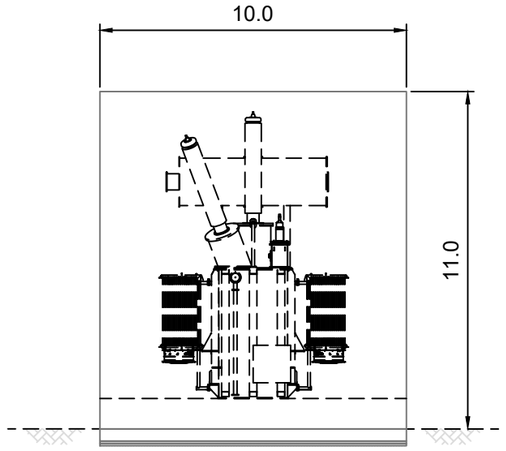
Transformer Bund End View

Scale: 1:200



Transformer Bund Side View

Scale: 1:200



Transformer Bund End View

Scale: 1:200

1:200 A

0 10m 20m

Notes

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2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
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4. All dimensions, levels and coordinates should be checked on site.
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6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Exact depth of foundations to be determined by detailed engineering surveys before commencement of construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN T 44 (020) 456 165
United Kingdom W [redacted]

Title

Brant Energy Storage

400KV Transformer Bund

Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator: --

Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

Drawing Number: Figure

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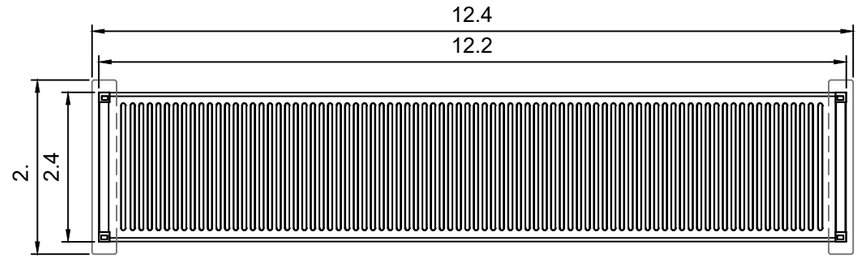

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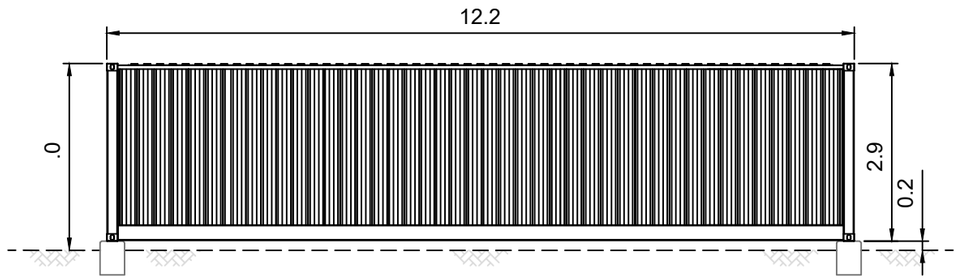

Rear Elevation
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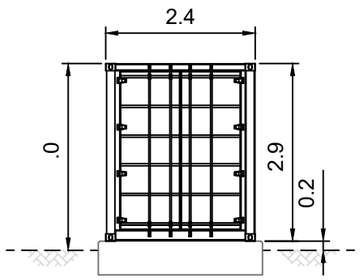
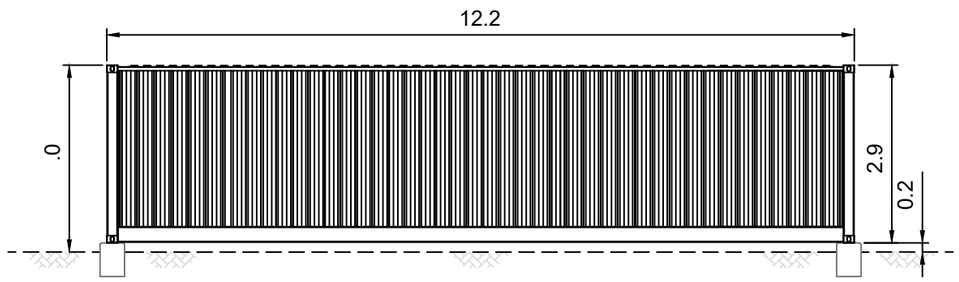
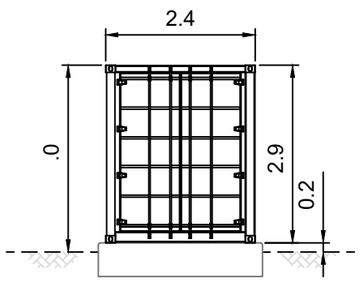


Side Elevation
Scale: 1:100



Front Elevation
Scale: 1:100



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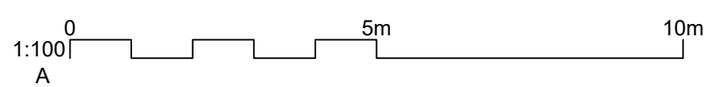

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/Users[redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 9 Storage Container Details.dwg Apr 25, 2025 - :5 am[redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Exact depth of foundations to be determined by detailed engineering surveys before commencement of construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W[redacted]

Title
Brant Energy Storage

Spare Parts Container Details

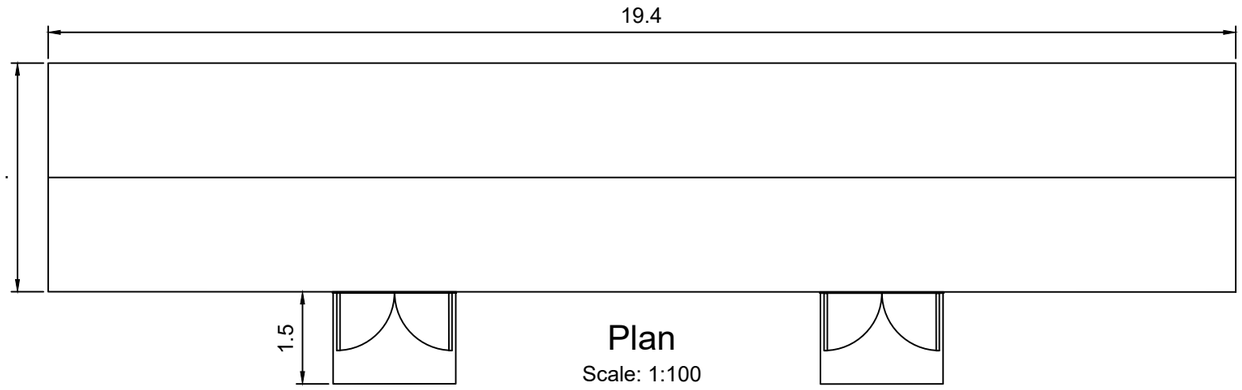
Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator
--

Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

Drawing Number
Figure 9



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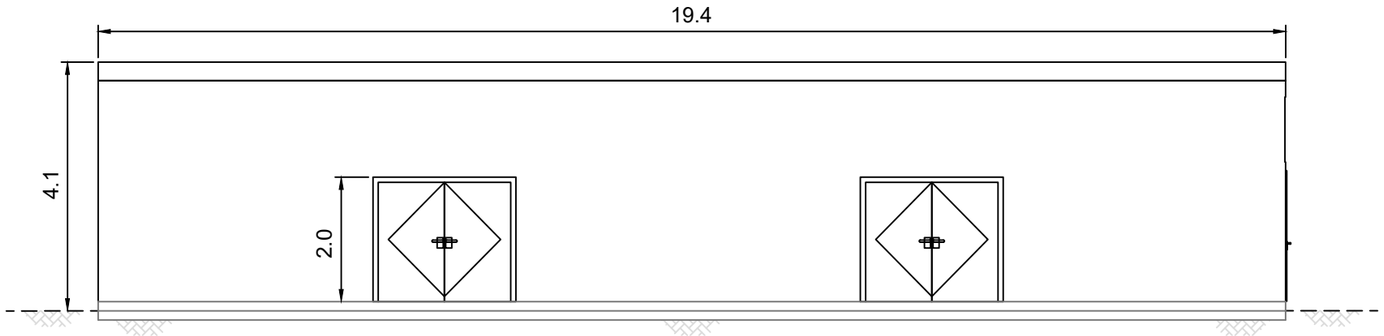
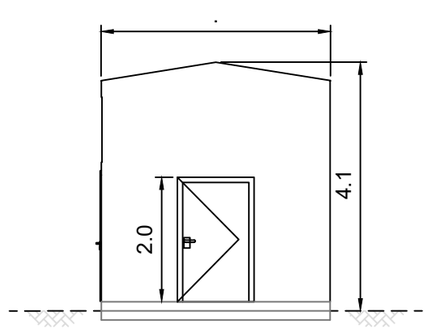
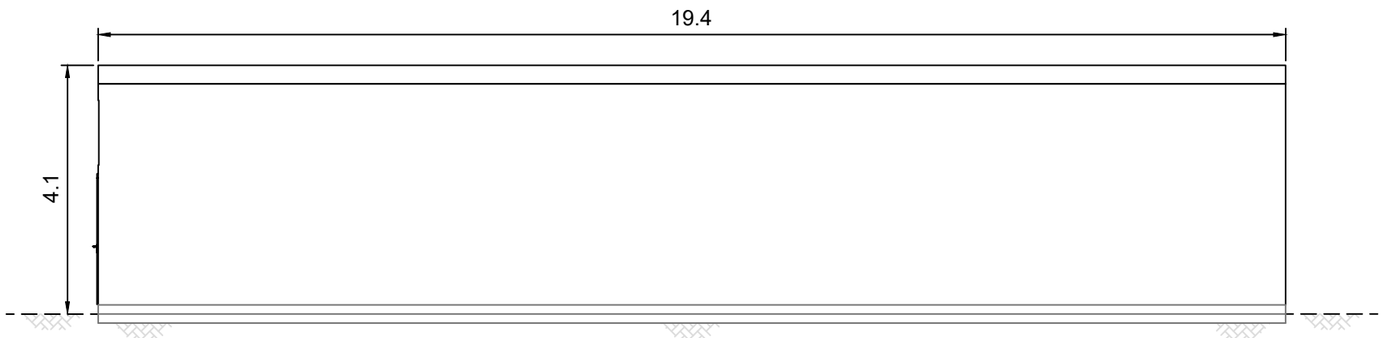
Scale: 1:100



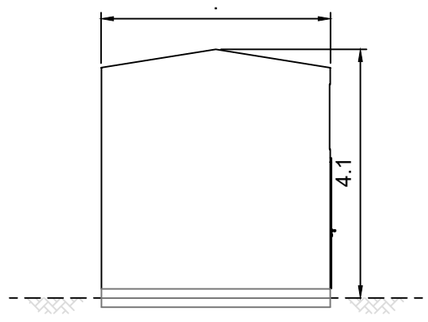
Front Elevation
Scale: 1:100



Rear Elevation
Scale: 1:100



Rear Elevation
Scale: 1:100



Side Elevation
Scale: 1:100

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1:100 A

0 5m 10m

/Users/[redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 10 Switchgear Building.dwg
Apr 25, 2025 - 8:35am [redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
3. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.
7. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
8. Exact depth of foundations to be determined by detailed engineering surveys before commencement of construction.
9. Building likely to be GRP wall construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W [redacted]

Title

Brant Energy Storage

Switchgear Building Details

Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

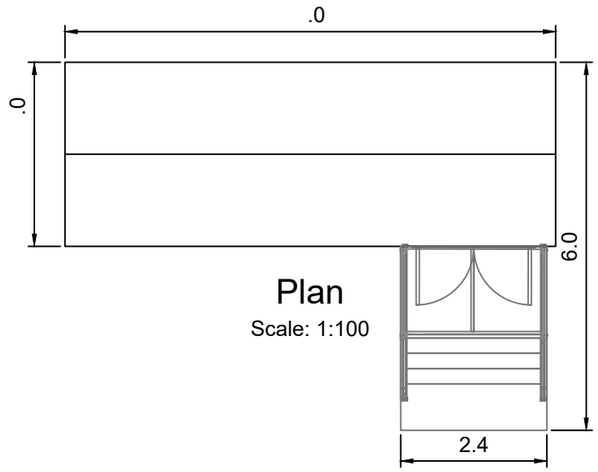
Originator: --

Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

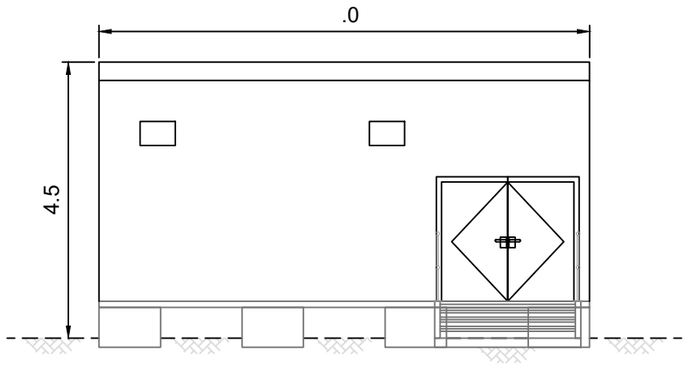
Drawing Number

Figure 10



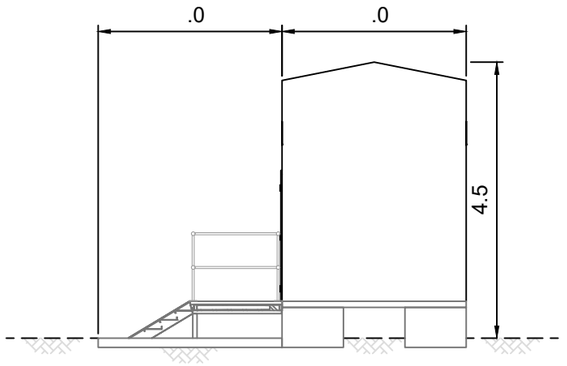
Plan

Scale: 1:100



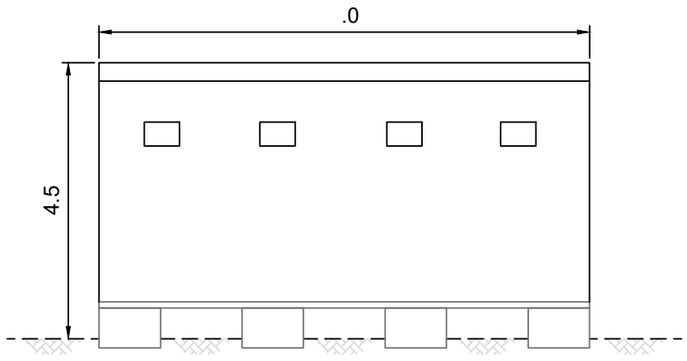
Front Elevation

Scale: 1:100



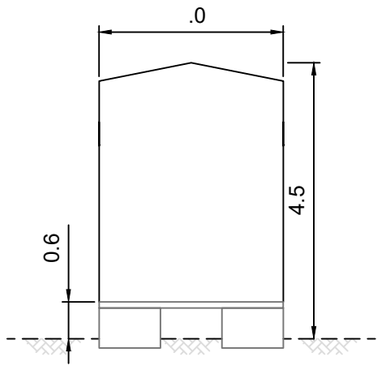
Side Elevation

Scale: 1:100



Rear Elevation

Scale: 1:100



Side Elevation

Scale: 1:100

1:100 | 0 | 5m | 10m

A

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/Users[redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 12 LV Building Details.dwg
Apr 25, 2025 - 9:04am[redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Building likely to be GRP wall construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W[redacted]

Title

Brant Energy Storage

LV Building Detail

Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator

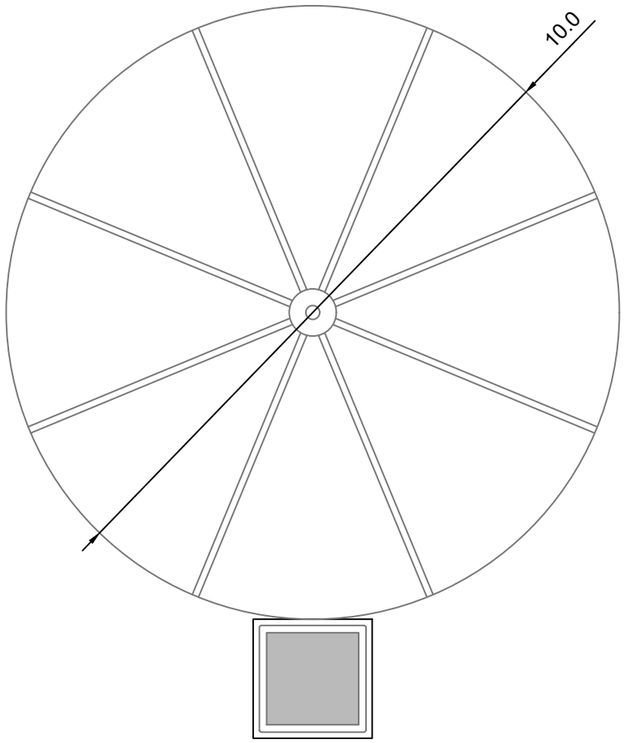
--

Suitability Code	Suitability Description
S4	Planning

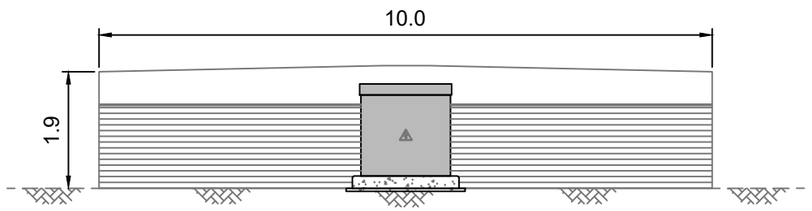
Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

Drawing Number

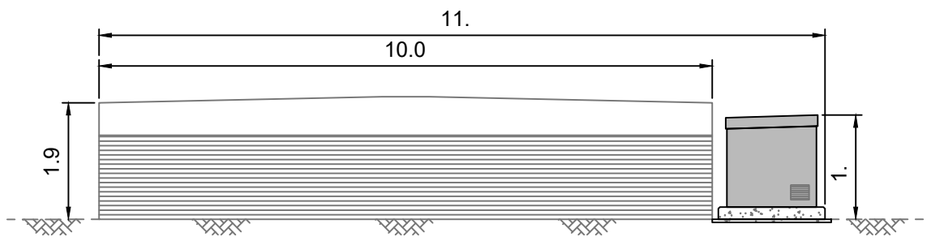
Figure 12



Plan
Scale: 1:100



Front Elevation
Scale: 1:100



Side Elevation
Scale: 1:100

1:100 A

0 5m 10m

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/Users [redacted] Documents/Development Sites/EA24 12 4 Brant/EA24 12 4.0 ACAD/wip/Application Drawings/EA 1 24-Figure 1 Water Tank and Pump Housing.dwg Apr 25, 2025 - 9:06am [redacted]

Notes

1. All dimensions in metres (m) unless otherwise stated.
2. All levels in metres above Ordnance Datum (mAOD) unless otherwise stated.
. All coordinates in metres relative to flat earth national grid unless otherwise stated.
4. All dimensions, levels and coordinates should be checked on site.
5. DRAWING MUST BE READ IN COLOUR.
6. This drawing is to be read in conjunction with all relevant drawings.
. Surface colour to be RAL 600 or 6005 to be agreed with local authority.
. Pump housing likely to be of GRP Construction.

Key to symbols

Reference drawings

Reference models

Rev	Date	Drawn	Description	Ch'k'd	App'd
P01	00/00/2024	CJE	Issued for Planning	DF	JD

Lilly House
1 Hanover Square
London
W1S 1HN
United Kingdom
T 44 (020) 456 165
W [redacted]

Title

Brant Energy Storage

Water Tank and Pump Housing

Designed	NPLUK	---	Dwg check	D. Fu	DF
Drawn	C. J. Easson	CJE	Approved	J. Doig	JD

Originator: --

Suitability Code	Suitability Description
S4	Planning

Project Number	Work Stage	Status	Rev
1 24	PA	PLN	P01

Drawing Number: Figure 1

Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Deadline 5A –

Responses to Examining Authority's Third Written Questions and requests for information:

Appendix B :

Question GC.3.05 - Update and relevant plans for planning application 25/0491/FUL

prepared by

North Kesteven District Council

ID [redacted]

NKDC reference: 23/0325/NSIP

Planning Inspectorate reference: EN010154

12th May 2026

Appendix B: - Question GC.3.05 update and relevant plans for application 25/0491/FUL - Land south of Green Man Road, east of Navenby

1. Following an initial review of the submitted application, and consultee feedback, on 12th February 2026 the Council issued a request for further information under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to the following matters:

    a) Landscape and Visual Impacts - Indicative details have been requested with regard to ground and finished floor levels to enable a consideration of the impact of any level changes/earthworks. Further information is also sought to understand:

    - how the layout may potentially evolve at detailed design stage;
    - the impact of renewable and energy infrastructure on the future landscape baseline; and
    - cumulative LVIA effects.

    b) Cultural Heritage - An archaeological evaluation (including a programme of trail trenching) has been requested to determine the presence, significance, depth and character of any archaeological remain; and to provide an assessment of potential and likely impact of the proposals on any archaeological deposits.

    c) Major Accidents and Disasters - Further information has been sought with regard to the methodology employed in the preparation of the Unplanned Emissions Assessment. Further information has also been sought in relation to impacts upon the BPA pipeline. The precise scope of the information required as part of the application submission is undefined at present and is subject to on-going dialogue between the applicant and BPA. However, BPA have advised that this should comprise an Electro Magnetic Interference risk assessment, Alternating Current interference risk assessment, details of earthing arrangements, and details for pipeline monitoring.

    d) Waste - Further information is sought in respect of waste management, including the storage of defective batteries/equipment.

2. In addition to the above, further information has been required in respect of a number of non-EIA matters, including:

    e) Noise - request for additional noise monitoring.

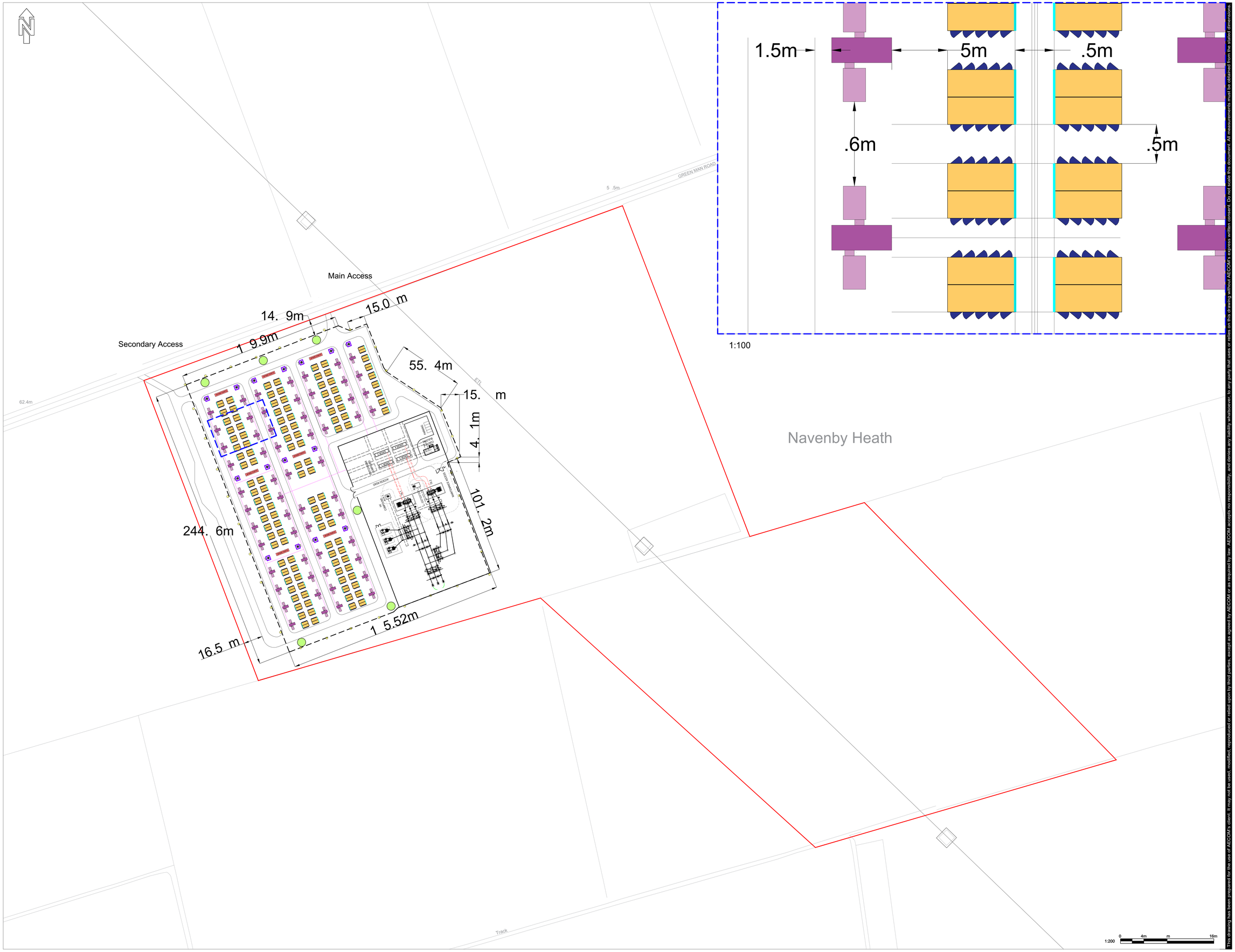
f) Ecology - Request for information in relation to the provision of passing places along Green Man Road with specific regard to potential impacts/mitigation on the highway verge LWS (Calcareous grassland priority habitat). A Skylark mitigation plan has also been requested.

g) Biodiversity Net Gain - Query raised in respect of the potential to extend the adjacent calcareous grassland into the site.

h) Water Resources - Further information has been requested regarding how the scheme will accommodate and manage contaminated fire water and with regard to the sufficiency of on-site firefighting water.

3. The submission of the requested information is expected in early summer, which will be subject to statutory consultation and publicity requirements. The application is referred for consideration by the Planning Committee with the earliest expected Committee date being 1st September 2026; however this is indicative only.

4. In addition to the above, a request has been made for a more detailed assessment of the relationship of the proposed development to the Navenby substation (NGNS) proposals and their likelihood of gaining planning permission.



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AECOM

PROJECT
NAVENBY BESS

CLIENT
REWE LIMITED

CONSULTANT
AECOM
Aldgate Tower
2 Leman Street
London, E1 FA
United Kingdom

T 44 (0)20 645 2000 [redacted]

NOTES
1. Do not scale from the drawing
2. All levels shown are in meters Above Ordnance Datum (AOD) unless stated otherwise

KEY PLAN
- Site Boundary
- Site Detail
- Vent Location on BESS Container
- Indicative CCTV Location
- Fire Water Storage Tank
- Spare Parts Container
- Transformer
- Inverters
- Pair of BESS Containers
- Auxiliary Transformer

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ISSUE/REVISION

I/R	DATE	DESCRIPTION
P01	DD.MM.YY	XXXX

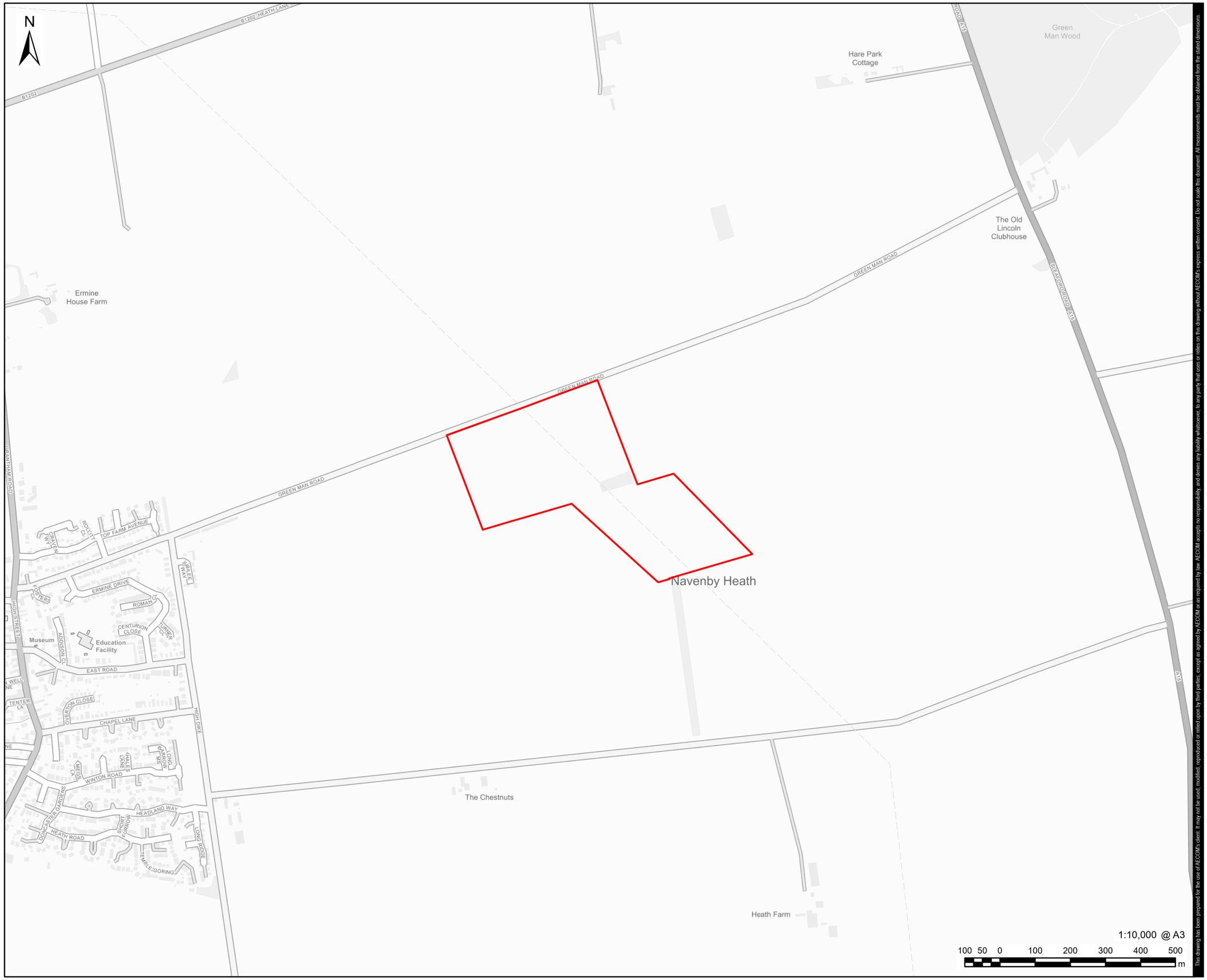
KEY PLAN

PROJECT NUMBER
60 19 6

SHEET TITLE
LOCATION PLAN 1:1000 A0

SHEET NUMBER
SheetNumber

Revision: 01 Drawn: ER Checked: JG Approved: TH Date: 2025-04-16



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PROJECT
Navenby BESS

CLIENT
REWE 1 Limited

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Holbeck, Leeds
LS11 9AR
www.aecom.com

LEGEND
Site Boundary

NOTES
Contains OS data © Crown copyright 2025

ISSUE PURPOSE
LOCATION PLAN

PROJECT NUMBER
60734181

FIGURE TITLE
Site Location Plan

Filename: \\na.aecomnet.com\fs\EMEA\Leeds-UKLDS2\Legacy\UKLDS2\PPS\W001\WIP\LE_Projects\GIS Management\60734181 - Navenby BESS\02_Maps\Location Plan\NB_Location_Plan.aprx

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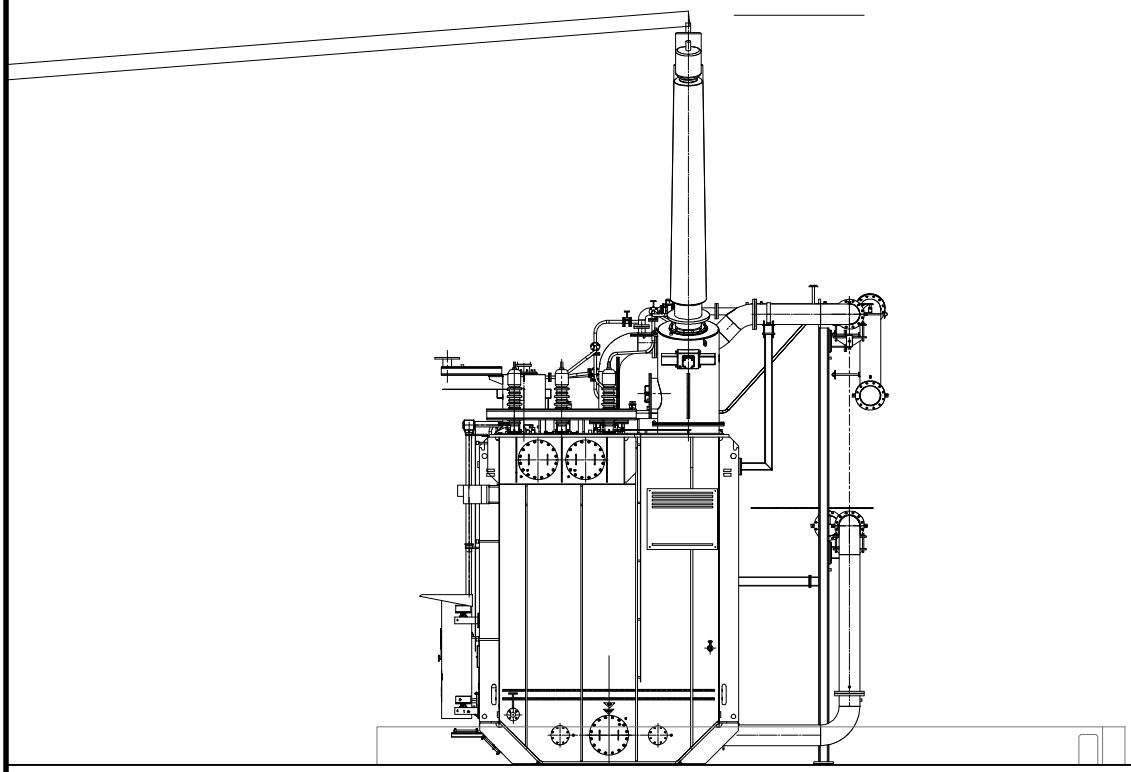

/400kV
TRANSFORMER
(TX) (2 no.)

NAVENBY BESS
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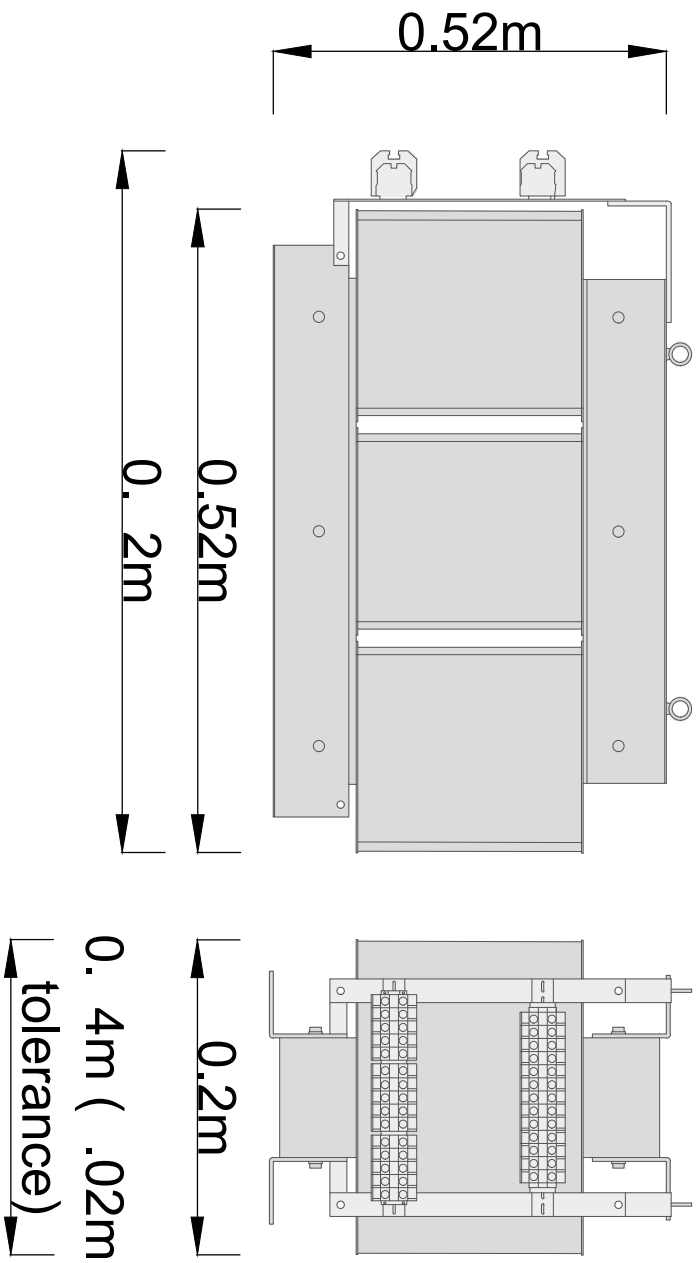
REWE 1 LIMITED
Project No.: 12 456

AECOM



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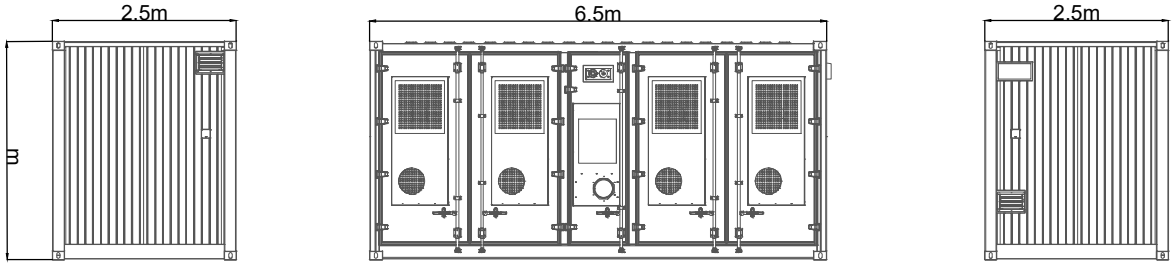
AUXILIARY TRANSFORMER ELEVATIONS 1:5 @ A4
REWE 1 LIMITED
Project No.: 12 456

AECOM



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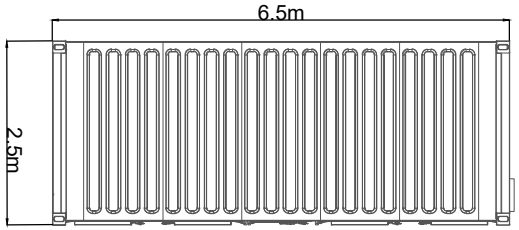

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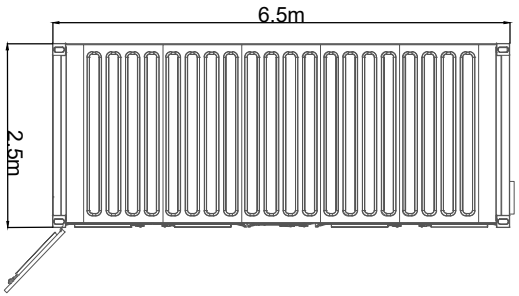

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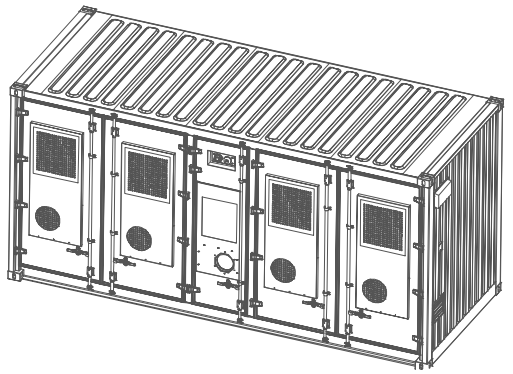

AXONOMETRIC VIEW

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AECOM

NAVENBY BESS
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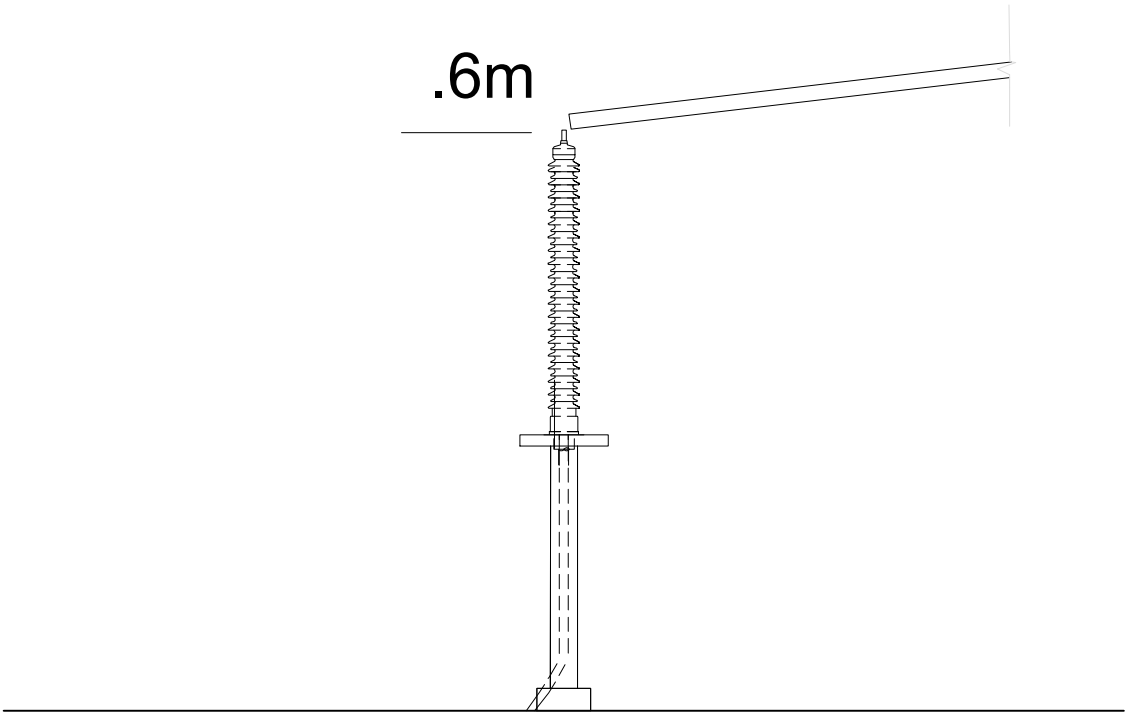
REWE 1 LIMITED
Project No.: 12 456



CABLE
SEALING END

NAVENBY BESS
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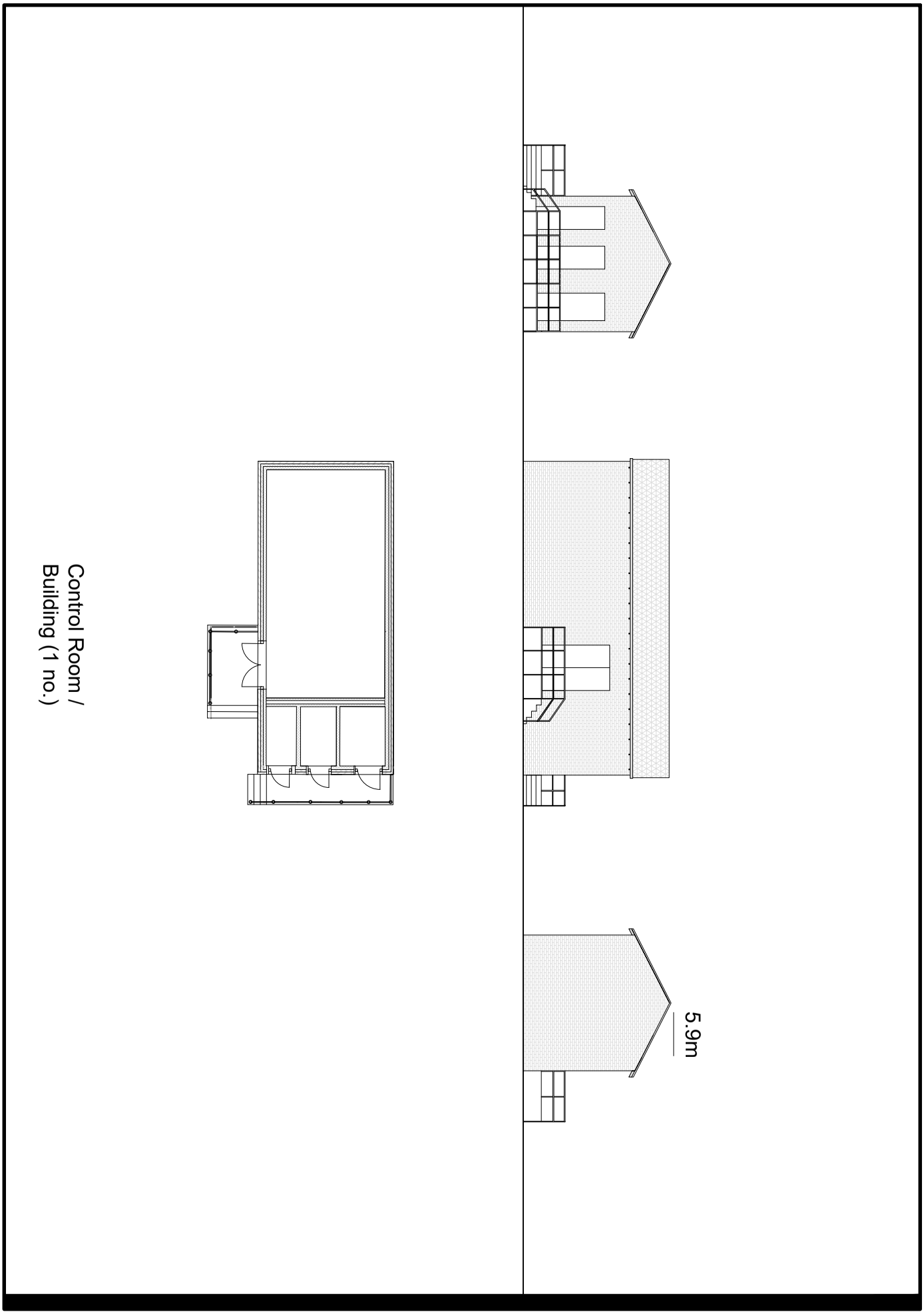
REWE 1 LIMITED
Project No.: 12 456

AECOM



NAVENBY BESS
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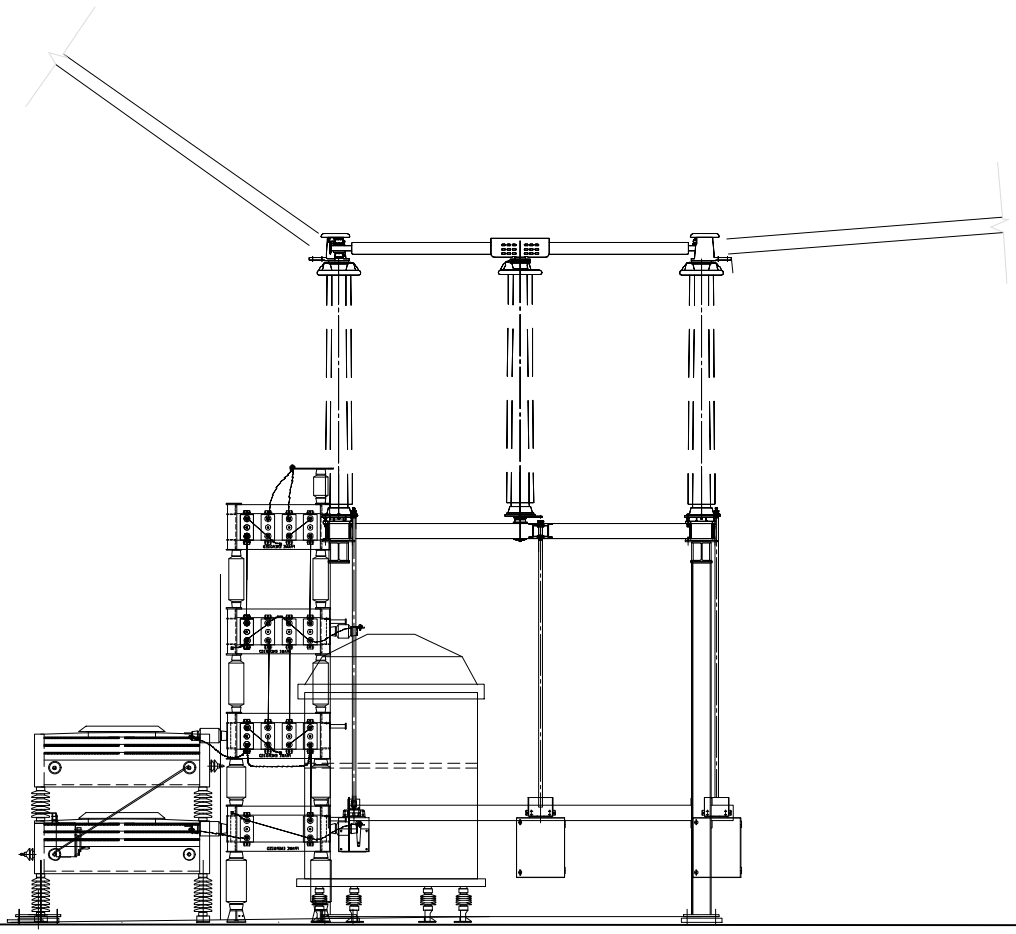
REWE 1 LIMITED
Project No.: 12 456

AECOM



DISCONNECTOR

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REWE 1 LIMITED
Project No.: 12 456

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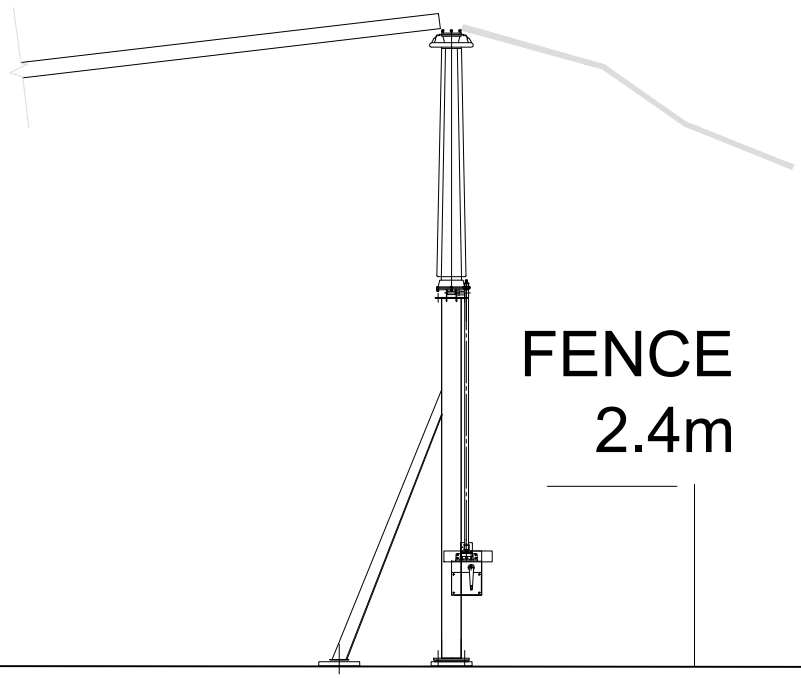
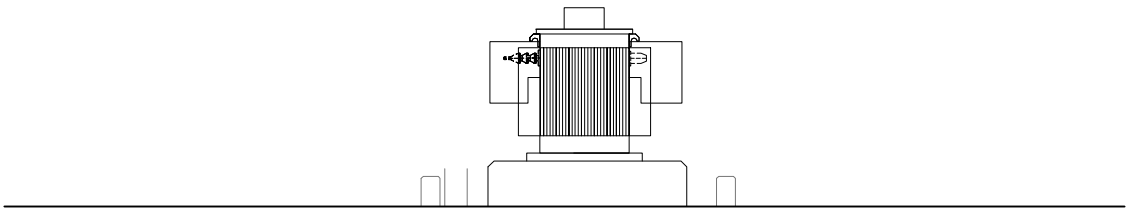


EARTH
SWITCH

NAVENBY BESS
EARTH SWITCH ELEVATION 1:100 @ A4
REWE 1 LIMITED
Project No.: 12 456

AECOM

2. m



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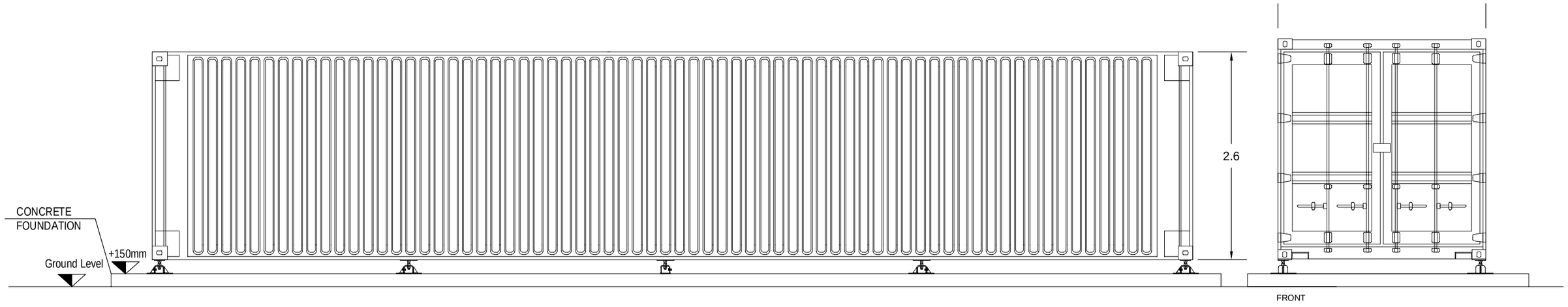
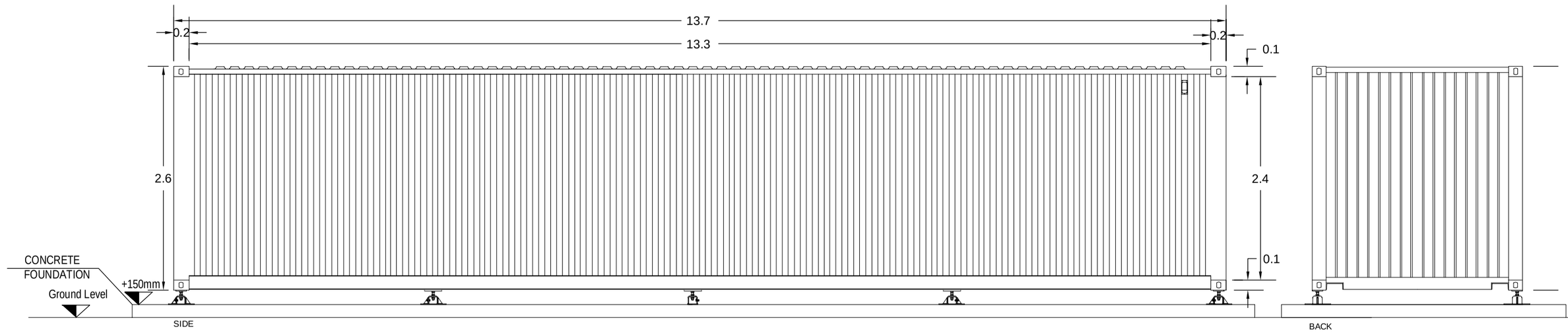
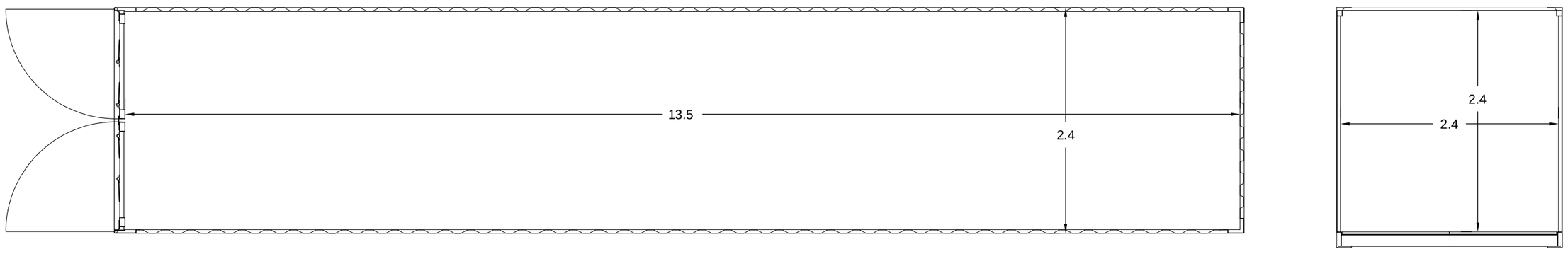
REWE 1 LIMITED
Project No.: 12 456

AECOM







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ISSUE/REVISION

I/R	DATE	DESCRIPTION
P01	DD.MM.YY	XXXX

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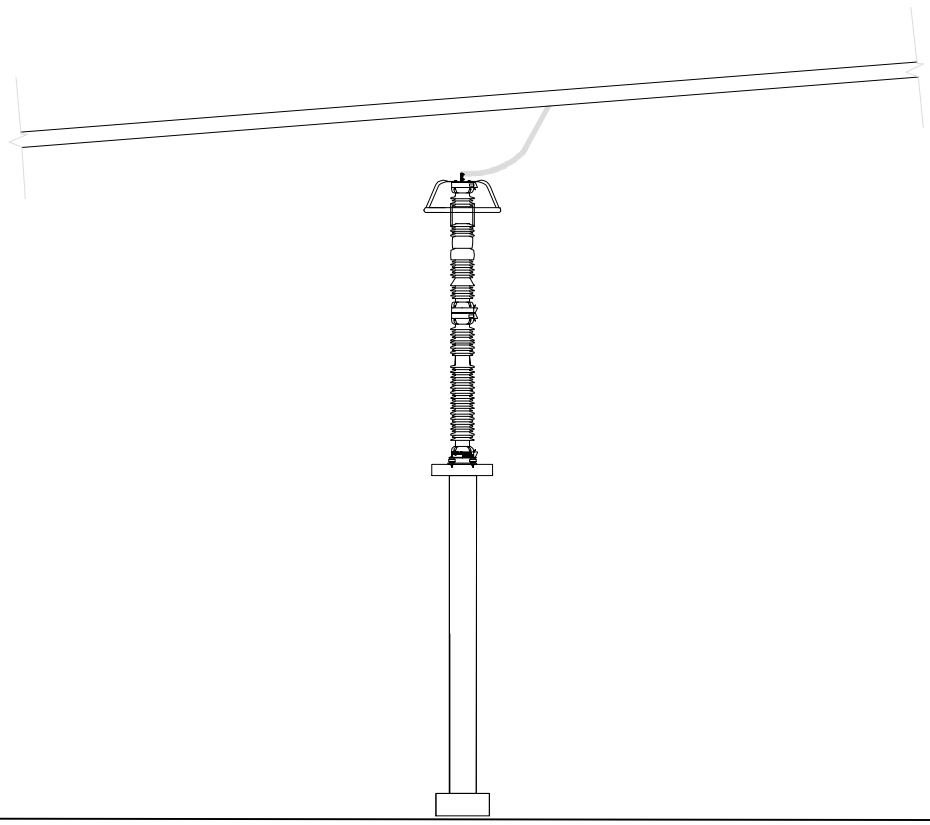

SURGE ARRESTOR

NAVENBY BESS
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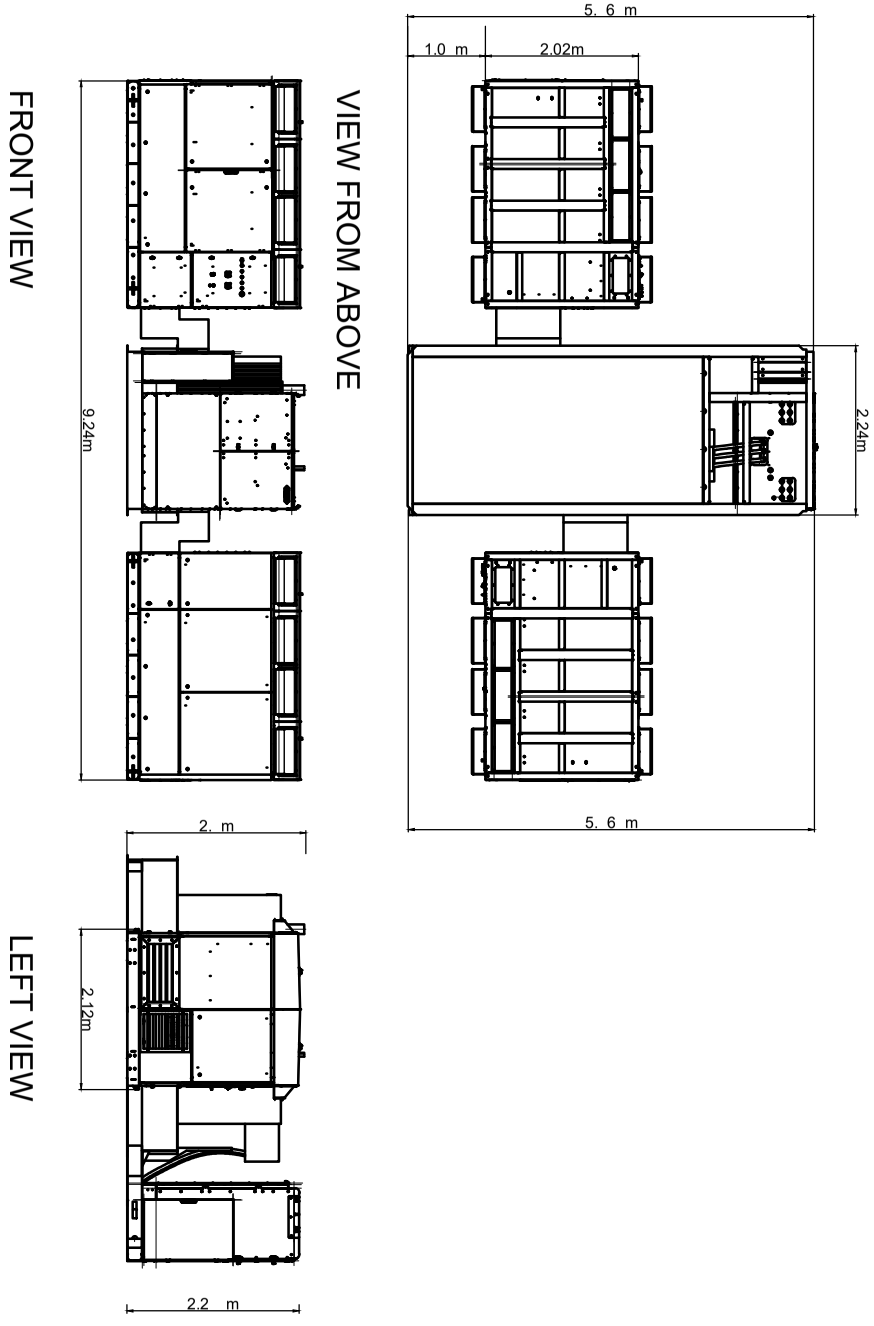
REWE 1 LIMITED
Project No.: 12 456

AECOM

Switchgear Container (4 no.)

AECOM

NAVENBY BESS
SWITCHGEAR CONTAINER ELEVATIONS 1:200 @ A4
REWE 1 LIMITED
Project No.: 12 456



NAVENBY BESS
'TWIN SKID' INVERTER TRANSFORMER BLOCK DETAILS AND ELEVATIONS 1:100 @ A4
REWE 1 LIMITED
Project No.: 12 456

AECOM

Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Deadline 5A –

Responses to Examining Authority's Third Written Questions

and requests for information:

Appendix C:

Question ENC.3.02

Ecological Advisory Group

prepared by

North Kesteven District Council

ID [redacted]

NKDC reference: 23/0325/NSIP

Planning Inspectorate reference: EN010154

12th May 2026

NKDC Responses to Examining Authority's Third Written Questions and requests for information –

Appendix C: Question ENC.3.02 - Ecological Advisory Group

Background

1. This document is NKDC's response to ExQ3 ENC.3.02. Referring to the Council's answer to question GC.3.01, NKDC cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date.

2. This response is accompanied by the following Annex:

   ANNEX 1: Central Lincolnshire Monitoring Fee overview / Central Lincolnshire Local Plan: Biodiversity Net Gain Guidance for Planners, Ecologists & Applicants, May 2024

   ANNEX 2: Extracts from the final Draft DCO (Rev 9) for Beacon Fen Energy Park, submitted at Deadline 8 – Article 50 and Requirements 7 and 8

   ANNEX 3: Extracts from the outline LEMP for Beacon Fen Energy Park

3. Question ENC.3.02, in so far as it is addressed at the Council, is as follows:

   'Ecological Advisory Group
   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 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.

   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. …

   …c) ***NKDC and LCC*** *- comment on the applicant's approach to the ecological advisory group.'*

4. The levels of biodiversity net gain which the Applicant claim as a benefit of the Proposed Development are set out in the Biodiversity Net Gain Report (BNG Report, REP5-016), and referred to as such in Requirement 8 of the draft Development Consent Order (dDCO, REP3A-005). It is intended that these levels of BNG will be delivered via the Framework Landscape and Ecological Management Plan (FLEMP, REP5-018). The relevant planning authority responsible for the enforcement of Requirement 8 - and hence for ensuring that the claimed level of BNG benefit is delivered - will be North Kesteven District Council (this is consistent with the position at Beacon Fen and Springwell).

5. The dDCO deals with amendments to approved details such as the LEMPs in Requirement 4. Paragraph (2) of Requirement 4 requires the relevant planning authority to re-consult all consultees who were consulted on the original document. This would include Lincolnshire County Council, the Environment Agency and Natural England as a minimum; and also National Highways in certain situations.

The Applicant's approach to the Ecological Advisory Group (EAG)

6. The relevant paragraphs of the Framework Landscape and Ecological Management Plan (FLEMP, REP5-018) are relevant and repeated on the following page for ease of reference.

7. Paragraph 7.1.7 offers walkover surveys of the site on 14 of the 60 year lifespan of the development; and states that one purpose will be for BNG condition assessments, indicating a 30 year management plan. Paragraph 7.18 refers to the surveys involving area and linear habitat management checks.

8. Paragraph 7.1.9 refers to ten monitoring surveys, which initially would take place on years when the walkover surveys in paragraph 7.1.7 would <u>not</u> occur; and then would coincide with alternate walkover surveys for the remainder of the operational life of the development. The opening sentence implies that type of monitoring will examine flora and fauna in terms of species, rather than habitats; but later in the paragraph reference is made to the information being used to monitor habitats and help guide management plans – and that this is where the EAG would be involved. No connection is made between the EAG and BNG as such. Paragraph 7.1.12 refers to possible changes to the detailed LEMP(s) as a result of the 'post-construction monitoring'.

9. The Council considers that this presents a somewhat confusing picture of what will take place and when.

Extracts from the LEMP:

7.1.7 A post-construction monitoring programme will be formalised, agreed and included within the detailed LEMP. Walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. This monitoring will also be used for the purposes of BNG Condition Assessments that requires a 30-year management plan.

7.1.8 The surveys will involve inspection of the hedgerows, tree belt and trees, and grassland habitats to ensure they are being managed accordingly.

7.1.9 Post-construction monitoring for flora, birds (breeding and non-breeding), riparian mammals, badgers and bats (bat box roosting and activity survey), inclusive of Invasive Non-native Species (INNS), will be undertaken in the respective seasons, in years 1, 3, 5, 10 and 15 post-construction and thereafter every ten years from years 20 to 60. These surveys are likely to involve similar methods to those used to determine the ecological baseline of the Proposed Development and will be overseen by an Ecological Advisory Group, or similar, whose purpose will be to oversee the post-construction ecological monitoring works, with the key function of the Group comprising review of monitoring data on habitats and species to inform future management plans (as necessary). As noted at paragraph 1.3.7 "*Any long-term biodiversity monitoring and management requirements specified in this document will be carried out by the Applicant and/or a Contractor appointed by the Applicant*". As such, the Ecological Advisory Group (or similar) will comprise the Applicant or Operations Contractor, Environmental Manager (as defined in the Framework Operational Environmental Management Plan (OEMP) [EN010154/APP/7.8 (Rev 3)] – ref. paragraph 6.1.2, 6.1.3 and 6.2.1), a suitably qualified and experienced ecologist, and if relevant to the Proposed Development any research institution(s) carrying out ecological studies onsite during operation. The Terms of Reference of the Ecological Advisory Group (or similar) will be drafted following receipt of any future consent and agreed as part of the agenda for the first group meeting. The monitoring reports for surveys during operation will be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any changes to management set out in the approved detailed LEMP.

7.1.12 Results from the post-construction monitoring will feed into the management plan and, if required, management may be amended accordingly based on this monitoring. For example, replacement planting and/or changes to planting species where planting has failed to establish. Any material changes proposed to the approved detailed LEMP management proposals, in response to the findings of post-construction monitoring, will be sent to the host authorities for their review and approval prior to their implementation.

Monitoring of BNG

10. NKDC considers that monitoring of BNG from developments is an important element of the planning system, including NSIPs. As an overarching comment we would remind the applicant and Examining Authority that policy S61 of the Central Lincolnshire Local Plan requires the '… *ongoing management of any new or improved onsite and offsite habitats, together with monitoring and reporting, will need to be planned and funded for 30 years after completion of a development'*. In this regard there is specific reference to 'funding' (the Council's monitoring obligations) and as set out in previous submissions, NKDC has provided

examples of where such funding has been secured in DCOs either made or with decisions pending elsewhere within the District.

11. In summary:

    a. Planning Practice Guidance on Biodiversity Net Gain (Paragraph: 028 Reference ID: 74-028-20240214) states that local planning authorities can charge a fee for monitoring the delivery of biodiversity net gain in relation to permissions granted under the Town and Country Planning Act 1990.

    b. The Central Lincolnshire authorities have published guidance for applicants in relation to BNG, including a 'Monitoring Fee overview' document (copy provided at Annex 1 to this submission). The guidance confirms (page 33) that:

        i) Fees cover the hours spent reviewing monitoring submissions and conducting quality assurance site visits

        ii) The fee calculator will be updated every April

12. Although BNG is not yet mandatory for NSIPs, the Applicant claims that its proposals for BNG should carry '.. *substantial positive weight'* in the planning balance – see Planning Statement AS-099 paragraph 7.3.6. The Council argues that as BNG is one of the few significant potential planning benefits of the Proposed Development, it is particularly important to ensure that it is secured and delivered in full. This includes reviews and independent verification checks by the relevant planning authority, in the same way that is required for all qualifying planning proposals under the 1990 Act. The very large scale of the Proposed Development, including the size of the BNG elements (and as above the planning weight which the Applicant seeks to ascribe to BNG delivery above 10%) only increases the need for this monitoring and quality assurance; and for the monitoring to be adequately funded.

13. In their summary of consultation responses to the consultation on the implementation of biodiversity net gain (BNG) for nationally significant infrastructure projects (updated 15th April 2026), Defra recognise the need to ensure LPAs have sufficient resource and funding to carry out their role on BNG for NSIPs effectively and to prevent delays (section 6.7). Continuing, the response notes that MHCLG are working to bring in statutory backing for LPAs to charge to ensure full cost recovery.

14. The Council's ongoing requirement for a financial contribution for quality assurance oversight of the applicant's BNG monitoring reports is therefore entirely consistent with the direction of travel that MHCLG are seeking to mandate. There is no indication at all that NSIP projects will be exempt from funding responsibilities; ergo that the same monitoring fee charging principles as applicable to TCPA 1990 schemes will be carried forward. This is very clearly

recognised in the Defra consultation response summary and therefore the Council's continued request is entirely consistent with it.

15. The version of the BNG Report (REP5-016) submitted by the Applicant at Deadline 5 is considered to have addressed almost all of the Council's previous concerns, with the exception of some relatively minor points which discussions indicate the Applicant will correct (please see NKDC's separate comments on BNG Report submitted at Deadline 5A). On the basis of those corrections having been made, the Council calculates that the BNG monitoring fee should be as set out in the table on the following page, based on a 20% sample each monitoring year, supported by AI mapping.

NKDC Calculation of BNG Monitoring Costs			
Area Habitats		**Quantity**	**Cost**
Monitorable habitat - medium distinctiveness and above, or low distinctiveness with a moderate / above condition (all low difficulty in achieving)	Created habitat	473.02ha	
	Enhanced habitat	50.74ha	
	Retained habitat	15.68ha	
	Subtotal Area Habitats:	519.44ha	£50,576
Hedgerows			
Monitorable habitat (all low difficulty in achieving)	Created habitat	19.03km	
	Enhanced habitat	50.74ha	
	Retained habitat	16.04km	
	Subtotal Hedgerows:	85.81km	£6518.80
Watercourses			
Monitorable habitat (some at moderate difficulty of achieving)	Created habitat	0.00km	
	Enhanced habitat	5.79km	
	Retained habitat	0.64km	
	Subtotal Hedgerows:	6.43km	£7,635.55
	AI mapping		£25,190.35
	BNG total lifetime fee:		**£89,920.70**

Composition and Terms of Reference for the EAG

16. In the paragraphs of the LEMP discussed above, the description of the post-construction monitoring and survey programme, its relationship to the achievement of the BNG levels specified in Requirement 8 of the DCO, and to the EAG is somewhat unclear to the Council.

17. What the Applicant has made it clear is that it sees no role for the relevant planning authority in the EAG, which it views as – with the possible involvement of unspecified research institutions - an internal body. The Applicant states that the terms of reference of the EAG would be decided by the group itself.

18. On that basis, NKDC considers that the EAG would have little relevance to the possible grant of DCO because:

- as currently proposed, the EAG is not something which is properly secured by the DCO
- it would be almost impossible for the Council to take enforcement action if the EAG were not set up
- even if established, the terms of reference for the EAG would be entirely a post-consent matter for the undertaker
- if the EAG did not properly scrutinise monitoring surveys and propose appropriate actions, this would not in itself be a clear breach of the Order, and therefore also very difficult to take enforcement action against.

19. NKDC strongly objects to this approach. The Applicant claims that its proposals for BNG should carry '.. *substantial positive weight'* in the planning balance – see Planning Statement AS-099 paragraph 7.3.6. The Council argues that as BNG is one of the few significant potential planning benefits of the Proposed Development, it is particularly important to ensure that it is secured and delivered in full.

20. The Council sees a body such as the EAG as one means of helping to achieve this aim, but only if it involves a collaborative approach. The EAG should be used to scrutinise the applicant's monitoring reports and recommend necessary changes to the LEMPs as a result. In that context, there is a clear positive role for relevant planning authority involvement in the EAG, ensuring early sight of the applicant's monitoring survey results, and enabling comparison with the Council's own verification monitoring (see section on BNG monitoring above) where relevant. The Council could then input to discussions on this information, and on any proposals for action – for instance changes to the management regime, replacement planting etc. In turn, this collaborative approach could help to minimise the potential for disagreements over required actions, and speed up the approval of LEMP changes where these are needed.

21. This would potentially benefit both the Applicant and the wider public interest of securing delivery of the BNG benefits claimed in the application. Ultimately it might help to avoid the need for enforcement action against breaches of the DCO, which is in the interests of all parties.

The EAG and BNG monitoring

22. Throughout the examination, the Council has taken a consistent approach, requesting on a number of occasions that the Applicant makes a financial contribution so that the Council can carry out independent verification survey monitoring of the performance of the proposals for BNG, and take part in the EAG. As set out above in paragraphs 11 and 12, DEFRA and MHCLG's position appears to be in alignment with the Council on this matter. These include:

- REP1-056 - Local Impact Report, paragraphs 27.15, 27.18 and 27.19
- REP2-045 – responding to ExQ1 ENC.1.29
- REP3-055 – responding to ExQ2 ENC.2.09
- REP4-022 – paragraphs 3.4 – 3.21, together with Appendix C
- REP5-030 – paragraphs 13 – 18, including providing an indication of the order of likely BNG monitoring fees

23. To grasp the opportunity to deliver the full amount of BNG claimed as a planning benefit, the Council therefore proposes the following:

1. the DCO is modified to add a new, or amend an existing requirement to specifically secure the setting up of the EAG in connection with monitoring of BNG and other ecological measures
2. the FLEMP should be amended to include draft terms of reference for the EAG, either in the main text or in an appendix – with cross-referencing in the modified DCO – including a stipulation that NKDC and LCC are to be members of the group
3. Other consequential changes should be made to the FLEMP text to refer to the above points 1 and 2
4. Provision should be made for the funding of the Councils' participation in the ESG – either through an additional article in the DCO, or through a s.106 agreement
5. Provision should be made for the funding of the Council's own BNG survey monitoring, again either through an additional article in the DCO, or through a s.106 agreement. As set out above and below, for simplicity the use of an Article as adopted at the Beacon Fen Energy Park would be the preferred option and could be easier to conclude between parties.

24. The Beacon Fen Energy Park provides a useful example of how this can be achieved. The examination into this proposal closed on 23rd February 2026. A

copy of the Final Draft DCO (Rev 9) was submitted at Deadline 8, and extracts including Article 50 and Requirements 7 and 8 are repeated at Annex 2 to this document.

25. Together, Requirements 7 and 8 would secure the submission and approval of a detailed LEMP, substantially in accordance with the outline LEMP submitted to the examination, and specifically requiring terms of reference for the 'Ecological Steering Group' (ESG, equivalent to the Fosse Green Energy EAG) – including representation for each relevant planning authority. Extracts from the outline LEMP for Beacon Fen are provided as Annex 3 to this submission, including draft terms of reference for the ESG, and which would involve as a minimum one representative from each of NKDC and Lincolnshire County Council.

26. The funding for council attendance at the ESG was included within the sums referred to in article 50(1) (a) and (b). It should be noted that the sum for NKDC is much larger than that for the County Council, as it also provides for a financial contribution for NKDC to carry out its own BNG monitoring surveys, acting as a verification check on the applicant's monitoring results. The Applicant agreed to this approach.

27. Including funding provisions for EAG attendance and BNG verification monitoring in an article within the DCO, as is the proposal for Beacon Fen, would save time and legal costs. Because of outstanding uncertainties regarding the number of EAG meetings the Council might attend (please see earlier paragraphs), it has not been possible to provide a fixed sum for that portion of NKDC's costs under item (a) below. However, the suggested wording for such an article is set out below[1].

> 50.—(1) Prior to the commencement of the authorised development the undertaker must make funding contributions—
>
> (a) to North Kesteven District Council in the sum of £XXX;
> (b) to Lincolnshire County Council in the sum of £XXX;
> (c) to North Kesteven District Council in the sum of £XXX; and
> (d) to North Kesteven District Council in the sum of £XXX.
>
> (2) Each of the relevant planning authorities is to allocate the funding contributions referred to in paragraphs (1)(a) and 1(b) to the reasonable costs of their representative in being part of the Fosse Green ecological advisory group pursuant to the landscape and ecological management plans approved pursuant to requirement 8.
>
> (3) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(c) to carry out biodiversity net gain monitoring surveys

[1] Please note that item 50(1)(d) relates to requested funding for mitigation and compensation measures for Stepping Out Walks, which is a separate matter for the Examination

(4) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(d) to officer time, materials or other measures for establishing, publicising and maintaining its Stepping Out (or successor) programme including taking photography of new path sections, creating PDF maps available for public download, making and installing wayfinding signage, rubbish bins, and footfall counters, and maintaining sections of routes outside the Order Limits.

(5) The funding contributions referred to paragraph (1) shall be adjusted on each anniversary of the date this Order comes into force up until the point of payment by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.

ANNEX 1:

Central Lincolnshire Monitoring Fee overview /

Central Lincolnshire Local Plan: Biodiversity Net Gain Guidance for Planners, Ecologists & Applicants, May 2024

Central Lincolnshire

LOCAL PLAN

Biodiversity Net Gain
Guidance for Planners, Ecologists & Applicants

May 2024

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

Purpose of the guidance note

Biodiversity Net Gain (BNG) is a process to development which leaves biodiversity in a measurably better state than before. Using habitats as a proxy for biodiversity and a metric to calculate biodiversity losses and gains, it ensures a more consistent approach to accounting for biodiversity within development.

The now mandatory legislation associated with the Environment Act (2021) will apply to the majority of medium and large developments in the UK, requiring them to measurably increase the biodiversity of a site by 10%. This builds upon the National Planning Policy Framework (NPPF, 2023) and local policy within Central Lincolnshire to strengthen opportunities for nature recovery through the Town and Country Planning System (TCPA).

The new legislation presents opportunities but also poses a challenges to Local Planning Authorities (LPA), and the Central Lincolnshire Ecologist (CLE), who provides ecological advice (including the review of planning applications where required) to each District where needed. BNG will bring an increased workload to these organisations; therefore, there is a need to establish new processes for planning reviews and determinations to ensure an efficient planning process.

BNG offers one of the most exciting new opportunities for investment into nature within Central Lincolnshire, providing a mechanism to restore green spaces in and around development and contribute to new nature rich places for both wildlife and people.

The aims of this guidance note is to:

- Provide **greater clarity on how BNG will work within Central Lincolnshire**, building on legislation and national guidance as well as local policy to provide a consistent approach across all districts;
- Provide a shared methodology for ecological baseline, condition assessment and translation to the statutory metric:
- Provide a **consistent framework** demonstrating how LPA planners and CLE will validate and review planning applications in relation to BNG;
- In turn, help applicants to **understand submission requirements** related to BNG, explaining the process by which BNG information will be reviewed by the LPA as well as CLE;
- Provide high level considerations for **reviewing the Statutory Biodiversity Metric** which underpins BNG, aimed at planners and other disciplines who lack ecological expertise.

Lollycocks Field, Sleaford by Andrew Crick

What this guide includes

1. An introduction to Biodiversity Net Gain (BNG)

2. BNG and the planning system, how requirements differ for different types of planning application and different stages of the Town and Country Planning Act (TCPA).

3. A guide for ecologists - to ensure a consistent approach to baseline habitat/condition assessment and metric completion and support in determining post development habitat proposals

4. A guide to assessing BNG applications – to ensure applicants submit all necessary information ready for LPA and CLE

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Central Lincolnshire
LOCAL PLAN

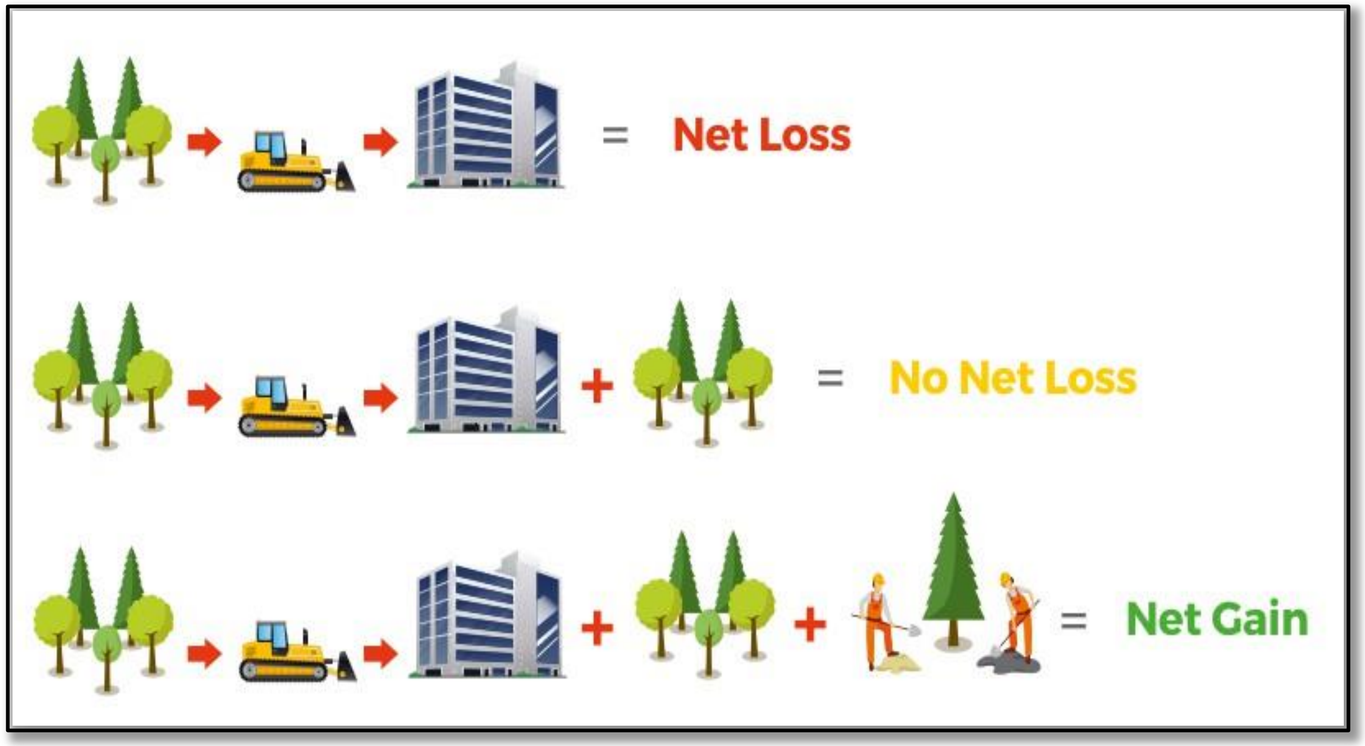
1. Introduction to biodiversity net gain

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

What is Biodiversity Net Gain?

"An approach to development that aims to leave the natural environment in a measurably better state than before" (Defra)

It is a quantitative approach relying on a metric which measures the value of different habitats. The biodiversity value of a site is calculated pre and post development to determine the outcome. Where there are residual net losses in biodiversity, then these can be resolved by design changes or compensated for on or off site, to achieve a net gain result.



The Statutory Metric - Assessing the change in biodiversity

The Defra Biodiversity Metric (hereby referred to as 'the Statutory Metric') is the latest iteration of the excel spreadsheet tool used to determine a quantitative measurement of biodiversity gains and losses through development.

It uses a habitat led approach, using the UK Habitat Classification System (UKHab - https://ukhab.org/) to determine a proxy of biodiversity value both before (the baseline) and after development. The metric has undergone several iterations, and the final 'Statutory Metric' is now released (see link below).

Given the use of UKHab, the metric is designed to be used by suitably experienced ecologists, using field survey data gathered by surveyors with suitable botanical knowledge. A separate expectation is placed upon watercourse elements of the metric, whereby surveyors are expected to have knowledge of both geomorphology theory and aquatic ecology and therefore require accreditation through 'Modular River Survey' techniques (https://modularriversurvey.org/morph-rivers/). A net gain will be required in all three biodiversity unit 'types', Habitat, Hedgerow and River units, where they are present within the baseline of the site.

The metric, together with supporting documents including the user guide and technical appendix can be downloaded from here: Statutory Biodiversity Metric Tools and Guides

Calculating net gains and losses using the metric

The metric calculates three distinct categories of 'biodiversity units' – Habitat, Hedgerow and Watercourse units. These units cannot be combined and are instead summarised as three distinct outcomes in relation to their net gains or losses.

To calculate the numerical unit value of these, the following factors are considered within the baseline:

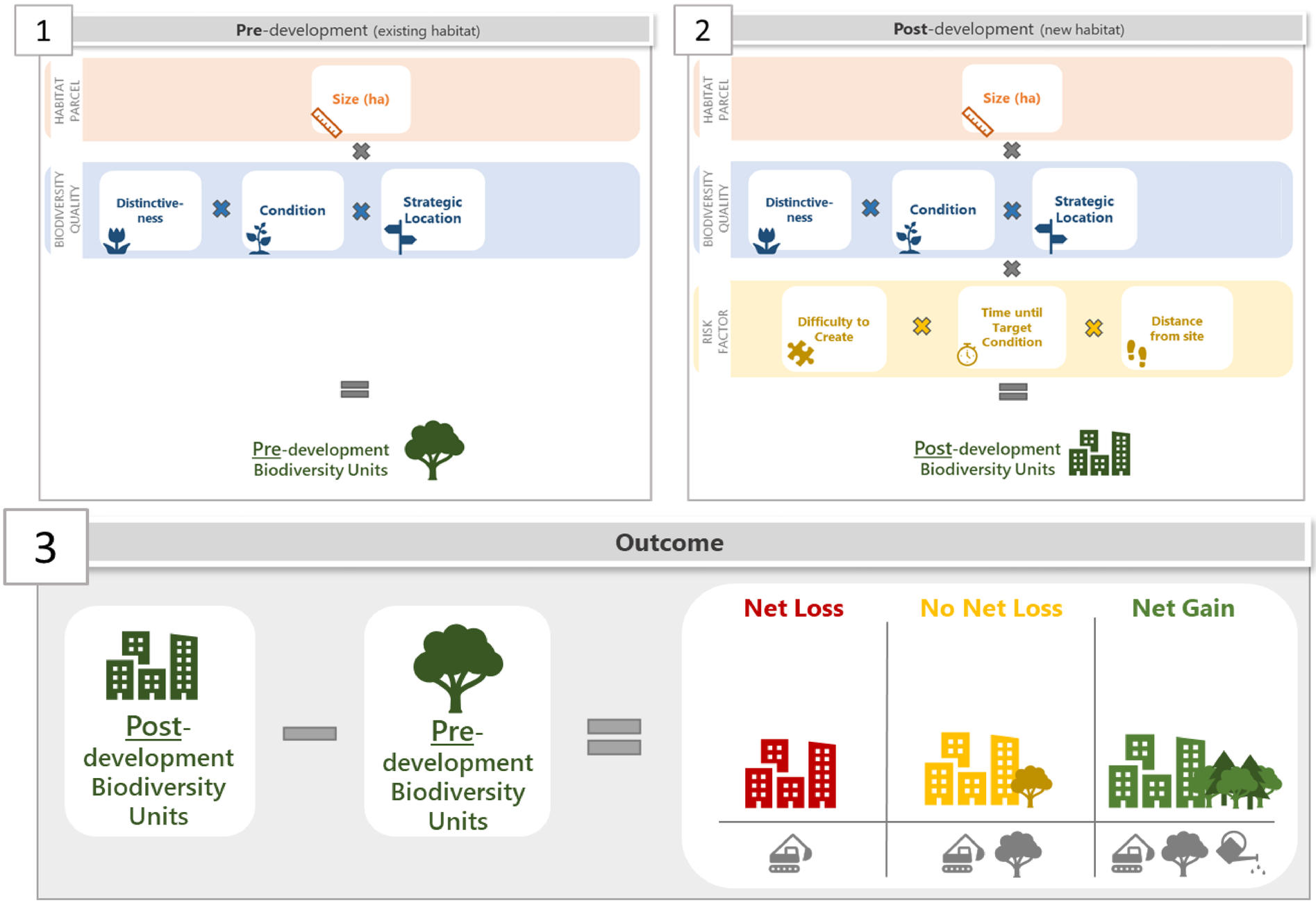
- **Habitat type**: determined through UKHab.
- **Area** in hectares (Habitat) or **length** in km (Hedgerow and River): determined through spatial mapping of extent.
- **Habitat distinctiveness**: automated from habitat type selection based on a set of predetermined values aligned to relative scarcity of the habitat type (ranging from 'very low' (1) to 'very high' (5)).
- **Habitat condition**: determined through condition assessment in the field.
- **Strategic significance**: determined by whether a given habitat parcel is relevant to a local plan, strategy or policy (for example Local Plan ecological maps or Local Nature Recovery Strategies).

For post-development, this aggregates the habitat losses from the baseline together with both the creation and enhancement tabs, which also have the following factors incorporated:

- **Difficulty to create**: automated based on habitat type and proposed condition, which adjusts unit returns based on how likely a given enhancement or creation is likely to succeed.
- **Time to target condition**: automated based on habitat type and condition, which adjusts unit returns based on how long creation/enhancement will take to achieve its full value.
- **Distance from site**: Only relevant for off-site compensation, which lowers unit returns where off site means outside of the LPA boundary or National Character Area (NCA).

The Statutory Metric - Assessing the change in biodiversity

The below graphic illustrates how these factors are combined to produce BNG outcomes.



What Biodiversity Net Gain isn't

BNG is additional to all current legislative requirements associated with habitats and species. This means it does not replace existing policy and legislation for habitats and species. It does not cover irreplaceable habitats (see page 44 of this guidance note for an explanation of these) & certain statutory designated sites including European Protected Sites (notable Special Areas of Conservation, Special Protection Areas & Ramsar sites) and Sites of Special Scientific Importance (SSSI), which should be excluded from the calculations. The statutory metric provides inputs within the start page to provide decision makers clarity on when irreplaceable habitats have been identified on site, and a separate tab is to be infilled by the applicant and their ecologists to detail irreplaceable habitats and any impacts and how these are being compensated for.

Additionally, BNG does not cover indirect impacts to habitats (for example resulting from pollution) or impacts to individual species. As discussed previously, the metric provides a proxy for value based on habitats. Information regarding habitats and species is still required through existing policy and legislation which is separate to BNG.

As with all other ecology matters within Central Lincolnshire, LPA planners are not expected to be able to delve into the detail of BNG assessments to assess their robustness and/or validity, and therefore relying on the expertise of the Central Lincolnshire Ecologist (CLE) to ensure applicants proposals are sound will be essential throughout the planning process.

BNG isn't just about numbers

Measurable outcomes underpinned by the metric are important, but BNG must be about meaningful ecological outcomes. This is why supporting documentation with additional context and justifications are crucial to ensure robust BNG assessments and good outcomes for biodiversity. The Mitigation Hierarchy must still be followed, as well as existing good practice or legal compliance. The NPPF (2023) builds in the mitigation hierarchy in Section 15 – Habitats and Biodiversity, stating:

"if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused"

This is further built into BNG Good Practice Guidelines (see page 10) and the metric User Guide 'rules' (see page 56).

In addition, British Standard on Biodiversity (BS 42020:2013) – A Code of Practice for Planning and Development relates to how biodiversity and Protected Species and Habitats are considered in a planning context. It provides clear guidance and recommendations to ecological consultants, planning applicants and local planning authorities, which ensure that ecological considerations are given the appropriate weight at each stage of the planning process, and are sufficiently informed by high quality ecological survey and assessments.

This means LPAs must encourage development to avoid and retain existing habitats on site and should only allow compensation (on or offsite) where there is robust justification either ecologically or otherwise.

The design of biodiversity compensation must fit within a local and regional context and deliver on wider biodiversity objectives, including that within relevant Local Plans (see pages 12-14 of this guidance note for further information on BNG in relation to local policy).

Ten Guiding Principles

The BNG Good Practice Principles (2016) were developed to help guide BNG assessments away from a numerical-only approach. They are not directly transcribed into the Environment Act or associated mandatory requirements. However, many relate to mandatory rules and principles seen within the metric User Guide and have helped to shape BNG practice and will still be a consideration for the CLE when assessing applicants BNG assessments.

Applicants should be encouraged to document how their proposed developments adhere to these principles.

They are summarised below:

Biodiversity Net Gain- 10 good practice principles

1. Apply the Mitigation Hierarchy
2. Avoid losing biodiversity that cannot be offset by gains elsewhere
3. Be inclusive and equitable
4. Address risks
5. Make a measurable Net Gain contribution
6. Achieve the best outcomes for biodiversity
7. Be additional
8. Create a Net Gain legacy
9. Optimise sustainability
10. Be transparent

For further information, see the following link: Biodiversity-Net-Gain-Principles.pdf (cieem.net)

Biodiversity Net Gain in Central Lincolnshire

Biodiversity Net Gain is already part of the National Planning Policy Framework but the NPPF does not specify a number/percentage for the gain. The Environment Act includes a requirement for all future schemes, including the development of land to deliver a mandatory 10 % Biodiversity Net Gain (exemptions can be found on page 18 of this guidance note).

Within Central Lincolnshire, existing Local Plan policies and individual LPA polices include goals to improve the quality of the natural environment and BNG works towards these goals.

Consideration of Local Plan policies is vital particularly where these add additional requirements on top of the Environment Acts legislative requirements. Under these scenarios, it is important to be clear on the requirements and how these interact with the mandatory nature of the Environment Act. For example, this may mean certain requirements enter the 'planning balance' and can be subject to viability assessments whereas the Environment Act requirements cannot.

A net gain target above 10% is not currently planned for Central Lincolnshire and there is no policy wording which creates substantive changes from that contained within the Environment Act secondary legislation. A target above 10% may be considered as part of any future review of the Local Plan.

"The natural and historic environments, and their assets, will be conserved and enhanced, with new development taking into account the surroundings of the area in which it would be situated. Enhancement of the natural environment and the ecosystem services it provides will create mutual benefits for the nature, people and economy of Central Lincolnshire and help to achieve the vision of this Local Plan."

"To conserve and enhance biodiversity and geodiversity across Central Lincolnshire by delivering measurable net gain in biodiversity through development and establishing nature recovery networks through planning."

"To provide enhanced opportunities for people to access and appreciate wildlife and the natural environment whilst safeguarding protected sites.."

"To protect, enhance and create and improve high quality green and blue spaces that are multifunctional; for sport, recreation, play and ecosystem services, and which form part of and are connected to the green infrastructure network, improving landscape connectivity for people and wildlife.."

Biodiversity Net Gain in Central Lincolnshire - Local Plan Policy S60

Policy S60: Protecting Biodiversity and Geodiversity

All development should:

a) protect, manage, enhance and extend the ecological network of habitats, species and sites of international, national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;

a) b) minimise impacts on biodiversity and features of geodiversity value

b) deliver measurable and proportionate net gains in biodiversity in accordance with Policy S61; and

c) protect and enhance the aquatic environment within or adjoining the site, including water quality and habitat.

Species and Habitats of Principal Importance

All development proposals will be considered in the context of the relevant Local Authority's duty to promote the protection and recovery of priority species and habitats.

Development should seek to preserve, restore and re-create priority habitats, ecological networks and the protection and recovery of priority species set out in the Natural Environment and Rural Communities Act 2006, Lincolnshire Biodiversity Action Plan, Lincolnshire Geodiversity Strategy and Local Nature Recovery Strategy.

Where adverse impacts are likely, development will only be supported where the need for and benefits of the development clearly outweigh these impacts. In such cases, appropriate mitigation or compensatory measures will be required.

Mitigation of Potential Adverse Impacts

Development should avoid adverse impact on existing biodiversity and geodiversity features as a first principle, in line with the mitigation hierarchy. Where adverse impacts are unavoidable they must be adequately and proportionately mitigated. If full mitigation cannot be provided, compensation will be required as a last resort where there is no alternative.

Development will only be supported where the proposed measures for mitigation and/or compensation along with details of net gain are acceptable to the Local Planning Authority in terms of design and location, and are secured for the lifetime of the development with appropriate funding mechanisms that are capable of being secured by condition and/or legal agreement.

If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission will be refused.

Biodiversity Net Gain in Central Lincolnshire - Local Plan Policy S61

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Following application of the mitigation hierarchy, all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management.

Development proposals should create new habitats, and links between habitats, in line with Central Lincolnshire Biodiversity Opportunity and Green Infrastructure Mapping evidence, the biodiversity opportunity area principles set out in Appendix 4 to the Local Plan and the Local Nature Recovery Strategy (once completed), to maintain and enhance a network of wildlife sites and corridors, to minimise habitat fragmentation and provide opportunities for species to respond and adapt to climate change. Proposals for major and large scale development should seek to deliver wider environmental net gains where feasible.

Additional policies relating to Biodiversity

Policy S53 Design and Amenity sets out design standards and considerations under 10 themes, with theme 5 covering nature.

Policy S59 Green and Blue Infrastructure Network requires where new green infrastructure is proposed that the design and layout should take opportunities to deliver biodiversity net gain and support ecosystem services, and to support climate change adaptation and resilience.

Policy S63 Green Wedges states that development proposals within a Green Wedge will be expected to have regard to opportunities to improve the quality and function of green and blue infrastructure with regards to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping.

Policy S66 Trees, Woodland and Hedgerows sets out the provisions for the protection of ancient woodland, aged and/or veteran trees and how development proposals should take opportunities for new tree planting and planting schemes which seek to increase biodiversity and green infrastructure.

Other Situationally related policies

Policy S12: Water Efficiency and Sustainable Water Management

Policy S17: Carbon Sinks

Policy S20: Resilient and Adaptable Design

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy 51: Create New Open Spaces

Policy 54: Health and Wellbeing

Biodiversity Net Gain in Central Lincolnshire - District Level

Further environment policies across the districts can be found at the corresponding links.

North Kesteven District Council

The NK Plan 2024-27

Environment Policy

Climate Emergency Strategy

Tree Strategy

West Lindsey District Council

West Lindsey Corporate Plan 2023-2027

Sustainability, Climate Change and Environment Strategy

City Of Lincoln Council

Vision 2025 Strategic Plan

Lincoln 2030 Climate Action Plan

Brayford Pool, Lincoln by East Mercia Rivers Trust

Overview of Legislation

Environment Act 2021

The Environment Act achieved Royal Assent through Parliament on 9 November 2021, and whilst there is currently a transition period before mandatory requirements come into force, it will require development to deliver a 10% net gain in biodiversity units for all major development under the Town and Country Planning Act (TCPA) 1990 from the end of January. All new applications will be required to achieve 10% BNG unless they are exempt or qualify as 'small sites', apart from Reserved Matters applications with previously consented Outline applications prior to when mandatory BNG was introduced.

From April 2024, 'small sites' will also require 10% BNG although these will be able to use the 'Small Sites Metric' (SSM) which is a simplified excel spreadsheet tool.

Nationally Significant Infrastructure Projects (NSIPS) subject to a Development Consent Order (DCO) under the Planning Act (2008) will also require to achieve 10% BNG although the exact requirements are yet to be confirmed by DEFRA.

The headline requirements from the Environment Act are summarised below:

- Schedule 14: Mandatory requirement for all developments under the Town & Country Planning Act to deliver Biodiversity Net Gain
- Schedule 15: Mandatory requirement for all developments in relation to development consent for national significant infrastructure projects to deliver Biodiversity Net Gain
- A minimum of 10% net gain will be required
- There is a Secretary of State (SoS) issued metric which is required to be used in all projects concerning BNG from February 2024.
- There will be a mandatory register of "Biodiversity gain sites" for recording off-site habitats and sites that are being used for compensation
- All habitats used for compensation and off-setting will be required to be maintained and managed for a minimum of 30 years
- It will be possible to purchase statutory biodiversity credits (see page 25) from SoS for the purpose of meeting biodiversity gain but these will be expected to be used only as a last resort.

Summary of Statutory Framework for BNG

Environment Act 2021

In England, BNG is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).

Under the statutory framework for BNG, every grant of planning permission is deemed to have been granted subject to a **general biodiversity gain condition** to secure the biodiversity gain objective.

The general biodiversity net gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

There are exemptions (as listed on pages 20 and 21) and transitional arrangements which disapply the condition from certain planning permissions, as well as special modifications for planning permissions for phased development and the treatment of irreplaceable habitats.

The statutory framework for biodiversity net gain also includes provisions about information requirements for planning applications and the treatment of the condition on planning decision notices.

The biodiversity net gain regulations most directly relevant to planning are:

- **The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations [2024]** which commence BNG for most types of new planning applications and provides transitional arrangements for section 73 permissions
- **The Biodiversity Gain Requirements (Exemptions) Regulations [2024]** which prescribes exemptions for categories of development to which BNG does not apply
- **The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations [2024]** which includes provisions related to planning applications and the Biodiversity Gain Plan, as well as modifications for phased development
- **The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]** which sets out the modifications for irreplaceable habitats.

In addition, there are regulations for the Biodiversity Gain Site register established under section 100 of the Environment Act 2021 for registered offsite biodiversity gains.

BNG and Alignment with Changes to Local Planning Authority Duties

Environment Act 2021

In addition to BNG, the Environment Act underwrites other initiatives for nature recovery which are relevant to LPAs.

Local Nature Recovery Strategies

Sections 104 to 108 of the Environment Act lay out the requirement for Responsible Authorities (RA) to produce Local Nature Recovery Strategies (LNRS). LNRS are designed to establish priorities and proposals for specific actions to drive nature recovery, and to provide wider environmental benefits. BNG is one of the most important mechanisms for delivering LNRS by providing financeable projects to focus resources into habitat creation and enhancement. The responsible authority for LNRS is Lincolnshire County Council

Greater Lincolnshire Nature Partnership (GLNP) is working in collaboration with LPAs in the formulation of the final LNRS, including helping to identify priority locations within each of their respective districts.

The LNRS is likely to be published by April 2025

Biodiversity Duties

The Environment Act also strengthens the 'biodiversity duty' as established in the Natural Environment & Rural Communities Act 2006. The duty now requires public authorities to '*have regard, as far as is consistent with the proper exercise of [their] functions, to the purpose of conserving* ***and enhancing*** *biodiversity*'.

The extension of the biodiversity duty requires public authorities to prepare a 5-yearly Biodiversity Report of their actions taken under its provisions. This report will be inspected by the Secretary of State and whilst further guidance on what to include is necessary, implementation and regulation of BNG is likely to be one of the main factors in determining whether LPAs have fulfilled their duty in enhancing the natural environment.

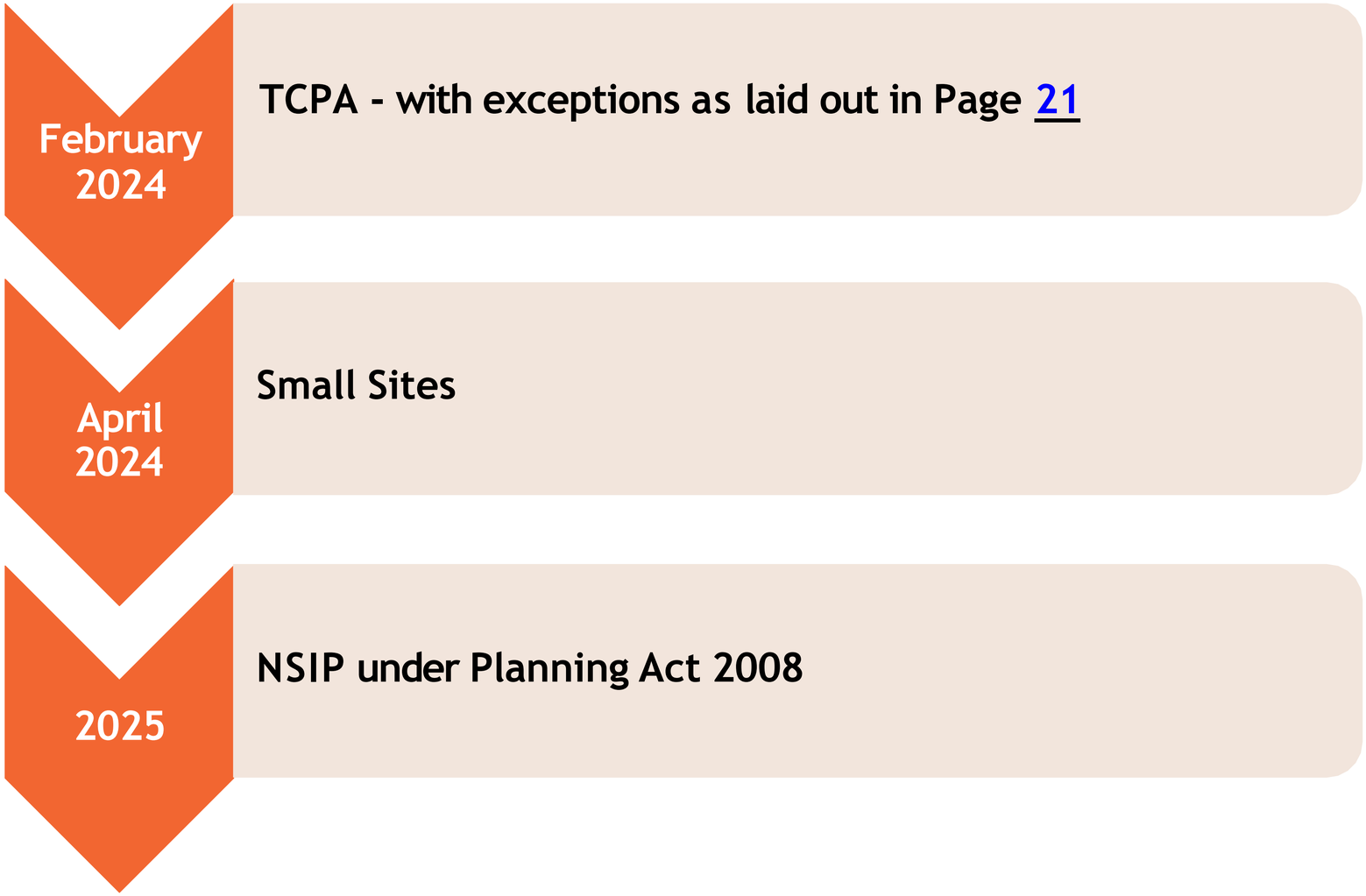
Central Lincolnshire
LOCAL PLAN

2. Biodiversity net gain and the planning system

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

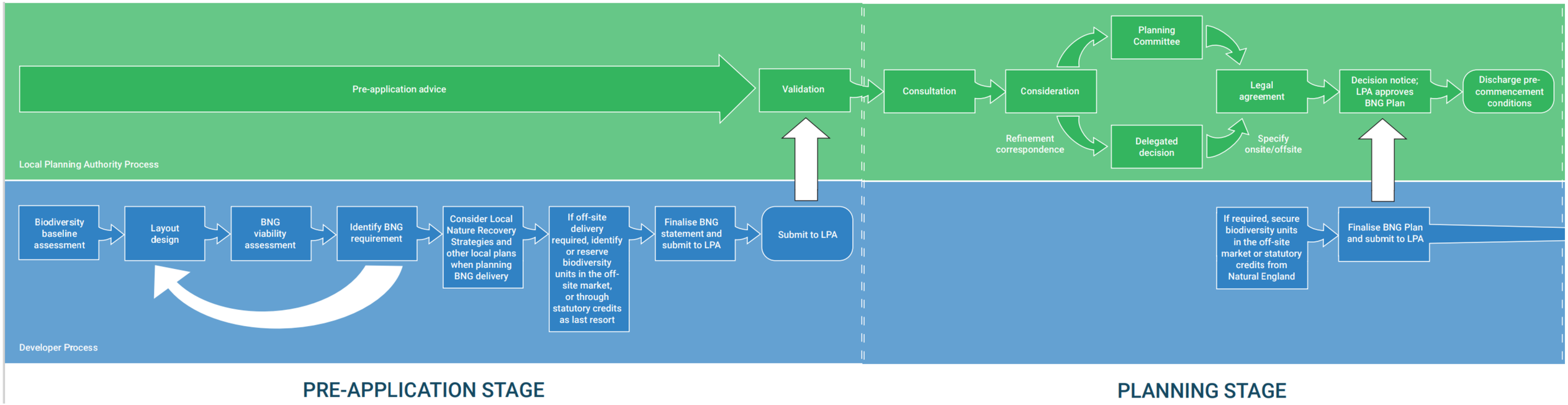
Timeline

As set out earlier, the implementation date of BNG differs depending on the type of scheme that planning is being sought for. The following diagram provides a current summary of when BNG will become mandatory for a given application type. More details are provided in subsequent sections of this Guidance Note.

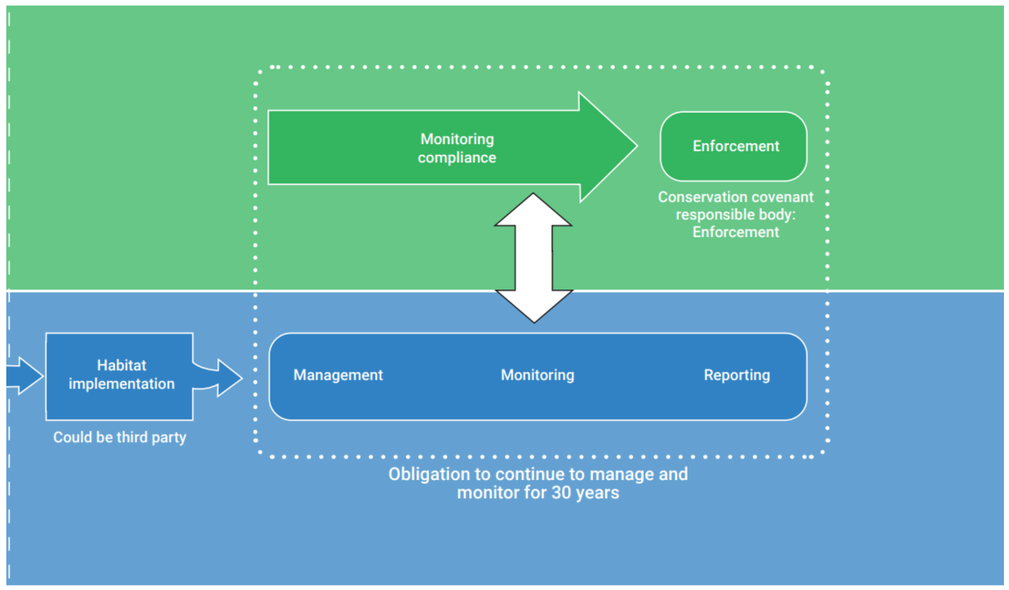


How the mandatory BNG requirement will work for TCPA 1990 development

The below diagram is designed to provide a high-level overview of the process and what is required at each stage of the planning process with regards to BNG



Original Image available at [Biodiversity net gain: mapping out the process (futurehomes.org.uk)]



Exemptions

Not all development will be required to achieve a 10% net gain in biodiversity units. Defra has provided a list of exemptions associated with mandatory BNG, to keep the policy proportionate.

Exemptions include:

1. Permitted development
2. Urgent crown development
3. Development impacting habitat of an area below a 'de minimis' threshold of 25 m^2 or 5m for linear habitats such as hedgerows. (this exemption is overridden if any priority habitat is present)
4. Householder applications
5. Biodiversity gain sites (where habitats are being enhanced for wildlife)
6. Small scale self-build and custom (CSB) house building which:
    - consist of no more than 9 dwellings;
    - is an area no larger than 0.5ha;
    - consists only of dwellings which are self-build or custom housebuilding

7. Only apply the requirement to Section 73 applications where the original application was made after commencement of the mandatory BNG requirement.

If exempt - The development should still provide opportunities for biodiversity enhancement as per local policies.

Applicants may still wish to use the statutory metric for exempt developments to evidence compliance with other local polices and the NPPF (if used, a minimum target of No Net Loss should be set [0%])

De minimis applications are encouraged to make use of urban greening aiming for a voluntary contribution of 2.5 – 3 units per hectare (percentage-based targets are ineffective on these types of projects)

Full Retrospective application (Section 73a) are required to evidence 10% as per local policy

NSIP application are required to evidence 10% as per local policy

Should planning for CSB be granted but is later placed on the open market, thus invalidating its status as a CSB, 10% BNG will be required retrospectively.

Which metric should be used and when?

To ensure that developments are assessed fairly, a separate metric for 'small sites' has been developed in addition to the Statutory Metric. The Small Sites Metric (SSM) excludes priority habitat criteria and is aimed at minor development (although not all minor development will be suitable for the SSM as per the criteria set out opposite). 'Small sites' may also still use the **Statutory Metric** if preferred . Using the Statutory Metric in all situations is the preferred approach of the LPAs .

A mixture of metrics must not be used within your submission

If using the Small Site Metric and requiring offsite units, you will need to copy the data across to the Statutory Metric to evidence all trading rules and 10% has been met to discharge the General Biodiversity Gain condition.

The Statutory Metric must be completed by an appropriately qualified ecologist whilst the Small Site Metric must be completed by a "competent" person.

The LPA considers a suitably qualified ecologist to be someone who: holds a degree or equivalent qualification in ecology or a related subject. Is a practising ecologist, with a minimum of three years relevant experience if working without the support of a more senior ecologist. Is covered by a professional code of conduct and subject to peer review. Appropriately qualified ecological consultants can be found by looking on the Chartered Institute Ecological and Environmental Management (CIEEM) website

Criteria for using the Small Sites Metric

Small sites are defined for the purpose of the BNG as:

- residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares, or
- commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare, or
- development that is not the winning and working of minerals or the use of land for mineral-working deposits, or
- development that is not waste development

Additional criteria that must be met

- only the habitats available in the SSM are present on-site
    - o any site containing any additional habitats (including riparian zones where relevant) not included in the SSM must use the statutory biodiversity metric calculation tool
- no priority habitats are present on-site
    - o some hedgerows and arable field margins are excluded from the above as these are medium distinctiveness habitats and are included in the SSM
- no statutory protected sites or habitats are present
- no European protected species are present

Biodiversity Gain Plan (BGP)

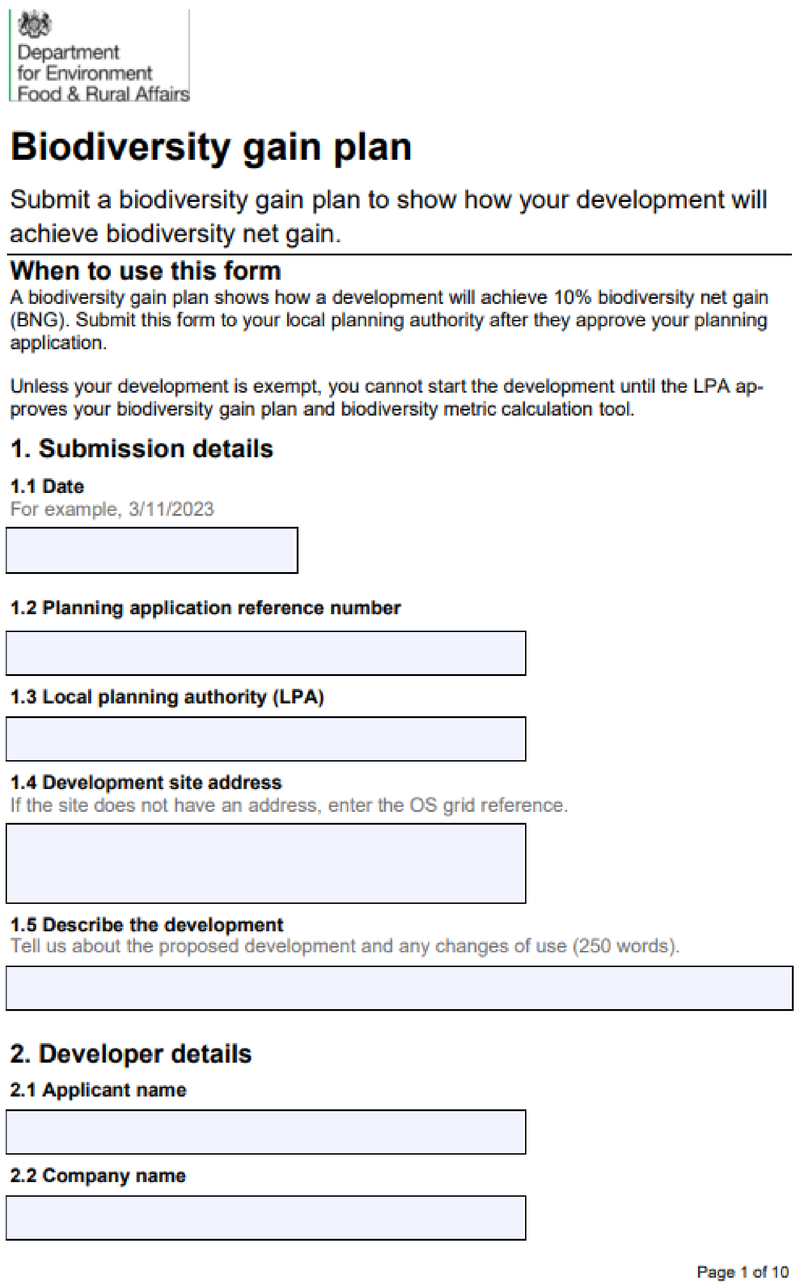
The Biodiversity Gain Plan (BGP) is the main document that should accompany an application requiring BNG, alongside the Statutory Metric Excel spreadsheet itself. The template for the BGP is now available here: [Biodiversity gain plan - GOV.UK (www.gov.uk)]

The BGP is an essential requirement to discharge the pre-commencement condition which will automatically be applied to all planning permissions where BNG is not exempt.

Defra set out the following process for BGP submission:

1. The BGP will be submitted as a post-permission document for the approval by the planning authority.
2. The applicant will submit the BGP after the planning permission has been granted to discharge the mandatory biodiversity net gain condition.
3. The BGP must be approved in writing by the planning authority before development can commence.
4. There is a standard BGP template for applicants to complete and planning authorities to assess.
5. The BGP (and the outcome of the determination) will be required to be published on the relevant local planning authority register.

In practice much of this information will have already been supplied to the LPA in the form of a Biodiversity Gain Statement, which is a requirement under the Local Validation List.



Department for Environment Food & Rural Affairs

Biodiversity gain plan

Submit a biodiversity gain plan to show how your development will achieve biodiversity net gain.

When to use this form

A biodiversity gain plan shows how a development will achieve 10% biodiversity net gain (BNG). Submit this form to your local planning authority after they approve your planning application.

Unless your development is exempt, you cannot start the development until the LPA approves your biodiversity gain plan and biodiversity metric calculation tool.

1. Submission details

1.1 Date
For example, 3/11/2023

1.2 Planning application reference number

1.3 Local planning authority (LPA)

1.4 Development site address
If the site does not have an address, enter the OS grid reference.

1.5 Describe the development
Tell us about the proposed development and any changes of use (250 words).

2. Developer details

2.1 Applicant name

2.2 Company name

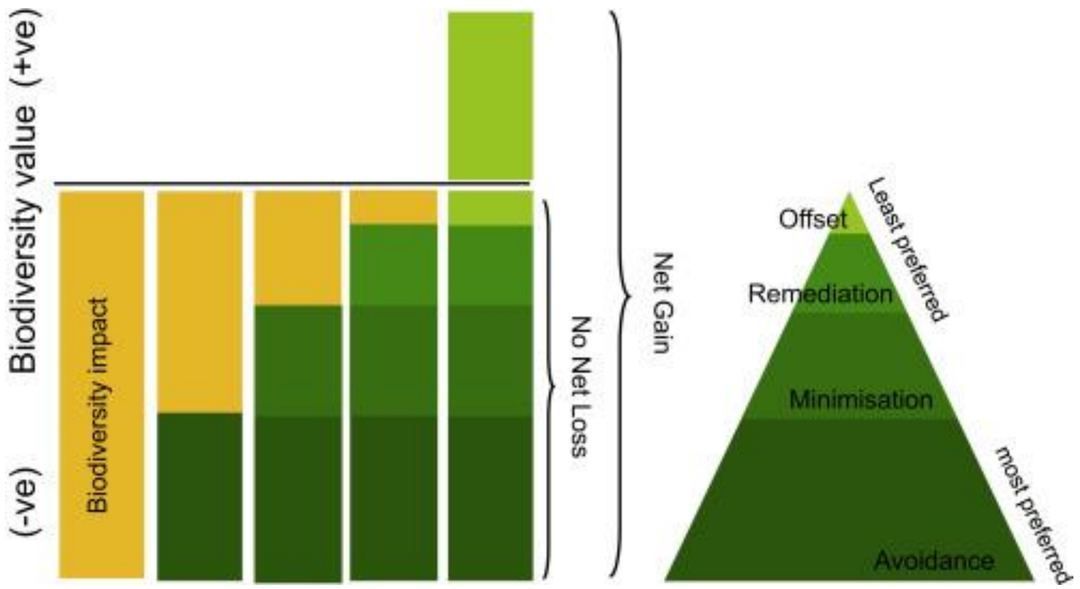
Page 1 of 10

Biodiversity Gain Hierarchy

The Biodiversity Gain Hierarchy (BGH) emphasises the preferred route to be followed for achieving a 10% net gain and should be used by developers as early as possible when selecting a site and considering development proposals.

Local planning authorities must consider the BGH when deciding whether the biodiversity objective has been met and when determining whether to approve the Biodiversity Gain Plan. The BGH is a material consideration in the planning process.

The BGH emphasis that onsite biodiversity gains should be considered firstly, followed by registered offsite biodiversity gains and – as a last resort – biodiversity credits. The BGH is emphasised for Medium distinctiveness habitats and above; however, principles of the mitigation hierarchy still apply and are also of relevance for habitats of lower distinctiveness. The BGH does not replace the mitigation hierarchy and is instead aimed to provide an additional layer of strength to these principles in relation to BNG.



Julia Patricia Gordon Jones, Joseph William Bull, Dilys Roe, Julia Baker, Victoria Frances Griffiths, Malcolm Starkey, Laura Jane Sonter, E.J. Milner-Gulland,
Net Gain: Seeking Better Outcomes for Local People when Mitigating Biodiversity Loss from Development,
One Earth,
Volume 1, Issue 2,
2019,
Pages 195-201,

The Biodiversity Gain Hierarchy means the following actions, in the order or priority:

in relation to onsite habitats which have a medium, high and very high distinctiveness (a score of four or more according to the statutory biodiversity metric)

1. avoidance of adverse effects from the development
2. If adverse effects cannot be avoided, mitigating those effects;

and

in relation to all onsite habitats which are adversely affected by the development the adverse effect should be compensated by prioritising in order

1. enhancement of existing onsite habitats
2. creation of new onsite habitats
3. allocation of registered offsite gains. (below is the locally preferred order when considering offsite gains – where multiple options are available those in "Strategic Significant" areas should be prioritised)
    a) Adjacent to the development site
    b) Within the same Neighbourhood Plan area
    c) Within the same LPA and National Character Area (NCA)
    d) Within the same LPA but neighbouring NCA
    e) Within same NCA but neighbouring LPA
    f) Within a neighbouring LPA and/or NCA
    g) Not within a neighbouring LPA and/or NCA
4. purchase of biodiversity credits

Options for BNG Delivery

Notwithstanding the need to adhere to the BNG and mitigation hierarchy, there are several approaches to achieving mandatory BNG, and these can ultimately be delivered as a combination:

1. Onsite through design changes/ integration of green infrastructure and soft landscaping. This is the preferred option that needs to be exhausted prior to moving to off-site solutions.
2. Offsite - Habitat creation/enhancement is delivered on another site outside of the submitted proposed development boundary and is registered as a Biodiversity Gain Site.
3. Statutory credits: Government sourced credits which are available to purchase. These are a last resort.

Local offsite units are being created through Biodiversity Gain Sites. A Biodiversity Gain Site is a parcel of land where targeted habitat intervention is conducted to generate a biodiversity unit uplift. This can be privately or publicly owned land and will be managed for a minimum of 30 years. This uplift is then sold as biodiversity units to those that need off-site biodiversity net gain.

Local offsetting through Biodiversity Gain Sites can be implemented in several ways; however, under each scenario, the land must be tied to a legal agreement prior to it being incorporated into an applicant's BNG strategy for planning. An applicant will require proof of purchase from the Biodiversity Gain Site and a verified reference number to link this Biodiversity Gain site to the Natural England offsite register which allows the LPA to check its validity.

Biodiversity Gain Site options

1. Developer owns land – this may be directly adjacent to the site (also known as within the 'blue line') but could be elsewhere in the Central Lincolnshire area.

2. LPA owns land – LPA owns a Biodiversity Gain Site manages it themselves or owns land that is managed by a 3rd Party

3. Private Landowners/Leaseholders – Landowners/Leaseholders who own Biodiversity Gain sites that have been secured by a legal agreement and will be listed on the Central Lincolnshire Local Plan Website

4. Broker - they liaise between developers and landowners / managers to provide BNG units from land. (Green Investment in Greater Lincolnshire LTD are presently providing this function in Central Lincolnshire. Use the following link to express interest in buying units https://form.jotform.com/231652961891060)

5. Land Management Companies - Some companies lease land sourcing BNG units and landowners agree management for 30 years of agreed habitat types. (Environment Bank are likely to be trading in Central Lincolnshire in the near future. Use the following link to express interest in buying units Biodiversity Unit Request | Environment Bank)

Statutory credits

Statutory credits are a provision of last resort by Defra to ensure applicants can achieve 10% net gain irrespective of the local offset market. The costs of statutory credits are significantly higher than local market options and will not direct investment in nature towards Central Lincolnshire. CLE is working to ensure a steady and reliable supply of high-integrity biodiversity units locally; therefore, it is not envisaged that statutory credits will be frequently used within Central Lincolnshire. (for more info on statutory credits, see here: Statutory biodiversity credits - GOV.UK (www.gov.uk)

BNG requirements at validation, prior to determination, and post-determination

The principal mechanism for delivery of BNG within the TCPA is a 'general biodiversity gain condition' (GBGC), which is to be attached to all planning permissions (unless exempt) and must be discharged by the provision and acceptance of a Biodiversity Gain Plan (BGP) prior to commencement of development. Broadly, the BGP will aim to ensure :

- onsite biodiversity gains have been identified through the development's approved plans and drawings are appropriately secured;
- any offsite biodiversity gains have been registered and allocated to the development; and
- biodiversity credits, if they are necessary, have been purchased.

However, **BNG is not just a post-permission matter**, and successful BNG strategies by developers will need to have been considered throughout the planning process. There are strict validation requirements set by Defra which must be followed by the LPA; these relate to 'Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015' and broadly includes a requirement to provide:

- a baseline biodiversity unit calculation (i.e. what is present within the site prior to development), including a summary of any irreplaceable habitats;
- an associated map showing the baseline habitats.

This information has been stressed as a minimum requirement and it is acknowledged by Defra that additional information may be required to assist the consideration of BNG with a given planning application. Further to this, **LPAs need to consider more broadly whether the general biodiversity condition is capable of being successfully discharged, Whether there is an appropriate balance of onsite vs offsite, whether the application complies with the NPPF and whether the application complies with related local plan polices.** It will be essential that additional information is provided to the LPA prior to determination to ensure effective implementation of BNG and reduce the risk of applications being granted permission that then fail to discharge the general biodiversity gain condition. Defra guidance does not provide a definitive list of requirements prior to determination; however, subsequent pages of this guidance note set out **what will be required to determine planning applications which meet criteria for mandatory BNG within Central Lincolnshire.** This has been determined through interpretation of national guidance and liaison with relevant local stakeholders.

BNG requirements at validation, prior to determination, and post-determination

The information which is required prior to determination should ordinarily also be provided at validation, as the consultation period for the CLE will initiate upon validation of an application. Information not provided at validation but submitted during the consultation window may result in delays to determination of planning applications.

Such requirements are set consistently across Central Lincolnshire to provide clarity to applicants and ensure sufficient information is received prior to a development being consented or refused so that where appropriate the CLE can give due consideration to the information provided and advise LPAs whether a minimum 10% net gain, together with all BNG principles and rules, will be met.

What happens if an applicant fails to provide information required and explained within this document?

If the information requirements as stipulated within this Guidance Note are not met by an applicant, then the following actions will occur depending on the stage of planning permission:

Validation – Failure to adhere to the minimum 'National Validation Requirements' as set out on Page 27 and Local Validation List requirements will result in validation not being accepted.

Prior to determination – the application is likely to be refused, or significantly delayed whilst the LPA request further information.

Note – this information should be submitted at validation to allow the CLE and the LPA to review this information in sufficient timescales.

General Biodiversity Gain Condition (GBGC) Condition discharge – the application to discharge the planning condition will be rejected.

National validation requirements

The below text comprises a direct quote from the 'Biodiversity Net Gain Planning Practice Guidance' provided by Defra. This includes the minimum requirements for validating a planning application, therefore failure to provide this information results in an application not being validated. This also includes information on how applicants should provide transparency regarding on-going land use which may be impacting the existing biodiversity unit value of a site. More information can be found here: Biodiversity net gain - GOV.UK (www.gov.uk). A flow-chart of validation requirements for Central Lincolnshire can be found within section 4 later in this guidance note.

Where an applicant believes the development would be subject to the biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

•confirmation that the applicant believes that planning permission, if granted, the development would be subject to the biodiversity gain condition;

•the pre-development biodiversity value(s), either on the date of application or earlier proposed date (as appropriate);

•where the applicant proposes to use an earlier date, this proposed earlier date and the reasons for proposing that date;

•the completed metric calculation tool showing the calculations of the pre-development biodiversity value of the onsite habitat on the date of application (or proposed earlier date) including the publication date of the biodiversity metric used to calculate that value*;

• a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:
  - a statement to the effect that these activities have been carried out;
  - the date immediately before these activities were carried out;
  - the pre-development biodiversity value of the onsite habitat on this date;
  - the completed metric calculation tool showing the calculations, and
  - any available supporting evidence of this;

•a description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) on the land to which the application relates, that exists on the date of application, (or an earlier date); and

•plan(s), drawn to an identified scale and showing the direction of North, showing onsite habitat existing on the date of application (or earlier proposed date), including any irreplaceable habitat (if applicable).

If this information has not been provided, the local planning authority will refuse to validate the application.

*Statutory Condition assessments (in excel format) must be supplied where applicable – Failure to supply them means you have failed to supply a completed metric calculation tool and your application will not be validated

For site including or adjacent to (within the riparian zone) of rivers, streams and canals a River Condition Assessment must be submitted. The person conducting the survey must be MoRPH accredited (River Condition Assessment for appraisals & Biodiversity Net Gain calculations – Modular River Survey).

Local validation requirements

In addition to the national validation requirements each LPA within Central Lincolnshire has established a Local Validation List. Below is a summary of the locally required information in relation to BNG that **must** be provided.

Biodiversity Gain Statement

Whether an applicant believes the development would be subject to the biodiversity gain condition or not, the application must be accompanied by the local "Biodiversity Gain Statement" – Within this document all sections should be completed. Sections marked * relate to statutory validation and those marked ** relate to requirements under the Local Validation list. Those questions not identified by * or ** should be provided to prevent delay and or refusal at determination.

"Complete" Post Development Metric

If the application is subject to the BGC then the submitted metric should include baseline data (as per national validation requirement) and post development data. Offsite information does not need to be provided at this stage.

Post Development Habitat Map

If the application is subject to the GBGC, then plan(s), drawn to an identified scale and showing the direction of North, showing proposed onsite habitat, including any irreplaceable habitat (if applicable) must be provided.

Suitable Ecological Report

Whether an applicant believes the development would be subject to the Biodiversity Gain Condition or not, the application must be accompanied by a suitable Ecological report. For full applications an Ecological Impact Assessment (EcIA) is expected, for outline application a Preliminary Ecological Assessment (PEA) is sufficient. These reports should contain the rare data for habitat surveys that informed the baseline metric data.

Species specific surveys

Whether an applicant believes the development would be subject to the biodiversity gain condition or not, the application must be accompanied by species surveys if the site is used or likely to be used by or the development will or is likely to negatively impact protected or notable species (for a checklist of criteria see the Biodiversity Gain Statement)

Tree survey

Whether an applicant believes the development would be subject to the biodiversity gain condition or not and contains individual trees, hedgerows and/or woodland a British Standard 5837 Tree Survey is required. This survey should identify irreplaceable habitats (Ancient woodland and Ancient/veteran trees [Defintion]), tree species, tree health category, signs of disease, trunk diameter at 'breast' height. Individual trees should be placed into the size categories identified by the Metric User guides for consistency.

Other requirements prior to determination

This page sets out the requirements of what each LPA and the CLE will expect prior to determination, to ensure sufficient information is provided to allow a robust evaluation of whether the applicant is likely to be able to discharge the general Biodiversity Gain Condition should the application be approved and given planning permission. This does not repeat the national validation requirements or Local Validation List requirements detailed on the previous page but lists additional information which an applicant **should** provide to the LPA. If this information is not presented at validation, then this may result in delays to appropriate consultation with the CLE and subsequent delays to planning determination.

Where a site proposes significant onsite gains and will be secured via a S106 agreement the following documentation should be supplied either as separate documents or sections within other reports.

Draft Habitat Management and Monitoring Plan - This should use the Natural England Template (small site template is now available) and clearly identify the activity and timeline of the initial completion period and the management for the subsequent 30 years. This should also contain any invasive species management plan.

Soil Sampling Results - For habitat parcels that you intend to enhance or create new habitat, a soil sample and analysis must be completed, and a report produced. A guide to how this can be conducted can be found at soil sampling for habitat recreation and restoration - TIN035 (naturalengland.org.uk). On sites containing historic features or Scheduled Monuments advice must be sought from a Natural England Historic Environment Adviser before taking soil samples.

Hydrological Survey/Assessment - The success of many habitats will be dependent on the site hydrology; A suitable hydrological survey/assessment should be conducted to ensure site suitability and inform any future proposal for habitats.

Climate Resilience/Projection Report - As all proposed habitats must be maintained for a minimum of 30 years (and hopefully into perpetuity) it is important to consider the risk climate change is likely to cause on a local level. A review of met office data should be conducted. A baseline for average rainfall per season, average air temperature per season and frequency of extreme weather events should be obtained (to as small a scale as possible) and compared to RCP8.5 projections for the next 30-year period.

Financial Model/Suitability Report – The LPA must be confident you can meet your 30-year obligation. You should outline who will be responsible for managing the site, what contingencies are in place should the company manging the land fold/liquidate within that period, proof of funds and/or a cash flow model. It should contain your “assumptions” for costs for initial creation and ongoing management.

Significant gains, management & monitoring

What is meant by 'significant' on-site gains?

Where biodiversity gains on development sites are deemed significant, they must be subject to 30 years management and monitoring, and therefore fall within the remit of the HMMP requirement. These can account for new greenspace such as parks or even Sustainable Urban Drainage (SUDS) within a site. It can also be a result of a change in management of existing natural habitats on site, such as a change in mowing regime of an existing grassland parcel. Defra have produced guidance on which habitat interventions could be classed as 'significant' (see https://www.gov.uk/guidance/make-on-site-biodiversity-gains-as-a- developer). Within Central Lincolnshire, **each LPA district has set a consistent approach to defining a threshold for 'significant gains' which is set out below:**

Criteria 1 Onsite creation, improvements in condition, or retention, of habitats assigned medium distinctiveness or higher in the Statutory/Small site Biodiversity Metric are considered significant.
Criteria 2 Onsite creation or improvement in condition of low distinctiveness habitats, are considered significant, where either:

A. the combined number of units delivered is equal to or greater than 0.5; and/or

B. the combined number of low distinctiveness units is equivalent to 10% or more of the baseline biodiversity unit value of the site.

(Private gardens and their content will never be considered significant)

The link between significant gains and determination of an application

Because significant gains needs to be secured by either a condition or planning obligation, these need to be evaluated, agreed and secured prior to determination of the application, so that the relevant securing mechanism can be set.

Duty to report on monitoring for 30 years

Provided the applicants post-determination BGP and biodiversity metric are considered acceptable, then the general Biodiversity Gain Condition can be discharged. As part of this, a minimum of 30 years management and monitoring will need to be complied with as a requirement of the condition. Where the LPA or the CLE find that habitats are not being managed appropriately and/or monitoring is not taking place, appropriate enforcement action may be recommended to ensure action is taken to address predicted biodiversity unit deficiencies against the approved BGP (see Page 79). Therefore it is crucial for applicants to engage their own ecological expertise and produce credible proposals and management plans which take into account pressures such as human disturbance, climate change and ground conditions. Each monitoring report submitted in the relevant years subsequent to an agreed completion period will be reviewed by the CLE to assess the progress towards biodiversity gains, matched against the approved BGP document submitted to discharge the general Biodiversity Gain Condition.

Significant gains – S106 vs Condition

How will your Significant gains be secured?

The LPAs are obligated to secure significant gains either by a S106 agreement or condition for a 30-year period following completion.

Where a development's significant gains are made up of solely of low distinctiveness habitats (in any condition) or medium distinctiveness habitats up to and including moderate condition a condition may be applied. Exempt habitats that will require a S106 (NE define as requiring higher competency in achieving) are as follows

- All Arable field margins
- Other Lowland Acid Grassland
- Upland Acid Grassland
- Ornamental Lakes
- Reservoirs
- Inland rock and scree
- Allotments
- Cemeteries and Churchyards
- Façade bound green walls
- Ground based green walls
- Ecologically valuable lines of trees (with and without ditches)
- Canals

Where a 1 to 4 dwelling (inclusive) development contains only medium or below distinctiveness habitat and no priority/irreplaceable habitats a condition will be applied.

*This is subject to review each financial year

Completion period – for the purposes of BNG the completion period is not the same as the completion of the development.

Using the metric each habitat has been assigned a completion period (this can be found in the monitoring fee calculator). Your project's completion period should represent the largest of these values (you may negotiate a longer period if other aspects of your development prevent all habitat works starting within 12months of discharge of the GBGC). Completion activities include soil prep, planting, seeding, scheduled works (such as digging ponds) and initial management to ensure the success of those works.

Example Requirements under a S106

A template S106 can be found here but below outlines the key expectations:

- Payment of a one off monitoring fee within 15 days of discharge of the GBGC – Monitoring fee calculator can be found here
- Right of access to inspect
- Submission of monitoring data and report to the CLE (to be submitted no later than September on the required year)
  - (a) In respect of a Low Difficulty Site the report shall be submitted at the following intervals from the completion Date – year 1, year 3, year 5, year 10, year 15, year 20, year 25 and year 30
  - (b) In respect of a Medium/High Difficulty Site the report shall be submitted at the following intervals from the Covenant Start Date – year 1, year 2, year 3, year 4, year 5, year 10, year 15, year 20, year 25 and year 30
- Submission of GIS shape files and survey data for baseline and post development within 15 days of discharge of the GBGC to the CLE and GLNP
- Ability to adapt a previously agreed HMMP
- The ability to purchase further offsite units if targets cannot be met
- Force Majeure protection
- In some circumstances permission to register excess units on the Natural England Register.
  - Consideration will be given where excess units (excluding all non-significant units) exceed 15% and produce a minimum of 2 extra Biodiversity Units
  - Greater weight will be added to this consideration if the gains are of strategic significance
  - Where excess units are agreed the LPA will specify which specific habitats units may be placed on the NE register

Monitoring fees

For Significant onsite gains secured by a s106 agreement a monitoring fee is made payable to the LPA.

Monitoring fees must be paid within 15 working days of the GBGC being discharged.

This fee covers the hours used by the CLE to review monitoring submissions and conduct quality assurance site visits.

Fees vary between £3416 and £15493 depending on size, complexity and completion period. The fee calculator will be updated every April by the CLE.

The fee calculator is easy to use needing minimal inputs. The size of significant habitats, time to completion and the highest difficulty value onsite is the only required information.

For sites consisting of habitat creation/enhancement that the metric views has a “very high” difficulty or sites in excess of 40ha, a bespoke fee will be agreed.

Due to a lack of River specialism by the CLE, additional cost may be incurred should your site contain a river, stream or canal as external consultation will be required.

Cells that require Input
Cells that require Annual Review
Cells that are Auto Populated

Site Details

Secured Habitat

Area (ha)	39	
Hedgerow (km)		Hedgrow/Waterway legnth data is multiplied by 5m to provide estimated area data (this is inline with UKHAB mapping units)
Waterways (km)		
Total	39.00	*rounded to 2dp
What size is the secured BNG Scheme?	Large (20+ to 40ha)	
How technically difficult are the habitats being created?	High	Highest difficulty value found across all enhancement/creation tabs of the statutory metric

Years to complete habitat creation/enhancement	5	number of years from BGP approved until all habiat creation enhancement is complete
River/Stream on or adjacent to site?	No	Specialist consultation required

Staffing costs

Habitat monitoring

Employee 1 – Principal Ecologist		
Time required (reporting year - Desktop Study)	# Hrs	9
Additional time required (Site Visit Year)	# Hrs	13.5
Cost Per hour 2024/2025	£	50.25

Employee 2 – Admin Support		
Time required (reporting year)	# Hrs	2
Cost Per hour 2024/2025	£	-

Percentage of overhead LPA needs to pay per employee	40%	Percentage standard overhead costs calculated by NK District Council
Chargeable hours per year	1,200	Based on the number of chargable hours outlined by NK District Council
Inflation rate	2.0%	Long term inflation estimate used at strategic level within North Kesteven District Cou
Additional cost to LPA per site (£)	£ 10.00	This should cover any additional costs included in monitoring across the full 30 years.

Reporting/site visit years

Reporting years

Year	0	1
Does monitoring take place in this year?	Yes	Yes
Does a site visit take place in this year?	No	No

Management plan progress risk

This calculates the cost of this as a % of the total monitoring charge

10%

LPAs assess the management plan and review progress reports on these plans. Should progress be slower than expected, additional monitoring may be required/agreed. This 10% takes this risk into account. Statutory and internal report writing time is included in this % also

Outputs

Cost to LPA

Habitat monitoring	£	14,085.74
Management plan	£	1,407.57
Total		**£15,493**

This is the amount in today's money required to cover costs over 30 years, taking into account inflation a

Prior to commencement of development

At this stage, the general Biodiversity Gain Condition will need to be discharged in order for development to be able to commence.

At post-determination but pre-commencement, the following information is required:

A completed Statutory Metric detailing the level of biodiversity net gain that **will** be achieved by the scheme. Where off-site compensation is being used (including use of statutory credits), this must now be confirmed and must be included within the 'off-site' tabs of the metric. Sufficient details of the offsets including proof of purchase will also need to be provided (see below), and all off-site land will need to have been registered on the national off-site register overseen by Natural England. **The Statutory Metric must now reveal a minimum 10% net gain in biodiversity units for the planning condition to be discharged**. Additionally, rules and principles (see pages 56 and 57) of this guidance note for further details) should have been met, which should be evident within the biodiversity metric.

A completed Biodiversity Gain Plan (BGP) containing detailed information on how the 10% biodiversity net gain will be achieved. Supporting information through your HMMP should be provided to allow the CLE to confirm that the proposals are achievable.

Furthermore, evidence that the mitigation hierarchy and BNG Hierarchy has been followed will be essential to discharging the condition, which means that the BGP should demonstrate how: preferably 1) avoidance of habitats, secondly 2) appropriate on-site enhancement/creation measures, and lastly 3) local off-site measures within Central Lincolnshire have been exhausted prior to seeking to use statutory credits from Defra.

The following must also be submitted as part of the BGP:

- Baseline habitat data, preferably in UKHab survey format, with condition assessment data (note this is likely to have been provided prior to determination in a similar ecology document)
- Pre-development and post-development plans, showing the location of onsite habitat and drawn to an identified scale and showing the direction of North. The post development plan must now accurately reflect finalised landscape and layout proposals for the development
- Approved off-site compensation details (if applicable)
- Register reference number(s) for off-site biodiversity units (if applicable)
- Local Biodiversity Gain Site or statutory biodiversity credits proof of purchase (if applicable)
- Finalised HMMP outlining how all significant gains will be created/enhance and managed for the initial completion period and subsequent 30-year

LPAs have **8 weeks** to review this information and discharge the GBGC – An extension may be agreed should information be lacking.

A written decision will be given and both the decision notice and BGP will be made publicly available.

You must not begin any works onsite prior to the discharge of this condition. Any activity that impacts the condition or presence of proposed retained or enhanced habitats will result in the CLE re-calculating your metric proposal and which may result in the need to purchase additional offsite units.

Requirements for Outline and Phase Development Planning Permission

The statutory framework for BNG includes specific modifications for planning permissions (including some outline planning permissions) that have the effect of permitting development in phases. This reflects phased developments where full details of all phases may not be known at the time of planning permission.

For the purposes of BNG a phased development is:

- *'a grant of outline planning permission where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases'; or*
- *'a grant of any kind of planning permission, where the grant is subject to conditions (whether requiring the subsequent approval of any matters or otherwise) having that effect'.*

To note: not all outline planning permissions will meet this different definition. For instance, an outline permission for a small-scale residential development where appearance and landscaping were the only reserved matters for later determination is unlikely to do so, and it would be subject to the standard provisions for biodiversity net gain.

For applications for outline planning permission and permission which have the effect of permitting development in phases, there will be additional requirements for the biodiversity gain information to be submitted with the application.

What are the modifications for phased developments?

The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 modify the general biodiversity condition for planning permissions which are phased development. Instead of the standard approach for the Biodiversity Gain Plan:

An **Overall Biodiversity Gain Plan** (this is presently unavailable but will be found here) must be submitted to and approved by the planning authority before any development can be begun

Biodiversity Gain Plan for each phase must be submitted to and approved by the planning authority before the development of that phase can begin.

- The **Overall Biodiversity Gain Plan** is to set out upfront how the biodiversity net gain objective will be achieved.

The content of an Overall Biodiversity Gain Plan is different in several ways from a standard Biodiversity Gain Plan reflecting that there is unlikely to be detailed proposals agreed for significant onsite habitat enhancements, especially for later phases, and offsite gains and credits allocated or purchased for the development immediately.

The post-development biodiversity value of the onsite habitat for the entire development and each phase is a projection of the biodiversity value at the completion of the entire development (not the completion of each phase.)

For each phase, a **Phase Biodiversity Gain Plan** must be submitted to and approved by the planning authority before the development of that phase can begin. Each Phase Biodiversity Gain Plan will set out a phase's contribution to BNG and track the progress to the overall BNG objective.

The content of a Phase Biodiversity Gain Plan is intended to be more limited than an Overall Biodiversity Gain Plan, focusing on a phase's contribution to biodiversity net gain and tracking progress towards the overall biodiversity gain objective for the entire development.

For an outline planning permission for phased development, the Phase Biodiversity Gain Plan would be prepared alongside the application for reserve matter approvals for a phase.

For such projects in Central Lincolnshire, a front-loading approach is preferred whereby a concentrated area of biodiversity is completed with the beginning phases. This allows an excess to be generated earlier on to be applied to later stages and act as a reserve for nature whilst works are conducted.

Other planning application types

Retrospective applications
The Environment Act 2021 contains a clause to prevent land
degradation prior to planning applications being submitted. This includes allowing a LPA to take an earlier baseline value of the biodiversity present within a development site prior to that degradation taking place. This is particularly applicable to retrospective applications whereby existing habitats have been cleared to facilitate development activities.

Where activities to clear habitats have been undertaken for the purposes of development after the 30th of January 2020 (Or "5th August 2023 where degradation is caused as a result of planning consent granted after January 2020) and a retrospective planning application is required, a 'reasonable worst-case scenario' following the pre-cautionary principle will be used to determine what the biodiversity value of the site was prior to those activities taking place.

Once a baseline habitat value has been determined, at least 10% BNG will need to be provided above the value of the habitat baseline prior to unauthorised activities taking place. Habitat provisions must be provided within a reasonable time frame of the retrospective planning permission being granted.

Use of pre-app service

BNG brings a host of new requirements to applicants relating to nature and drives a greater focus on careful consideration of site suitability from as early in the development process as possible. Avoidance of high value habitats is an essential part of planning for a development opportunity, and BNG strengthens the requirements to follow the mitigation hierarchy and increases the risk of not fully considering constraints. Within Central Lincolnshire, each LPA has their own approach to their pre-application service. It is recommended that all major development requiring BNG engages with this pre-application service to 'front-load' technical discussions over BNG to avoid risks of planning delays and/or refusal.

The following bullet points detail points that should be addressed from an early stage, and these can be used by applicants and their ecologists to focus early BNG strategy discussions. The earlier the discussions start, the more likely it is that BNG rules and good practice principles are followed, project risks are avoided, and a better outcome for biodiversity and people is achieved.

- **The BNG rules must be followed throughout the project lifecycle.**.
- If the applicant, through consultation with their ecologists, thinks that 'rule 4' may apply, then this should be disclosed to the LPA at the earliest opportunity so the appropriateness of this can be evaluated and collaboratively determined. **Application of rule 4 should, wherever possible, be introduced to the LPA through a pre-app request prior to submission of an application.**
- Good practice principles, as found within the BNG guidance document, should be adhered to and evidenced.
- The developer should have already consulted with relevant professionals to assist with BNG, including a suitably qualified ecologist to assist with habitat surveys and completion of a biodiversity metric baseline. This should be undertaken prior to a pre-app meeting to ensure the applicant gets the most out of this service.
- The applicant needs to consider the wider context of the site and its surroundings. Does the site have any of the following which may cause issues if not highlighted at an early stage:
    - Habitats of Principle Importance (HPI);
    - Irreplaceable habitats;
    - Statutory designated sites;
    - Non-statutory designated sites; and/or
    - Waterbodies within 10m of, or within the site itself.

- If yes, can the red line boundary be adjusted to avoid these features? If no, then the applicant must ensure that bespoke compensation is proposed for impacts to irreplaceable habitats. Applicants must also be aware that an additional river condition assessment will be needed where rivers are present within the site or within 10m of its boundary.
- Is the developer following the mitigation and BNG hierarchy to avoid habitats of importance and design around/with biodiversity from the outset? Evidence of this should be provided.
- If offsite compensation is likely to be needed, then the LPA and the CLE can advise on suitable opportunities within the local market.

- The BNG 'flow charts' are introduced in subsequent pages of this Guidance Note and can be used by applicants and their ecologists as a decision-making tool at each stage of the planning process. These flow charts will be directly referred to by the CLE and planners when deciding how to determine a planning application.

Central Lincolnshire

LOCAL PLAN

3a. A guide for ecologists and metric completers

Baseline data

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

Why is this guide needed?

Although the statutory metric produces a standardised approach to value biodiversity by means of habitat type, no clear guidance has been given as to how this data should be obtained.

It is imperative that a consistent methodology and translation be applied so that all applications are assessed fairly and transparently.

Such an approach will also ensure monitoring surveys across the 30-year period are consistent even when/if the instructed ecologist changes over that period.

This guide should be followed by an appropriately qualified ecologist. The LPA considers a suitably qualified ecologist to be someone who: holds a degree or equivalent qualification in ecology or a related subject. Is a practising ecologist, with a minimum of three years relevant experience if working without the support of a more senior ecologist. Is covered by a professional code of conduct and subject to peer review. Appropriately qualified ecological consultants can be found by looking on the Chartered Institute Ecological and Environmental Management (CIEEM) website

Wild Wrendale, West Lindsey by [redacted]

Initial Desktop Study - Degradation

The desktop survey must identify any site degradation that has taken place since 30th Jan 2020 (or 25th August 2023 if degradation is associated with a previous planning permission). Such degradation may include but is not limited to:

- The drainage of ornamental ponds
- Felling of trees (where the applicant claims trees were felled because they had died evidence must be provided, felling for safety does not exclude it from the baseline)
- Removal of ivy and other climbing plants on walls and fences
- Clearance of vegetation from derelict land
- Loss of area habitat to permitted development
- Removal of hedgerows for fences

A combination of historic satellite imagery, street views, information held by the Lincolnshire Environmental Record Centre, publicly accessible photos and the applicants' personal records should be considered (previously conducted surveys may identify habitat that has since been lost).

Any subsequent surveys should take into account pre-degradation habitats and habitat conditions. Where degradation is evident, but evidence of previous type and condition is difficult to determine (i.e. loss of grassland) a “best guess” based on surrounding habitat and soil type should be made (where there is more than one reasonable option, the more distinctive habitat should be used) and a moderate condition should be assumed. Rationale must be clearly explained.

You may also wish to discuss with the applicant a sensible approach to the red line boundary of the application. A too large of a red line boundary will require 10% on habitats that are not being impacted whilst a too small red line boundary will restrict the applicant's ability to offer onsite gains.

Initial Desktop Study – Additionality

The desktop study should identify if the site is already in receipt of other environment payments such as:

- Sustainable Farming Incentive (SFI)
- Countryside Stewardship (CS)
- Environmental Stewardship (ES)
- Landscape Recovery (LR)
- Basic Payment scheme
- Woodland Carbon Code (WCC)

This can be achieved by discussion with the applicant and checking the local land charge register. Where land is in receipt of the above, the baseline for BNG should be “predicted” to take into account of the actions that will already need to be taken to meet the obligations outlined in the receipt of the above funding.

Baseline Habitat Survey – Minimum Mapping Units

Across Central Lincolnshire the following Minimum Mapping Units should be applied:

If the proposed size of the submitted site is up to and including 10ha, a Minimum Mapping Unit (MMU) of 25m^2 for area habitats and 5m length for linear features (not exceeding 1m in width – if a hedgerow up to 5m in width is permittable) should be used. For sites exceeding 10ha a MMU of 400m^2 for area habitats and 25m length for linear features (not exceeding 5m in width) may be used at the ecologist's discretion. Area habitat parcels may be smaller than the MMU if they are positioned on the boundary of the site and form a continuous habitat with habitat outside of the boundary meeting the MMU size or the habitat is fully enclosed.

Watercourses are considered linear features unless their width exceeds the MMU for linear features, where this occurs the area (watercourse footprint) should be recorded in addition to is linear length.

Some features not meeting these thresholds should be included as points (such as, but not limited to, ponds, all urban features, and individual trees). Area data for point features (excluding individual trees – you will need to the collect the diameter at breast heigh data) and some linear features (for example sealed surface pathways) should be gathered during the survey as these will be required for later translation to the Statutory Biodiversity Metric.

Where blocks of trees are identified they should first be recorded as an area where the MMU is met (and meets the definition of a UKHab woodland). If they do not meet the MMU they should be recorded as individual trees. Where linear features of trees meet the MMU threshold and the UKHab definition of lines of trees they should be recorded as a linear feature of "Lines of trees". If either the MMU or definition is not met, they should be recorded point features for each individual tree.

Baseline Habitat Survey – UKHab Classification

Across Central Lincolnshire all habitats (excluding rivers, stream, canals and lakes) should be classified using UKHab 2.0 classification.

All habitat parcels must be allocated a **single** Level 5 primary code (i.e. h2a5 for Species-rich native hedgerow) primary code and (up to 6) relevant essential secondary codes (i.e. 60 for long continuity habitat). Additional secondary codes that must be applied if present are reflected below (these are further identified due to their inclusion in the Statutory Biodiversity Metric):

206 – Woodland - Felled

510 – All habitats - Bare Ground

530 – All habitats – Ecotone*

616 – Urban - Allotments

828 – Urban - Vegetated Garden

829 – Urban - Unvegetated Garden

842 – Urban - Ground-based green wall

843 – Urban - Façade-based green wall

845 – Urban - Ground level planter

847 – Urban - Introduced shrub

848 – Urban - Sustainable drainage system

849 – Urban - Bioswale

850 – Urban - Rain Garden

Ditches
Where ditches are identified in association with Hedgerows/Lines of trees be sure to note the likelihood of them retaining water. If it is likely to retain water for 4 months or more of the year it will require its own a condition assessment and be recorded in the Statutory Biodiversity Metric separately.

Private Gardens
Where private gardens are identified all composite parts should be recorded, including introduced shrubs, planters, unsealed surface gravel pathways independent of MMU

Lakes
Lakes should be identified under the WFD typology rather than UKHab a guide to how this is done can be found here

You may choose to use other additional codes at your discretion if you believe it adds pertinent information (i.e. 425 – Beaver made wetland)

Where site surveys reveal habitats parcels with features of multiple primary codes but are not distributed in a manner that allows them to be split into separate parcels in line with the chosen MMU, the “70 to 30” rule should be applied. If the parcels are dominated (70% or more coverage) by one habitat type that primary code applies, and secondary codes can be used to describe the other 30% (i.e., an area of 70% other Lowland Acid grassland and 30% mixed scrub would be coded as g1a6 10 – Other lowland acid grassland with scattered scrub). Where the dominant habitat type falls below 70% (an ecotone) this area should use the primary code of the habitat representing above 50% with secondary code describing the other habitat feature in addition to the ecotone secondary code (530).

Baseline Habitat Survey – Sampling Methodology

To ensure consistency, and given the lack of a formal UKHab methodology, Central Lincolnshire requires all habitat surveys to broadly apply NVC survey sampling techniques (we **do not** require a full NVC survey). Raw data from the survey should be provided either independently or as an appendix of another ecological report.

Habitat surveys should take place between **late March and mid-October.**

Once you have completed a site walkover and divided the site into broadly homogenous habitat parcels in line with the previous mentioned MMU guidance, quadrats should be used to determine the actual habitat type.

Quadrats

Size - 2x2 m short herbaceous vegetation dwarf-shrub heaths, 4x4 m short woodland field layers tall herbaceous vegetation heaths open vegetation, 10x10 m dense scrub tall woodland field layers species-poor herbaceous vegetation, 50x50 m woodland canopy and shrub layers sparse scrub

Number – Between 5 and 10 (see condition assessment guidance to align your approach)

Shape – square whenever possible (or rectangular when sampling linear features)

Location – Quadrat location should be determined in random stratified sampling method - divide the parcel into segments to create a grid matching (or as near to) the number of proposed quadrat samples (and then randomly select a location within each segment – a random number generator for grid references could be used)

What to record

Sample date

GPS values

At least 1 photo per parcel(Geo tagged)

Species list

Species abundance (Domin and DAFOR scale)

Total Vegetation Cover

Baseline Habitat Survey – Irreplaceable and Priority Habitats

Where Irreplaceable Habitats are identified they must be made clearly visible on the UKHab Survey plan and within any subsequent reports. In Central Lincolnshire we only expect surveys to come across **Ancient/Veteran Trees, Ancient Woodland, Lowland Fen and Blanket Bog**. Any degradation or negative impact to Irreplaceable habitats is unacceptable.

Where potential "Priority Habitats" are identified the habitat should be compared against the JNCC definitions, If they meet the JNCC criteria, they should be clearly identifiable in any submitted reports/plans. Below is a list of priority habitats that may be found across Central Lincolnshire

Arable Field Margins	Lowland Dry Acid Grassland
Hedgerows (excluding ornamental)	Lowland Heathland
Traditional Orchards	Inland Rock Outcrop and Scree Habitats
Rivers (including Chalk Streams)	Lowland Fens
Oligotrophic and Dystrophic Lakes	Reedbeds
Ponds	Lowland Raised Bogs
Mesotrophic Lakes	Wood Pasture and Parkland
Eutrophic Standing Waters	Wet Woodland
Lowland Calcareous Grassland	Lowland Mixed Deciduous Woodland
Lowland Meadows	Open Mosaic on Previously Developed Land
Coastal and Floodplain Grazing Marsh	

Baseline Habitat Survey – Condition Assessment

In addition to habitat identification the Statutory Metric requires condition data. The criteria for this condition assessment has been outlined in the Statutory biodiversity metric condition assessments which must be submitted in excel format with the application. Unfortunately, no central methodology has been supplied on how to consistently assess against these criteria. As such a summary of methodologies per habitat type can be found below (conditions assessments should also take place between late March and mid October).

Woodland
The methodology for woodland should match the approach outlined by the England Woodland Biodiversity Group found here .

Lakes
The methodology for lakes should match the approach outlined by the Freshwater Biological Association found here.

Hedgerows
The methodology for hedgerow should match the approach outlined by the Hedgerow Survey Handbook found here.

Rivers, Streams and Canals
Unlike all other habitat types the Statutory condition assessment sheets cannot be completed, instead a full River Condition assessment must be completed by an appropriately accredited ecologist. The full assessment must also be attached to any application. This includes where the waterbody is not in the site but adjacent to it and the site falls within the riparian zone.

All other Habitats
The methodology for all other habitats should align with those described by Digital Ecology Ltd which can be found here.

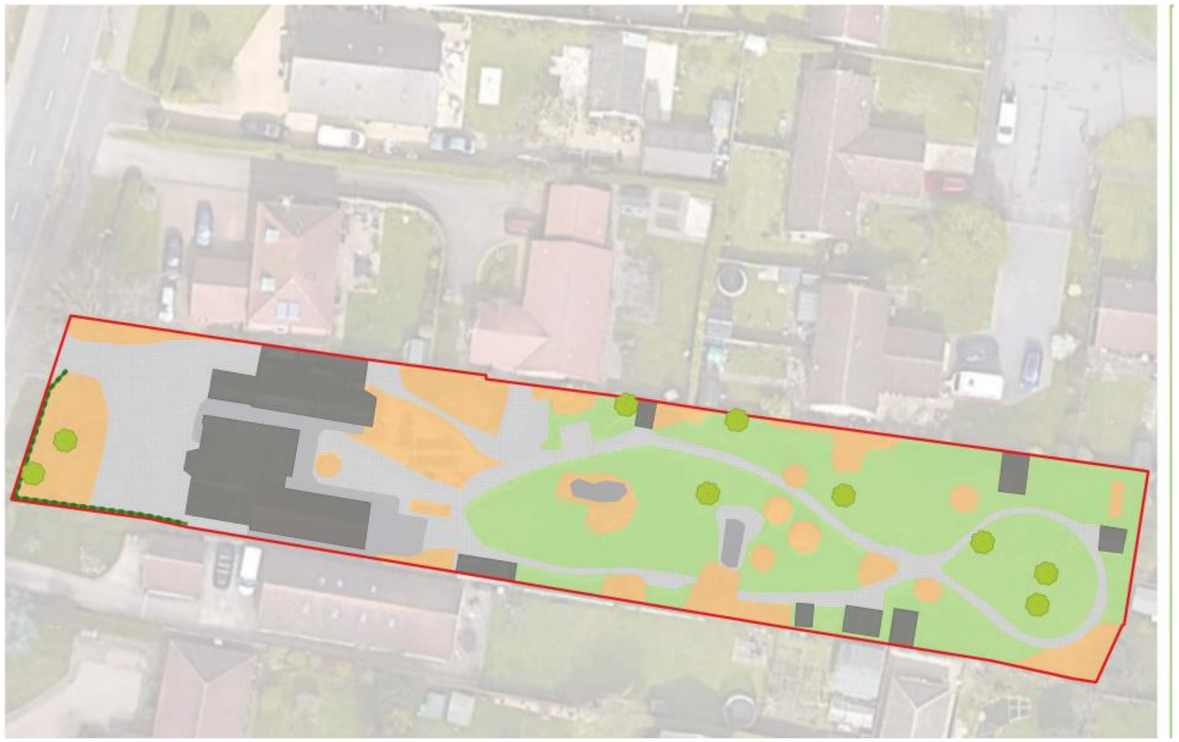
- For Ecotones be sure to complete a condition assessment for both habitat types not just the primary one.
- Where varying condition is observed within the parcels they should be subdivided based on condition as long as the new parcels are no smaller than the previously outlined MMUs. Where less than 70% of samples are consistent in condition and the parcel cannot be divided (due to MMU thresholds) it may be appropriate to use the “fairly” qualifier (you must justify your rationale clearly).
- As with habitat identification, quadrat, meta data such as exact GPS location should be retained and identified within subsequent reports as to allow replicability and be used as a consistent measure for future monitoring.

Baseline Habitat Survey – creating your plan/map

Due to the nature of the Statutory Metric, point features (and some linear features) must possess an area and as such be recorded as an area even if below the MMU.

For example, where urban point features (such as planters), urban linear features (sealed surface paths/roads) and ponds are identified, their area should be subtracted from the surrounding habitat parcel and be visible as an area on the map produced for the purpose of BNG (this is not usual practice for UKHab survey maps).

This information should then be presented in plan form using a GIS software tool (such as QGIS or ArcGIS). A scale of 1:1250 or 1:2500, or at an appropriate scale to show at least two main roads and surrounding buildings is required. The application site should be edged clearly with a red line, including any land necessary to carry out the proposed project (e.g. land required for the access, visibility splays, car parking and open areas). A blue line must be drawn around any other land owned by the applicant which is adjacent or close to the application site. A north point and the scale must also be identified. An appropriate key should be used to allow habitats (including irreplaceable and priority) to be easily identifiable (UKHab mapping styles are available in many mapping software packages).



The Biodiversity Metric - Minimum Project details

For the Statutory Metric (The Macro disabled version) you should ensure you have completed the "Start" tab as thoroughly as possible.

For the Small Site Metric you should complete the "Site Details" and must complete "Desktop Assessment" Tab.

"Completed By" &" Date of Metric Completion" **must contain values** in both metrics

Statutory Metric

Project details			
Planning authority:			
Project name:			
Applicant:			
Application type:			
Planning application reference:			
Completed by:			
Date of metric completion:			
Reviewer:			
Calculation iteration:			
Planning authority reviewer:			
Date of planning authority review:			
Target % net gain:	10%		
Irreplaceable habitat present at baseline:	No ✓		
Total site area - including irreplaceable habitat area (hectares):	0.00	Irreplaceable habitat site area (hectares):	0.00
Total off-site area - including irreplaceable habitat area (hectares):	N/A	Irreplaceable habitat area off-site (hectares):	N/A

Small Site Metric

Sheet Name	Site Details
1. Planning authority:	
2. Site name:	
3. Applicant:	
4. Planning application type:	
5. Planning application reference:	
6. Metric completed by (name & job title):	
7. Date of metric completion:	
8. Revision number:	
9. Masterplan document title / drawing number:	

Site Name:	Enter site name on 2. Site Details	
Sheet Name	Desktop Assessment	
Development		
14. Select the type of proposed development. If Other provide details at Q.25 below		
15. Site area (m^2)		
Designated sites and priority habitats		
18. Any designated sites on or within 500m of the site?		
19. Any priority habitats on or within 500m of the site?		
20. List the designated sites and/or priority habitats		
21. Information sources used for assessment of designated sites and priority habitats (See guidance)		
Site walkover		
22. Site walkover completed?		
23. Date of site walkover - DD/MM/YY		Walkover date required ▲
24. Who completed the walkover? (Name and job title)		

The Biodiversity Metric - Area Habitat

If completed correctly, no red boxes should be present in any populated rows.

Statutory Metric "A-1 Baseline Area Habitat"

Ref	Existing area habitats				Distinctiveness		Condition		Strategic significance			Required Action to Meet Trading Rules	Ecological baseline
	Broad Habitat	Habitat Type	Irreplaceable habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic significance multiplier		Total habitat units
1	Sparsely vegetated land	Ruderal/Ephemeral	No	0.0034	Low	2	Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	0.01
2	Grassland	Modified grassland	No	0.0611	Low	2	Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required	0.12

Small Site Metric "5. Area Habitats"

Ref	Habitat		C. Strategic significance	A
	A. Broad Habitat	B. Habitat type		D. Total Area
1				

You will need to add each parcel (a parcel is defined as an area of the same habitat type in the same condition).

Broad Habitat and Habitat type columns - these are generally self-explanatory and should reflect the UKHab primary code identifications for most habitats. There are a number of exceptions that you may need to consider.

For metric habitats identified by UKHab secondary codes, a decision must be made as to whether to input as the primary code habitat or secondary code habitat. Where this occurs, it is generally expected that the highest distinctiveness option is used. Rationale should be explained in the comment's column.

Where private gardens are identified they should only be recorded as Vegetated/Unvegetated gardens in the baseline if they will be retained as private garden post development. Where the garden is being developed it should be categorised by its primary UKHab code (such as Modified Grassland) and other features as discussed previously.

Where Ecotones have been identified an estimate of area coverage can be applied. For example, a 1ha ecotone made up of approx. 60% calcareous grassland and approx. 40% mixed scrub would be input as 0.6ha calcareous grassland and 0.4ha mixed scrub.

On occasion for woodland habitats the primary code habitat may be less distinct than the ground layer habitat. When this occurs the more distinct habitat should be recorded. This should be clearly marked in the comment's column.

Where watercourse features exceed the MMU width threshold a watercourse footprint "habitat" should be added.

Irreplaceable Habitat column (Statutory Metric Only) - must be completed and align with previous identified Irreplaceable Habitats shown in surveys and plans.

Area Column - The Area column must reflect the parcels total area, this value should generally not be smaller than the MMU (unless reflecting a point feature, built linear features, specific urban features or habitat continuing outside of the red line boundary). Where point features (excluding trees) and urban linear features are added their area should be subtracted from the encompassing habitat type.

Condition Column (Statuary Metric Only) - must align with the statutory condition assessment document.

Strategic Significance column - must contain either "Area/compensation not in local strategy/ no local strategy" or "Formally identified in local strategy". An explanation as to how to meet the "Formally identified in local strategy" category can be found in the below "Strategic Significance" section.

The Biodiversity Metric - Area Habitat - Individual Trees

Statutory Metric

For individual trees the "Tree helper" found on the "Main Menu" tab must be used. Individual trees must include all Ancient/Veteran trees (independent of the habitat to which they are found in), blocks and linear tree features not meeting MMU or habitat definitions. Trees that will be lost at post development from Hedgerows, Line of Trees, Orchards and wood Pasture and Parkland as well as any medium and above sized trees in existing (and later retained) private gardens.

You can input all "individual trees" into the metric separately or collate them on shared characteristics. If submitting as a group, first split all identified individual trees into Ancient/Veteran, Urban or Rural (based on their location). You need to then use "Size class" categories found in the user guide and statutory condition assessments to fill in the "Tree helper" table.

Tally the total number of small, poor condition trees filling the relevant cell with the total number and continue for all other relevant size and condition combinations. Once complete take note of the total area for each condition column (circled in blue above) and use this value for the area column on the Tab "A-1 Onsite Habitat Baseline" (**DO NOT** copy and paste as the value can change due to formatting) and ensure your condition value is correct. Repeat this process for Ancient/Veteran Urban or rural trees as required. Tree areas are calculated in addition to other area habitats (you **must not** subtract this area value form any other habitat).

Tree helper						
Tree size	Number of trees and area (ha) for each condition state					
	Poor	Area	Moderate	Area	Good	Area
Small		0.0000		0.0000		0.0000
Medium		0.0000		0.0000		0.0000
Large		0.0000		0.0000		0.0000
Very large		0.0000		0.0000		0.0000
Total	0	0.0000	0	0.0000	0	0.0000

Small Site Metric

For individual trees, the "Tree helper" found on the "5. Area Habitats" tab must be used. Simply tally up all the trees on your site into the prescribed size categories.

The small site metric assumes a moderate condition for all trees (this cannot be changed).

It will then auto populate the area metric further up the tab.

1d. - Tree area calculator

Tree size (Diameter at breast height)	A. Total number of trees pre development	B. Number of trees retained (but not enhanced)	C. Number of new trees planted post development
Small -DBH ≤ 30cm			
Medium - DBH > 30 to ≤ 60cm			
Large - DBH > 60 to ≤ 90cm			
Very Large - DBH > 90cm			
Total	0	0	0

Size class	Diameter at breast height (cm)
Small	greater than 7.5cm and less than or equal to 30cm
Medium	greater than 30cm and less than or equal to 60cm
Large	greater than 60cm and less than or equal to 90cm
Very large	greater than 90cm

The Biodiversity Metric – Hedgerows and Watercourses

For Hedgerows, you will need to complete Tab “B-1 Onsite Hedge Baseline” (Statutory Metric) or Tab “6. Hedges & Lines of Trees” (Small site Metric) with all your baseline data for each linear feature. A linear feature is defined as an area of the same Habitat type in the same condition.

Information should be completed in the same manner as area habitats. The only additional consideration are those habitats that are stated to be “in association with a bank or ditch”. Where the ditch retains water for 4 months or more of the year you should not include this category as the ditch’s value will have to be factored into the watercourse module.

For Watercourse, you will need to complete Tab “C-1 Onsite Waterc’ Baseline” (Statutory Metric) or Tab “7. Watercourses” (Small site Metric) with all your baseline data for each linear feature. A linear feature is defined as an area of the same Habitat type in the same condition.

Information should be completed in the same manner as area and hedgerow habitats. There are additional columns for encroachment (Statutory Metric Only). See the Statutory Biodiversity Metric User guide on how to complete these columns.

If you have identified a ditch in association with a Hedgerow or Line of trees that retains water for more than 4 months of the year you must include the ditch’s details here.

If completed correctly, no red boxes should be present in any populated rows.

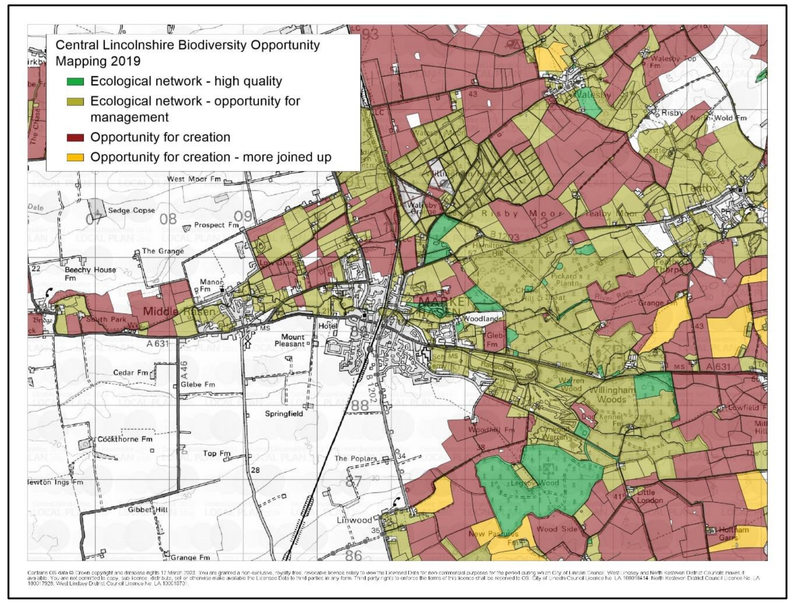
The Biodiversity Metric – Strategic Significance - Locations

The biodiversity metric attaches greater weight to habitats that have been identified as a local priority within a priority area for habitat creation/enhancement.

Strategic significance will be high if the habitat, hedgerow, or watercourse location is identified in the Local Nature Recovery Strategy. As the Local Nature Recovery Strategy is not available in the Central Lincolnshire area at present, the LPAs will be defining areas of strategic significance as per the Biodiversity Opportunity Mapping (BOM) produced by Greater Lincolnshire Nature Partnership. **Please note that these guidelines will be superseded by the LNRS once it is published.**

Sites falling with the BOM can be located using the Central Lincolnshire Local Plan Interactive Map .

For a Habitat parcel to be allegeable to apply the Strategic Significance multiplier ("Formally identified in local strategy) in metric, it must be within one of these BOM location and be of a specific habitat type (see next page)



The Biodiversity Metric – Strategic Significance – Habitats

Significant habitats in absence of the LNRS will be defined by Central Lincolnshire as the habitats below that fall within the BOM. **Please note that these guidelines will be superseded by the LNRS once it is published.**

- All existing Irreplaceable and Priority habitats
- Existing and created habitats that enhance, increases connectivity to, or replicates valuable features of nearby protected sites.
    - Within 10km of Special Protection Area (SPA), Area of Conservation (SAC), RAMSAR;
    - Within 2km of Sites of Special Scientific Interest (SSSI) and/or Nature Improvement areas (NIA)
    - Within 250m of Habitats of Principal Importance, Ancient Woodland, National Nature Reserves, Local Nature Reserves and/or Local Wildlife Sites.
- Existing and created habitats matching the GLNP "priority" and/or "opportunity" areas.
- Existing and created native hedgerows within the Strategic green corridors.
- Existing and created open water habitat (Non ornamental lakes/ponds) and wetland habitat within flood zones 2 & 3
- Re-naturalising river and stream habitat
- Existing and created habitat specifically identified as having "Biodiversity Value" in the specifically relevant National Character area documents.
- Existing and created specifically identified as having "Biodiversity Value" in the specifically relevant River Basin Management Plan or Catchment Management Plan
- Existing and created habitat specifically benefitting notable/protected species identified as (or likely) making use of the site (arable feed margin mixes fall into this category).

If not in a BOM identified location **and** not an appropriate habitat, then "Area/compensation not in local strategy/ no local strategy" should be used in the Metric.

Additional Surveys

It is important to consider what other survey information you will need prior to making proposals for post development habitat. Surveys that should considered as a minimum include:

Notable Species-Specific Surveys - In addition to habitat identification the site should be assessed for its suitability for Protected and Notable species. The table below identifies some simple criteria as to when species specific surveys will be required. Appropriate licences will be required for many of these surveys.

Soil Sampling - For habitat parcels that you intend to enhance or create new habitat, a soil sample and analysis must be completed, and a report produced. A guide to how this can be conducted can be found at soil sampling for habitat recreation and restoration - TIN035 (naturalengland.org.uk).

On sites containing historic features or Scheduled Monuments advice must be sought from a Natural England Historic Environment Adviser before taking soil samples.

Hydrological Survey/Assessment - The success of many habitats will be dependent on the site hydrology. A suitable Hydrological survey/assessment should be conducted to ensure site suitability and inform future proposal for habitats.

Climate Resilience/Projection Report - As all proposed habitats must be maintained for a minimum of 30 years (and hopefully into perpetuity) it is important to consider the risk climate change is likely to cause on a local level. A review of met office data (Welcome to UKCP (metoffice.gov.uk)) should be conducted.

A baseline for average rainfall per season, average air temperature per season and frequency of extreme weather events should be obtained (to as small a scale as possible) and compared to RCP8.5 projections for the next 30-year period.

Invasive Species Survey - Where other surveys identify the presence of invasive non-native species, a full invasive species survey should be conducted identify all Schedule 9 species and location of all specimens on site.

Does the site contain existing building containing ANY of the following features?	
Buildings with hanging tiles, timber cladding / weatherboarding where the building is within 200m of woodland or water	Bat and bat roosts
Pre-1960 buildings or structures within 200m of woodland and/or water	
Pre-1914 buildings or structures within 400m of woodland and/or water	
Pre-1914 buildings with gable ends, traditional clay tile roofs or slate roofs, hanging tiles or weatherboarding regardless of location	
Structures where there is known current or historic bat use	
Does the site contain trees and their rooting areas physically and indirectly with ANY of the following features?	
Old and veteran trees	Bats and bat roosts Nesting Birds
Trees with obvious holes, cracks, cavities or heavy vegetation	
Trees with a circumference greater than 1m at chest height to include those 'off site' trees whose falling distance would breach the site boundary/perimeter.	
Does the site contain or within 25m of streams, rivers or lakes (including their banks and adjacent habitat) ?	Bat foraging habitat Otters Water vole White-clawed crayfish
Does the site contain ANY of the following features?	
Deciduous (i.e. if mixed, not mainly conifer) woodland	Bat foraging habitat Dormice Breeding birds Badger
Field hedgerows over 1m tall and over 0.5m thick	
Areas of scrub well-connected to woodland or hedgerows	
Is the proposal within 200m of a pond, where the surface area of the pond, when water is at its highest level (excluding flood events), is 225m² (c.15m x15m)?	Amphibians (particularly with respect to great crested newts) [eDNA surveys may be appropriate]
Does the site contain mature/overgrown gardens over 0.25ha, or any rough grassland, derelict/brownfield land, railway land or allotments?	Reptiles Breeding birds
Does the site contain or immediately adjacent to rich meadows or grassland?	Breeding birds

An overarching ecological report is required, Primary Ecological Appraisals for Outline Applications or Ecological Impact Assessments for Full Application.

Central Lincolnshire

LOCAL PLAN

3b. A guide for ecologists and metric completers

Post-Development proposals

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

What should inform you proposals?

When determining what habitats should be retained, enhanced and/or created there are a number of factors you will need to consider. You should use your professional judgement when applying these requirements and constraints to ensure the best outcomes for nature.

Ecological Constraints

Climate change

Hydrology

Soil type/condition

Human pressures (amenity use)

Policy/Best Practice

NPPF Mitigation Hierarchy

Biodiversity Gain Hierarchy

Lawson Principles (see Diagram)

BNG Statutory Metric Rules

BNG Statutory Metric Principles

CIEMM 10 guiding principles

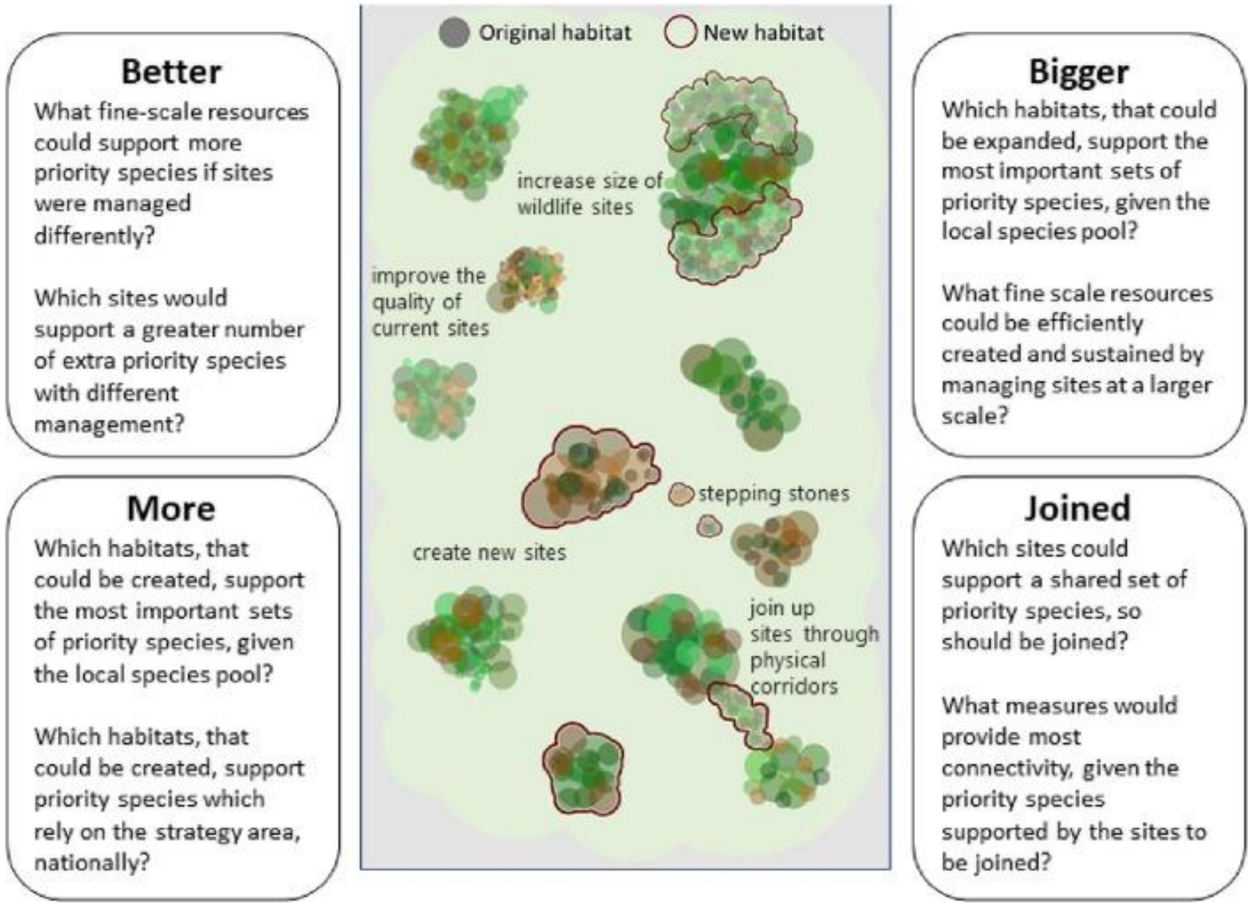
Local Plan Policy Requirements

Development Constraints

Budget/Project Viability

Space

Long-term management capacity/capability



BNG Statutory Metric Rules

These rules as set out below must be followed within applicant's BNG strategies.

Rule 1 – The trading rules of the Statutory Metric must be followed. See page 49 of this guidance note for more information.

Rule 2 – The three types of biodiversity units generated by the metric (area, hedgerow and watercourse) cannot be summed, traded or converted between modules.

Rule 3 – To accurately apply the biodiversity metric formula, you must use the Statutory Metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity units. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.

Rule 4 – In exceptional ecological circumstances, deviation from the metric methodology may be permitted by the relevant consenting body or planning authority. Any deviation must be fully justified and evidenced.

BNG Statutory Metric Principles

These principles as set out below are in addition to the 10 guiding principles (see page 10) and should be used to inform applicant's BNG strategies.

Principle 1 - Competency requirements must be complied with.

Principle 2 - The use of the biodiversity metric does not override existing biodiversity protections, statutory obligations, policy requirements, ecological mitigation hierarchy or any other requirements. This includes consenting or licensing processes, for example woodlands.

Principle 3 - The biodiversity metric should be used in accordance with established good practice guidance and professional codes.

Principle 4 - The biodiversity metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.

Principle 5 - Biodiversity Units are a proxy for biodiversity and should be treated as relative values.

Principle 6 - The biodiversity metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.

Principle 7 - Habitat interventions need to be realistic and deliverable within a relevant project timeframe.

Principle 8 - Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation.

Principle 9 - The biodiversity metric does not enforce a minimum habitat size ratio for compensation of losses. Proposals should aim to:

- maintain habitat extent - supporting more, bigger, better and more joined up ecological networks.
- ensure that proposed or retained habitat parcels are of sufficient size for ecological function.

Habitat Retention

Retaining habitat refers to managing existing habitat in a manner that prevents degradation and loss over the 30-year period. It does not mean that the habitat can be "ignored". Where the condition of the habitat cannot be maintained, it must be recorded as a loss, as the Metric does not allow for reduction in condition. When listing the habitat as created you may apply the "created in advance" value to reflect that it was not truly lost.

Retention must take into account pre-established MMU rules. This is to ensure future surveys as part of monitoring can have a consistent approach.

Where Irreplaceable habitats have been identified you must plan for appropriate buffer zones to protect them. Planning permission will generally not be granted if the project will harm, degrade, or remove any aspect of the Irreplaceable habitat. Enhancement work to irreplaceable habitats may be considered.

Where Priority habitats have been identified they should be retained, extended (where possible) and enhanced (where appropriate). It is also appropriate to include buffer zones for Priority habitats.

Other habitats previously identified as "strategic" in this document should also be retained independent of whether they fall within the BOM.

Should your project create private garden space the only feature that may be retained if within or forming the boundary of is existing medium/large trees and native hedgerows. A target condition of poor must be applied, for hedgerows only native hedgerow can be selected (not species rich) and can only be defined has hedgerow with trees if the definition is met with only medium sized trees. Private gardens including or falling within the riparian zones of watercourses should record the condition as poor and maximum encroachment. All other habitat types that will fall within or form boundaries of (where the responsibility for maintained will fall to the private householder) private gardens, must be recorded in the Metric as lost and replaced with vegetated/unvegetated garden. **This does not mean all those habitats must be removed, for example smaller trees or ponds should be physically retained independent of whether they can be recorded in the metric as such.**

Habitat that is lost or degraded as a result of development and is unable to be returned to the original condition within 2 years of the first disturbance must be recorded as lost and re-created.

Habitat Enhancement

Enhancing a habitat can mean one of two things: increasing the condition of a habitat or changing the habitat type (within the same broad habitat group) to a higher distinctiveness version (i.e., modified grassland to Lowland Acid Grassland).

Enhancement must take into account pre-established MMU rules. This is to ensure future surveys as part of monitoring can have a consistent approach.

Effort should be made to enhance the condition of all retained habitats wherever possible.

Where enhancement is intended in the form of increasing distinctiveness of the target habitat, the target habitat should fall in line with those identified as “strategic” in this document independent of whether they fall within the BOM. Enhancements in distinctiveness must also meet at least the same condition standard as the baseline habitat.

For enhancement and creation, you should make it clear how you have incorporated findings from hydrological surveys, soil sampling and climate predictions to inform your decisions.

Soil samples will help inform the feasibility of any habitat creation or enhancement. Don’t plan to seed a calcareous grassland in a high acidic soil for example. Where soil conditions are suboptimal for the preferred habitat type, consider what works can be done to “improve” the condition of the soil, this may include temporary planting of nutrient sequestering plants in situations where you need to reduce the soil nutrient levels.

Soil sampling in combination with hydrological assessments should inform the position of any wetland and standing water habitat as to ensure water retention.

It may be important to consider additional water storage over winter that can then be utilised in the summer if climate models predict a wetter winter and drier summer. You may also need to consider varying provenance and species selection to take into account climate projection.

Habitat Creation

Creating habitat requires the “removal” and replacement of the existing habitat with a new one. New habitat should be more distinct and in a better condition than what was present before (this will help meeting trading rules). Urban land, Crop land and (Low condition) Modified grassland are often suitable for this type of replacement.

Creation must take into account pre-established MMU rules when not extending existing habitat. This is to ensure future surveys as part of monitoring can have a consistent approach. Sizes of new should also be informed by ecological principles that impact a new habitats success.

Where creation is planned, the target habitat should fall in line with those identified as “strategic” in this document independent of whether they fall within the BOM.

Consideration should also be given to “shadow habitats”. This refers to restoring previously lost habitats where records or evidence in plant community reveals the previous habitat structure. This can make use of the existing soil seedbank which often accelerate habitat creation.

Across Central Lincolnshire we would like to see an increase in specific Habitat types in specific areas. Proposed habitat types include):

- Lowland Dry Acid Grassland 1 | 2 | 3
- Lowland Calcareous Grassland 1 | 2 | 3
- Lowland Meadow Neutral Grassland (independent or as mosaic features of Floodplain grazing marsh) 1 | 2 | 3
- Wet Alder/Willow Woodland (Traditional and Miyawaki Method) 1 | 2 | 3
- Lowland Mixed Deciduous Oak/Ash* Dry Woodland (Traditional and Miyawaki Method) 1 | 2 | 3

  *Due to ash die a combination of lime, field maple and elm may be used in the absence of disease tolerant Ash strains
- Urban Community Food Forests (Miyawaki Method) 1 | 2 | 3
- Lowland Dry Heath 1 | 2 | 3
- Wet Heathland with cross-leafed heath (Mosaic features of Floodplain grazing marsh) 1
- Purple Moor-Grass Meadow (Mosaic features of Floodplain grazing marsh) 1
- Reedbed 1 | 2
- Lowland Fen 1
- Lowland raised bog/Blanket bog (restoration) 1 | 2 | 3 | 4
- Species Rich Native Hedgerows (Including trees and/or ditches) (edible mix for urban areas) 1 | 2
- Priority Ponds 1
- Arable field margins 1

(Links direct you to examples of good practice guides for creation and management of the corresponding habitat type)

Habitat Creation – Urban Features

A project may incorporate some urban features. This may include provision for Sustainable Urban Drainage solutions, Bioswales or the incorporation of living roofs/living walls on existing or new structures.

Generally, these features should be recorded as their intended function, however the LPAs will allow for a number of exemptions.

For SUDs and Bioswales, if the features are gravity fed, meet the MMU threshold and the UKHab definition of a primary habitat the highest value option may be recorded. For example, a good condition reedbed of an appropriate size created to act as a SUD could be recorded as a reedbed rather than a SUD.

For Living Roofs, if they are composed of 40cm soil (minimum), connected by a 5m wide strip to the ground forming an uninterrupted habitat, consisting of the same habitat (and condition) as surrounding habitat parcel then they may be recorded as the same UKHab habitat as the ground (if this is the highest value option). This will be more common for grassland habitats. For example, a large bird hide surrounded by acid grassland with an acid grassland roof meeting the above criteria would be simply recording as one larger plot of acid grassland.

Vegetated paving solutions for parking such as “grasscrete” may also be used. When using such products they should be treated as an “Urban Ecotone” whereby the total area of coverage is divided between the coverage of urban -sealed surface and Grassland – modified grassland in poor condition (you may wish to plan other seed mixes in line with surrounding grasslands but for the purpose of the metric it must be recorded as modified grassland).

Species Specific Features

In addition to habitats, other features to support species should be included in your proposal (these will not detract from the area values of the habitats in your metric so you are not penalised for including). At present such features cannot be added to the Metric.

- Log piles/Leaf Mulch cages/Leaf litter piles/Large dead wood
- Underground Hibernacula/Rock Piles
- Beetle Bucket/Bug hotel/Bug Box/Beetle Banks
- Bee bricks/boxes/banks
- Hedgehog Highway/Hedgehog Houses
- Wildlife tunnel/bridges
- General Bird Nest box/Swift bricks/Swallow and House martin nests
- Owl Nests/Boxes
- Bat boxes/Bricks/Tiles
- Wildlife walls/towers
- Scrapes/Swales/Temporary pools
- Wildlife Curbs/Toad ladders

Should this part or all of the gains be achieved via “**re-wilding**”, please refer to the following Natural England Case study as to how best complete the metric

The Biodiversity Metric

As with baseline data you must fill in the Statutory Metric The same rules apply as identified in the baseline metric completion, but additional tabs/sections need to be completed

Statutory Metric

For retained habitats, Tabs “A-1 Onsite Habitat Baseline”, “B-1 Onsite Hedge Baseline” and “C-1 Onsite WaterC’ Baseline” must be completed identifying the retained area. For habitats that will be retained but reduce in condition they must not be listed as retained here. The same applies for habitat that will be retained but lost/degraded for more than 2 years during the initial creation phase of the project).

For enhanced habitats Tabs “A-1 Onsite Habitat Baseline”, “B-1 Onsite Hedge Baseline” and “C-1 Onsite WaterC’ Baseline” must be completed identifying the enhanced area. You will then need to complete Tabs “A-3 Onsite Habitat Enhancement”, “B-3 Onsite Hedge Enhancement” and “C-3 Onsite WaterC’ Enhancement”. This must identify target habitat, target condition, “strategic significance”, if works are to be completed in advance or delayed and any comments.

For created habitats Tabs “A-2 Onsite Habitat Creation”, “B-2 Onsite Hedge Creation” and “C-2 Onsite WaterC’ Creation” must be completed. You must identify the proposed habitat, area, target condition, “strategic significance”, if works are to be completed in advance or delayed (this can be used for habitats that are retained but being reduced in condition)

Small Site Metric

For retained habitats Table 1a on tabs “5. Are habitat”, “6. Hedges and Lines of Trees” and “7. Watercourses” must be completed identifying the retained area.

For enhanced habitats Table 1a on tabs “5. Are habitat”, “6. Hedges and Lines of Trees” and “7. Watercourses” must be completed identifying the enhanced area. You will then need to complete Table 1c on the same tabs. This must identify enhancement type and “strategic significance”,

For created habitats Table 1b on tabs “5. Are habitat”, “6. Hedges and Lines of Trees” and “7. Watercourses” must be completed. You must identify the proposed habitat, area, target condition (the lowest option should usually be selected) and “strategic significance”

If completed correctly, no red boxes should be present in any populated rows.

Area check on Tab A-2 On-site habitat creation will be green (Statutory Metric)

And all error checks (except protentional Trading summary) will be green (Small site metric)

Area habitat summary	
Total Net Unit Change	0.02
Total Net % Change	15.97%
Trading Rules Satisfied	Yes ✓
Area Check	Area Acceptable ✓

Totals (areas excl trees, green walls and intertidal hard structures)	0.00	0.00	0.00	0.0000	0.00	0.0000
Error Check 1	Areas Acceptable ✓					
Error Check 2	Areas Acceptable ✓					
Error Check 3	Areas Acceptable ✓					

The Biodiversity Metric - What if the project is showing less than 10%?

It is possible that your project is showing less than 10% and even potentially a net loss, this will be more common on small site projects. In these cases, the NPPF “no net loss” rule still applies and as such evidence of mitigation and compensation is required before planning permission is given

Net Loss

If this is in an area identified as Strategically Significant, then it is highly unlikely the application will be approved, and serious consideration should be given to the viability of the project. Applications within the Biodiversity Opportunity Mapping should aim to make an excess of units.

If it is not in an area identified as Strategically Significant, you will still need to evidence how the project has met other local policies before consideration will be given to allow offsite solutions. This is particularly notable on sites consisting predominantly of private garden. You may wish to produce a “second metric” (clearly identified as such – this will not be permitted to be used to discharge the GBGC) that reflects total gains including landscaping and retained features within the curtilages of private properties. These landscaping features would then be conditioned. If after taking this approach the site is still in a net loss it is unlikely that it will be approved, unless local offsetting is secured.

Less than 10% but more than 0%

If this is in an area identified as Strategically Significant, then consideration to the application will be given on a case by case basis. If offsetting can be agreed adjacent to the site, planning permission is more likely.

If it is not in an area identified as Strategically Significant then planning permission is likely to be granted with the requirement to evidence offsite unit purchases and allocation at the discharge of the GBGC.

Completion of Draft Habitat Management and Monitoring Plan

Once you have chosen what habitats you are proposing you must determine if any of them would be defined as "significant onsite gains".

For all parcels that meet that definition you will need to produce a HMMP.

This should use the Natural England Template (Small site template is now available) and clearly identify the activity and timeline of the initial completion period and the management for the subsequent 30 years. This should also contain any invasive species management plan.

See the following DEFRA blog for more information Creating a Habitat Management and Monitoring Plan for Biodiversity Net Gain – Environment (blog.gov.uk).

In time the CLE hopes to produce prepopulated HMMPs for preferred habitats to support ecologists and applicants.

Habitat Management and Monitoring Plan

Site Name:	
Date:	Click or tap to enter a date.
Version:	

The Environmental Benefits from Nature Tool (Optional)

We are asking applicants to support us in assessing the viability in using the The Environmental Benefits from Nature Tool (Beta) published by Natural England to be used as a standard measure for other Local Plan Policies.

If you are interested in supporting us, your Metric or UKHab data can be transferred over and will reveal how your project delivers in a number of areas. As this is voluntary it will hold no weight on the submitted application.

For a copy of the excel document and user guide follow this link .

Select area of interest:				
Whole area	**1 year**	**10 year**	**30 year**	**Confidence**
Food production				
Wood production				
Fish production				
Water supply				
Flood regulation				
Erosion protection				
Water quality regulation				
Carbon storage				
Air quality regulation				
Cooling and shading				
Noise reduction				
Pollination				
Pest control				
Recreation				
Aesthetic value				
Education				
Interaction with nature				
Sense of place				

The Environmental Benefits from Nature Tool

Enabling wider benefits for people and nature from habitat change

Quick Start Instructions

Technic

BETA TEST VERSION 1.00 Short (500 rows)

This tool was formerly known as the Eco-metric. It is a voluntary decision-support tool, designed to be used alongside the Biodiversity Metric 3.0. as part of a project that delivers Biodiversity Net Gain (BNG). The aim is to help improve the design and outcomes of development, and to demonstrate the wider benefits of BNG for people and nature. **Please read the Principles of the EBN Tool approach and the User Guide before using the tool.**

The tool is based on the premise that biodiversity net gain is a primary driver for growing natural capital. Healthy, diverse and resilient ecosystems are essential to underpin the delivery of a wide range of services and long term benefits. It forms part of Natural England's contribution to Defra's work on Environmental Net Gain policy and supports government's 25 Year Environment Plan commitment to expand net gain approaches to include wider Natural Capital benefits such as flood protection, recreation and improved water and air quality.

What the tool does

It measures changes in the extent and condition of habitats (natural capital assets)
It indicates relative changes in provision of 18 ecosystem services due to habitat and land-use change.
It aims to make these losses and gains more transparent in order to help 'start a conversation' and flag areas for more detailed consideration.

What the tool does not do

It does not incorporate biophysical modelling of water flow
It does not measure the impacts of human pressures on ecosystems, such as the impacts of air pollution from roads.
It does not replace the need for more detailed assessments such as an Environmental Impact Assessment (EIA) or flood risk assessment.

If you encounter errors when using this tool that cannot be resolved after reading the User Guide, please contact:

EBN@naturalengland.org.uk

Central Lincolnshire
LOCAL PLAN

4a. A guide for submitting and assessing BNG applications

Validation

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

Validation - What to submit

Local Validation List Requirements

National Validation requirement

Not a validation requirement

All information can be provided via the Biodiversity gain statement

Local Biodiversity Gain Statement

Explanation of exemption

Suitable Ecological Report
PEA (outline Application)
EcIA (Full Application)

Species Specific Surveys (when applicable)

Tree Survey
(when applicable)

REQUIRED EVEN IF EXEMPT FROM BNG

Date of baseline – Explanation required if earlier date than application

Confirmation of any degradation to the site prior to application

Description of any irreplaceable habitats

Baseline habitat map

Complete Metric for Baseline data

Statutory Condition Assessments and River Condition Assessments (when applicable)

Complete Metric for post development data

Post Development Habitat map

REQUIRED IF SUBJECT TO BNG

Draft Habitat Management and Monitoring Plan

Soil Surveys

Hydrological Surveys

Climate resilience/projection report

Financial Model/Suitability

ADVISABLE IF SUBJECT TO BNG & Significant onsite gains

Validation – Checks performed by validation staff

Validation/admin staff for the LPA will initially triage and refuse validation if applications are made without the required information.

Validation/admin staff **do not** check the ecological accuracy of your application. If you application is validated this does not mean the LPA agrees with your baseline or any other ecological data.

1. They will check you have submitted and completed the Local Biodiversity Gain Statement and all questions identified with a * (National validation) and ** (Local validation) have been answered

2. They will check if you have declared you application as exempt – Validation/admin staff are not responsible for checking the validity of your claim

3. They will check you have submitted the metric (excel format macro disabled) and that it is free from errors and contains the required information:

   For Statutory Metric
   •Ensure the correct and most recent version of the Metric is used
   •Ensure Cells F15 and F16 are complete in the "Start" Tab
   •Ensure **all** required habitat information is provided in tabs "A-1/2/3", "B-1/2/3" & "C-1/2/3" with each populated row being free of errors.
   •Ensure the "Area check" on tab " A-2" is free of errors
   •Ensure Statutory Condition Assessments/River Condition assessment have been provided for all eligible habitats in accordance with the Metric User Guide
   For Small Site Metric
   •Ensure the correct and most recent version of the Metric is used (It may not be always appropriate to use the Small site metric)
   •Ensure Cells D8 and D9 are complete in the "Site Details" Tab
   •Ensure **all** required information is provided in the "Desktop Assessment" Tab and is free of errors.
   •Ensure **all** required photos have been provided
   •Ensure **all** required habitat information is provided in tabs "5. Area Habitats", "6. Hedges and Lines of Trees" & "7. Watercourse" with each populated row and "Error Checks" being free of errors.

4. They will check you have submitted an appropriate baseline and post-development map

If any of the above is missing, validation staff may contact you to address these issues before refusing to validate (this is at each LPAs discretion).

Central Lincolnshire
LOCAL PLAN

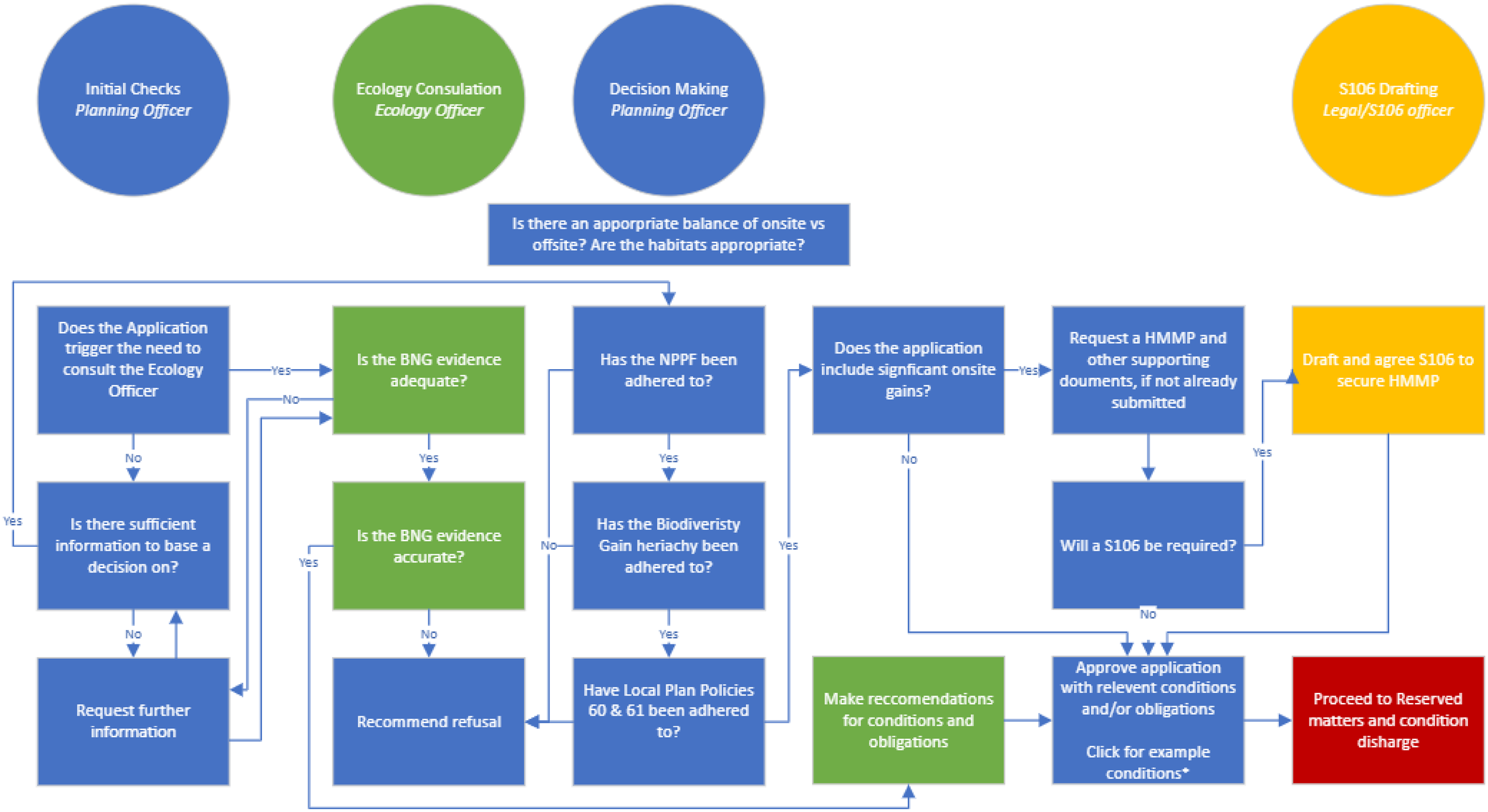
4b. A guide for submitting and assessing BNG applications

Determination

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

Determination

Planning/Development officers for each LPA will review each application and seek advice from the CLE where appropriate. The below flow diagram outlines a usual process in regard to BNG alone, applications may not be approved on other grounds



Determination checks

Planning/Development officers will perform a number of checks as to the accuracy and suitability of your application (seeking support from CLE when appropriate)

This is to ensure the General Biodiversity Gain Condition is capable of being discharged

These checks will include but are not limited to,

1. Is any specified exemption appropriate?
2. Is there any unreported degradation prior to application?
3. Do habitat maps and metric align with what can be seen during a site visit?
4. Has the strategic significance multiplier been applied correctly?
5. Is the balance of offsite and onsite you are proposing appropriate?
6. Is your application showing a net loss in biodiversity on site?
7. Does your application comply with the Biodiversity gain hierarchy, NNPF mitigation hierarchy and Local Plan Policies?
8. Does the application impact Irreplaceable habitat (in almost all cases this will be refused)?
9. Are the suggested habitats achievable?

Central Lincolnshire
LOCAL PLAN

4c. A guide for submitting and assessing BNG applications

Pre-commencement GBGC Discharge

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

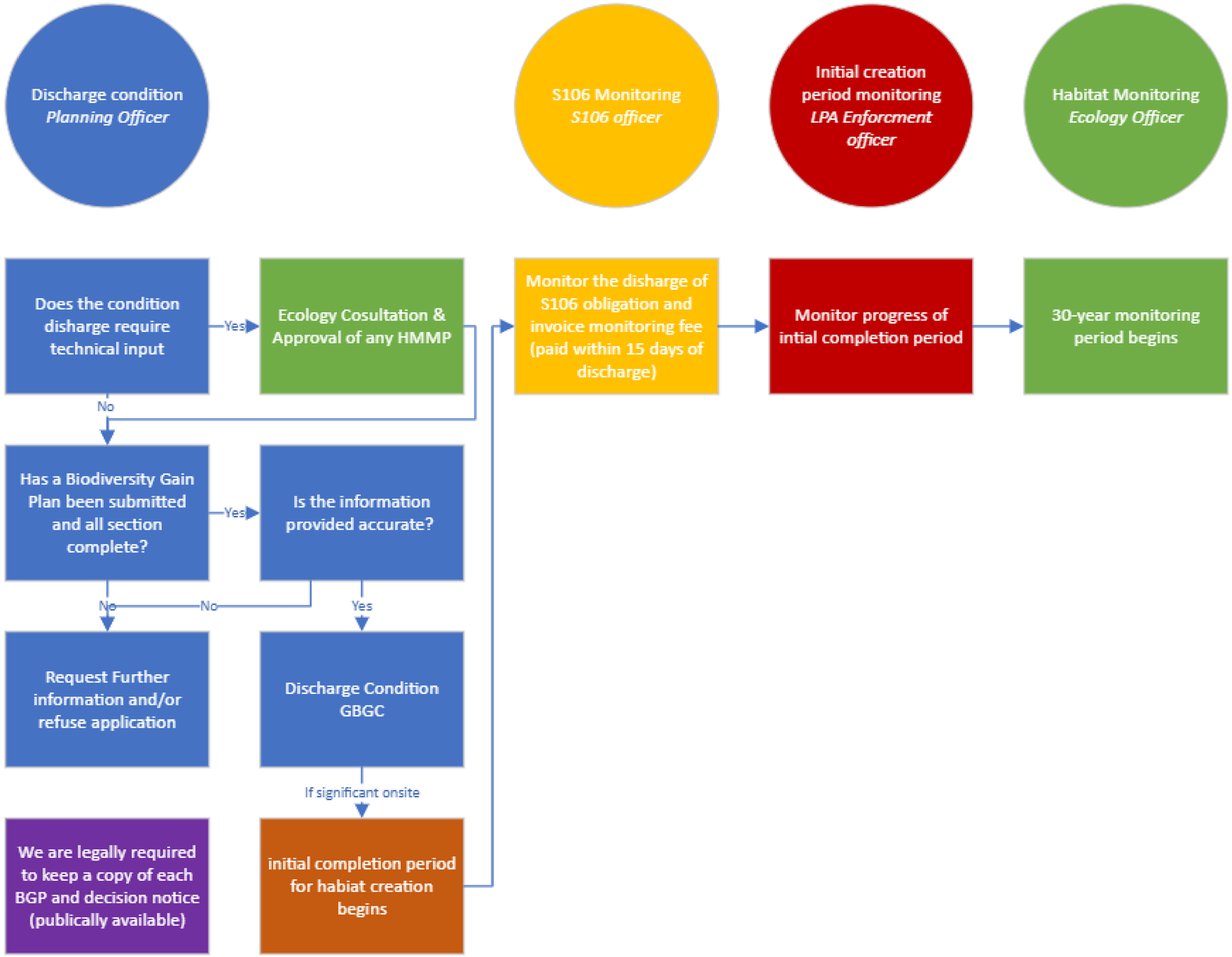
Pre-commencement Planning Discharge

Planning/Development officers for each LPA will review each discharge application and seek advice from the CLE where appropriate. The below flow diagram outlines a usual process in regard to the GBGC.

You should submit the following

A complete Biodiversity Gain Plan

1. A complete metric including any offsite provision (where a SSM was used for the main application the details should now have been transferred over to the Statutory Metric if offsite was needed)
2. A final Habitat Management and Monitoring Plan
3. Proof of purchase of any Offsite units or statutory credits



At this stage, the planning application will have been approved but this means that the biodiversity gain condition will automatically be applied to the decision. An applicant must have evidenced at this stage that the statutory requirements to discharge the condition are met, to allow the CLE to assess the robustness of these proposals. The CLE should only be consulted when the submitted biodiversity metric and BGP show at least a 10% net gain in all relevant biodiversity unit types. If the CLE and the LPA agree the information is acceptable then the condition will be discharged and the development can commence, provided the condition requirements are adhered to.

Pre-commencement Planning Discharge – Metric Checks

- Does the final Statutory Metric display at least a 10% net gain in all 3 biodiversity unit habitat types (if they are located within the site)?
- Have the trading rules been satisfied?
- In order to achieve BNG, all three habitat types must achieve a 10% net gain, and the trading rules must be satisfied (rule 4 variation must have been agreed prior to permission).
- Has the spatial risk multiplier been applied correctly and does the reference match the gain site allocation?

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	0.08
	Hedgerow units	0.46
	Watercourse units	0.42
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	*Habitat units*	10.35%
	Hedgerow units	6.71%
	Watercourse units	10.56%
Trading rules satisfied?	Yes ✓	

Total net gain achieved is less than target set ▲

Whilst habitat and watercourse units are showing a 10% net gain, and trading rules are met (denoted by green flags), the hedgerow units are currently not showing the minimum 10% net gain required. In this scenario, the BGP could not be approved.

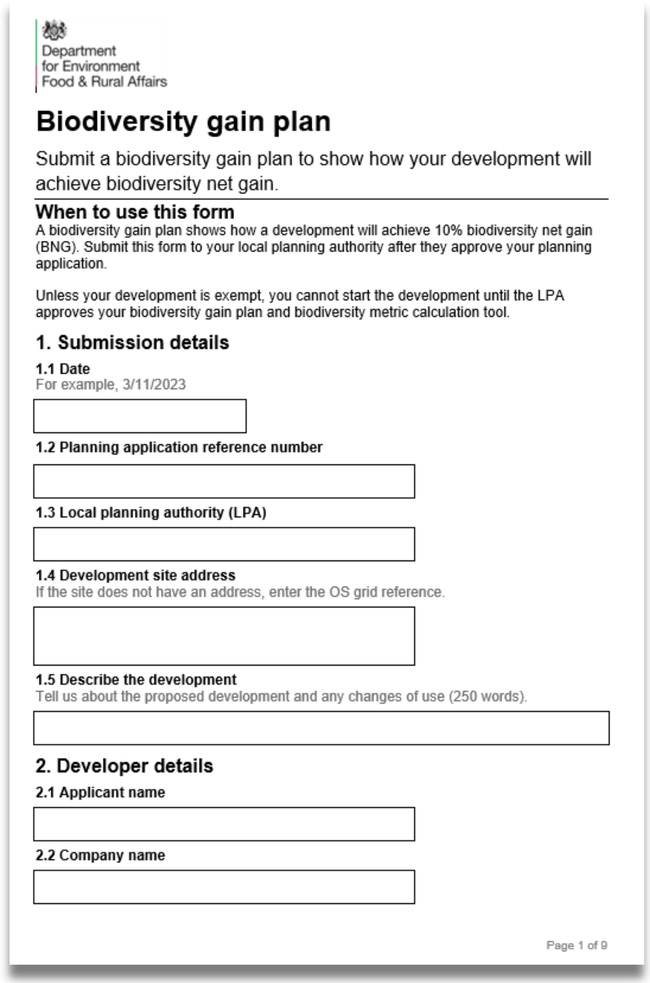
Spatial risk multiplier	Habitat units delivered	Comments				
Spatial risk category		User comments	Planning authority comments	Habitat reference	Off-site reference	Baseline Ref
Compensation inside LPA boundary or NCA of impact site	0.05				Habitat bank 1	
Compensation inside LPA boundary or NCA of impact site	0.42				Habitat bank 1	
Compensation inside LPA boundary or NCA of impact site	6.64				Habitat bank 1	

Pre-commencement Planning Discharge – BGP checks

The following should be submitted as part of the biodiversity gain plan:

- Pre-development and post-development plans, showing the location of onsite habitat and drawn to an identified scale and showing the direction of North
- Approved compensation plan (if applicable)
- NE national offset register reference number(s) (if applicable)
- Statutory biodiversity credits eligibility evidence in the form of correspondence from habitat providers (if applicable)
- Statutory biodiversity credits proof of purchase (if applicable)
- Habitat management and monitoring plan (if applicable)

- Date of submission – The submission date should be entered. Any resubmission date should also be recorded for version control purposes.
- Planning application reference number
- Local Planning Authority – Details of the lead Local Planning Authority who is determining the application
- Development site address or site description – If the site does not have an address or postcode, the developer should include a description of the site and the OS grid reference.
- Description of development to which the biodiversity gain plan relates – A description of the proposed development and any changes of use should be entered. Check that the information matches the details on the application form.



Department
for Environment
Food & Rural Affairs

Biodiversity gain plan

Submit a biodiversity gain plan to show how your development will achieve biodiversity net gain.

When to use this form

A biodiversity gain plan shows how a development will achieve 10% biodiversity net gain (BNG). Submit this form to your local planning authority after they approve your planning application.

Unless your development is exempt, you cannot start the development until the LPA approves your biodiversity gain plan and biodiversity metric calculation tool.

1. Submission details

1.1 Date
For example, 3/11/2023

1.2 Planning application reference number

1.3 Local planning authority (LPA)

1.4 Development site address
If the site does not have an address, enter the OS grid reference.

1.5 Describe the development
Tell us about the proposed development and any changes of use (250 words).

2. Developer details

2.1 Applicant name

2.2 Company name

Page 1 of 9

Pre-commencement Planning Discharge – HMMP checks

For on-site compensation, a Habitat Management and Monitoring Plan (HMMP) should be submitted for ‘significant gains’. For off-site compensation, the party responsible for the Biodiversity Gain Site will agree a separate the HMMP (and S106) with the LPA; the applicant will not generally be responsible for the management of any offsite provision once the units have been purchased .

When a management and monitoring plan is submitted, the following criteria should be checked before submitting to the CLE for further review:

- Does it cover 30 years of management and monitoring?
- Has it been made clear who is responsible for the management? For example, is the responsibility being taken on by a management company who is clearly identified?
- Does the plan demonstrate when the monitoring will occur? Does this tally with their monitoring report requirements?

NATURAL ENGLAND

Department for Environment Food & Rural Affairs

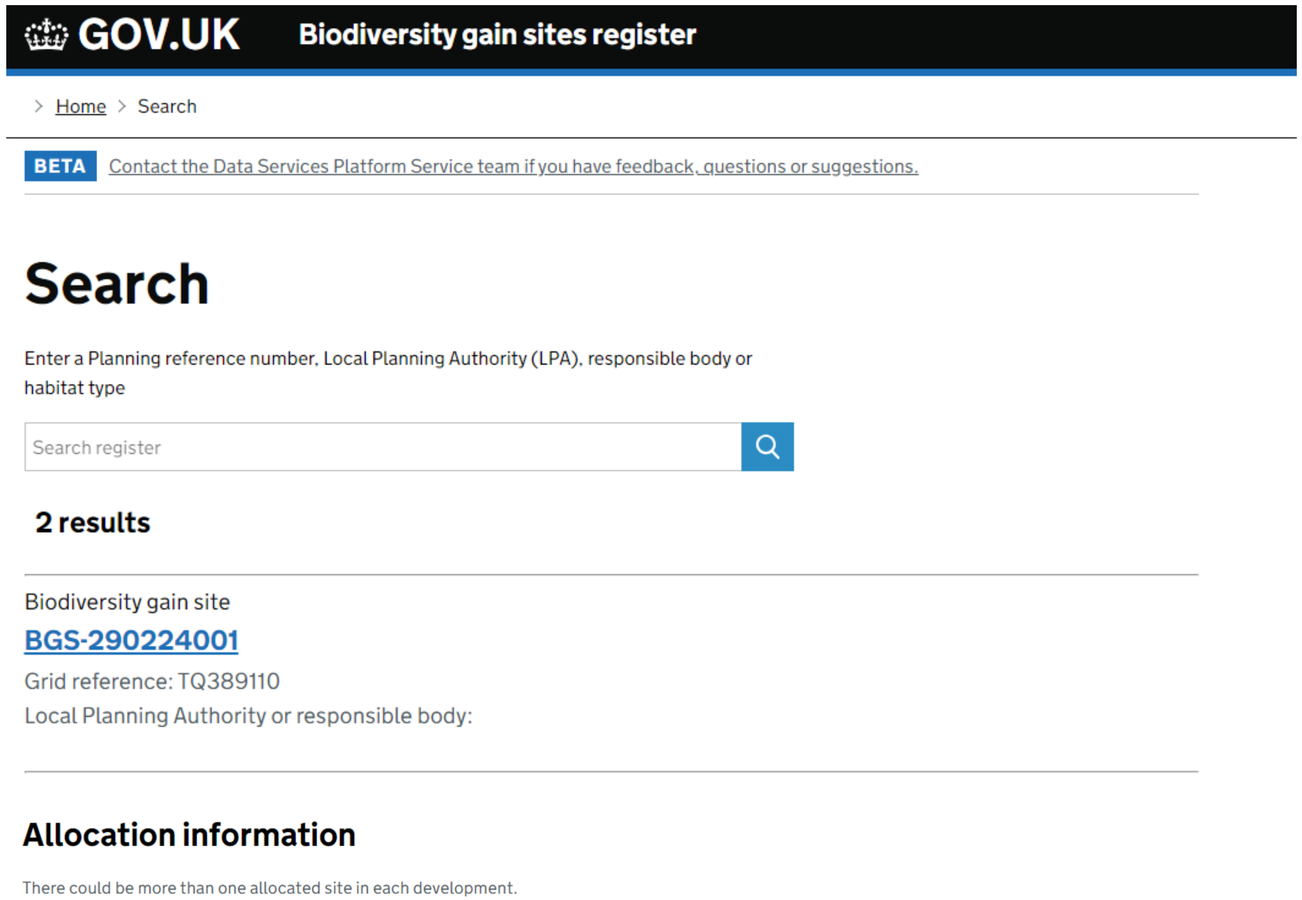
Habitat Management and Monitoring Plan

Site Name:	
Date:	Click or tap to enter a date.
Version:	

Pre-commencement Planning Discharge - NE Register Check

Before discharge, all offsite unit purchases must be verified:

- Has proof of purchase of offsite units been provided (when required)?
- Have these been allocated on the NE Register?
- Do the allocated units match what has been presented in the metric?



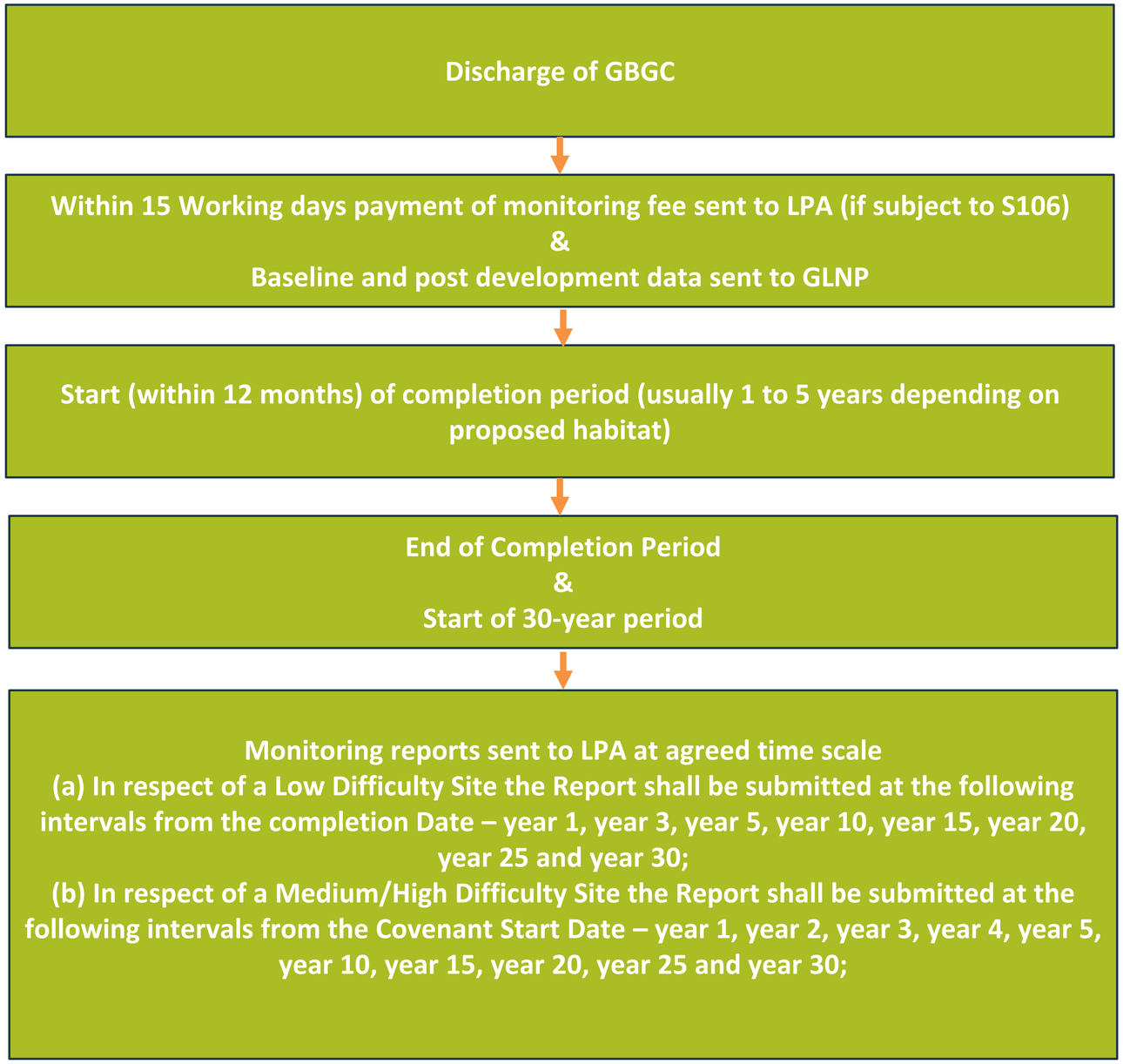
Central Lincolnshire
LOCAL PLAN

4d. A guide for submitting and assessing BNG applications

Monitoring

Management and monitoring

- Management of habitats is an on-going responsibility for 30 years post development, and this responsibility together with regular monitoring of habitats will have been set out within the Habitat Management and Monitoring Plan (HMMP) submitted with the application in order to discharge the general biodiversity gain condition.
- The process is summarised in the diagram opposite.
- LPA enforcement teams will monitor progress within the initial completion period.
- The CLE will monitor progress with the 30-year period (seeking assistance form LPA enforcement teams when needed).



Management and monitoring – GLNP data submission

- BNG provides an excellent opportunity to secure a large habitat data set that can be used to inform Local Plan policies and future iterations of the LNRS. As such we are working with our Local Environmental Records Centre (managed by GLNP) to collate this information. Following the discharge of the GBGC you will submit the following data within 15 working days to GLNP:

BNG baseline habitat data

BNG baseline habitat data should be supplied as GIS layers in ESRI Shapefile format. A maximum of two shapefiles are permitted, one containing polygon-based data, another containing polyline-based data (eg hedgerows).

File names should follow the naming scheme:

- BNG_baseline_habitat_data_polygon.shp
- BNG_baseline_habitat_data_polyline.shp

The shapefile attributes should follow the schema:

Field name	Field type	Description
Habitat	Text	*The name of the habitat*
Code	Text	*The habitat code, if applicable*
Condition	Text	*The condition of the habitat*
Survey_sta	Date	*The date the survey was undertaken (or the earliest date if the survey took more than one day)*
Survey_end	Date	*The date the survey was undertaken (or the latest date if the survey took more than one day)*
App_ref	Text	*The planning application reference number*

BNG post development habitat data

BNG post development habitat data should be supplied as GIS layers in ESRI Shapefile format. A maximum of two shapefiles are permitted, one containing polygon-based data, another containing polyline-based data (eg hedgerows).

File names should follow the naming scheme:

- BNG_post_development_habitat_data_polygon.shp
- BNG_post_development_habitat_data_polyline.shp

The shapefile attributes should follow the schema:

Field name	Field type	Description
Habitat	Text	*The name of the habitat*
Code	Text	*The habitat code, if applicable*
Method	Text	*How the habitat will be achieved, one of 'Enhancement' or 'Creation', if applicable*
Start_date	Date	*The start date of the enhancement works.*
End_date	Date	*The date when the last obligation to create and maintain an enhancement has ended*
App_ref	Text	*The planning application reference number*

All data should be emailed in a single compressed ZIP archive to planningdata@glnp.org.uk where it will be incorporated into the habitat and species databases held by the Lincolnshire Environmental Records Centre. Multiple datasets from the same site/application can be submitted in the same email, but data from further sites/applications should be submitted separately.

Management and monitoring – 30-year period

1. The applicant is responsible for ensuring a monitoring report is sent to the CLE at the necessary timescale. The CLE will track planning consents and the required monitoring, including on what years information will be due, and can take enforcement action where information is not submitted on time, or is incomplete. The CLE intends to send out reminder letters each January to projects that are due to submit data that year.
2. Monitoring data should be sent no later than September as to allow the CLE to undertake site visits that are accurate and robust.
3. The monitoring report must identify any significant failings in establishment and management, and detail remedial action which needs to be undertaken to correct for any failings.
4. The report must also detail who is responsible for the management including any adaptive management and remedial action which is proposed to correct for any habitat establishment failings.
5. The CLE will review submission and respond in writing.
6. Where projects appear incapable of reaching their target the purchase of offsite units may be negotiated.

Reports should use the HMMP Monitoring report template (Word) found here and supplement it with either an updated metric showing gains to date or HMMP Monitoring report template (Excel). In addition, GIS shape file data from your monitoring survey should be sent to GLNP.

BNG habitat monitoring data

BNG habitat monitoring data should be supplied as GIS layers in ESRI Shapefile format. A maximum of two shapefiles are permitted, one containing polygon-based data, another containing polyline-based data (eg hedgerows).

File names should follow the naming scheme:

- BNG_habitat_monitoring_data_polygon.shp
- BNG_habitat_monitoring_data_polyline.shp

The shapefile attributes should follow the schema:

Field name	Field type	Description
Habitat	Text	*The name of the habitat*
Code	Text	*The habitat code, if applicable*
Condition	Text	*The condition of the habitat*
Survey_sta	Date	*The date the survey was undertaken (or the earliest date if the survey took more than one day)*
Survey_end	Date	*The date the survey was undertaken (or the latest date if the survey took more than one day)*
App_ref	Text	*The planning application reference number*

Central Lincolnshire
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Acknowledgement – Central Lincolnshire Local Plan team would like to thank Greater Manchester Combined Authority for sharing their guidance document (PowerPoint Presentation (greatermanchester-ca.gov.uk)) and allowing us to make use of it in the production of this document

GLNP
GREATER LINCOLNSHIRE NATURE PARTNERSHIP

ANNEX 2:

Extracts from the final Draft DCO (Rev 9) for Beacon Fen Energy Park, submitted at Deadline 8 –

Article 50 and Requirements 7 and 8

Funding contributions

50.—(1) Prior to the commencement of the authorised development the undertaker must make funding contributions—

(a) to North Kesteven District Council in the sum of £118,000;

(b) to Lincolnshire County Council in the sum of £13,500;

(c) to Boston Borough Council in the sum of £13,500; and

(d) to North Kesteven District Council in the sum of £1,470.

(2) Each of the relevant planning authorities is to allocate the funding contributions referred to in paragraphs (1)(a) to (c) to the reasonable costs of their representatives in being part of the Beacon Fen ecological steering group pursuant to the landscape and ecological management plan approved pursuant to requirement 7.

(3) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(d) to officer time, materials or other measures for publicising its Stepping Out (or successor) programme including taking photography of the path, creating a PDF map available for public download and installing wayfinding signage, rubbish bins, and footfall counter.

(4) The funding contributions referred to paragraph (1) shall be adjusted on each anniversary of the date this Order comes into force up until the point of payment by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.

Landscape and ecological management plan

7.—(1) No part of the authorised development may commence until a written landscape and ecological management plan has been submitted to and approved by the relevant planning authority for that part or, where the part falls within the administrative areas of multiple relevant planning authorities, each of the relevant planning authorities, in consultation with Lincolnshire County Council and the Environment Agency.

(2) The landscape and ecological management plan must be substantially in accordance with the outline landscape and ecological management plan and must include terms of reference for the ecological steering group which is to be known as the Beacon Fen ecological steering group, including details for the group's membership which is to include a representative from each of the relevant planning authorities.

(3) The landscape and ecological management plan must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

(4) For the purposes of sub-paragraph (1) "commence" includes part (b) (site clearance (including vegetation removal and demolition of existing structures)) of permitted preliminary works.

Biodiversity net gain

8.—(1) No part of the authorised development may commence until a biodiversity net gain strategy has been submitted to and approved by the relevant planning authority.

(2) The biodiversity net gain strategy must include details of how the strategy will secure a minimum of 30% biodiversity net gain in area-based habitat units, a minimum of 10% biodiversity net gain in hedgerow units, and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development, using the Department of Environment, Food and Rural Affairs' Statutory Metric (February 2024).

(3) The biodiversity net gain strategy must be substantially in accordance with the outline landscape and ecological management plan and must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates.

ANNEX 3:

Extracts from the outline LEMP for Beacon Fen Energy Park

BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Appendix 6.7 – Outline Landscape and Ecological Management Plan
Document Reference: 6.3 ES Volume 2, 6.3.19
February 2026

The Planning Act 2008
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 - Regulation 5(2)(q)

that the proposed planting achieve their intended environmental function and objective. Monitoring of the establishment, growth and maintenance of landscape planting will be undertaken during the establishment aftercare period to ensure its successful establishment. This will include walkover surveys across the Order Limits to be undertaken between April and June in years 1, 3, 5. Following the establishment maintenance period the surveys will be conducted every 5 years post-construction until year 40. The surveys will involve an inspection of the woodland, hedgerows, grassland, and wetland habitats to ensure that they are being managed effectively.

1.6.46 Annual monitoring reports detailing proposed tree removals within the DCO Order Limits within the Bespoke Access Corridor and Solar Array Area and proposed replacements (within the Solar Array Area only and where feasible, subject to the operational requirements of the development) will be submitted to the Local Planning Authority for a period of 20 years from commissioning of the Solar Array Area. Note, where a tree has to be removed urgently due to imminent risk of harm arising if left, the reporting is likely to be retrospective. To inform these monitoring reports, trees will be surveyed for health and safety objectives by the Arboricultural Clerk of Works (ACoW) from commissioning of the Solar Array Area using negative reporting principles e.g. only trees only to be pruned and/ or removed for health and safety reasons and because they are dead being recorded. The frequency of subsequent surveys will be every three years where the trees are within falling distance of public roads, Public Rights of Way, the Bespoke Access Road and other internal access tracks, dwellings and the development infrastructure and every five years for all other parts of the site. Ad hoc (e.g. between formalised surveys) reporting of trees with suspected health and safety issues shall be reported to the ACoW for a more detailed inspection.

1.6.47 The monitoring is required to ensure that the objectives set out in this OLEMP are being achieved and whether any remedial management actions are required. The effectiveness of the monitoring will be measured against the pre-construction-baseline survey data.

1.6.48 An annual maintenance check of wildlife boxes would be made each winter to ensure that all boxes are still in position and secure. Some refitting of boxes, repairs and replacements are likely to be required over the life of the Proposed Development.

Ecological Steering Group (ESG)

1.6.49 This section sets out the proposed Terms of Reference (ToR) for the Beacon Fen Energy Park Ecological Steering Group (‘the ESG’), which must be included substantially in this form in the detailed LEMP(s) approved pursuant to DCO requirement).

1.6.50 The remit of the ESG is specific to the Beacon Fen Energy Park, a nationally significant infrastructure project, and is as follows:

a) to monitor the progress and implementation of the detailed LEMP(s), the aim of which is to achieve the biodiversity mitigation and enhancement as laid out in this oLEMP;

b) to provide oversight and scrutiny of the BNG monitoring undertaken by the Applicant;

c) to provide communication on landscape and biodiversity matters between the Proposed Development and relevant stakeholders;

d) to consider and suggest remedial habitat management measures to be implemented when habitat creation and enhancement are not meeting the required condition as outlined in the LEMP(s), based on a review of monitoring reports;

e) to undertake a compliance audit of the LEMP(s) against key performance indicators (to be agreed with the ESG following approval of the LEMP(s)) every five years;

f) to work with the Applicant in meeting its commitments in the decommissioning environmental management plan with regards to dealing with ecological habitats post the carrying out of the decommissioning works; and

g) in conjunction with the Applicant, the co-ordination of any research projects planned around the Proposed Development and dissemination of the outcomes of any research both within the Proposed Development and externally.

1.6.51 The Applicant shall have regard to any reviews, recommendations or updates received from the ESG in accordance with its ToR and thereafter employ reasonable endeavours to implement any competent recommendations including, where necessary, through proposing to the ESG such alterations to ecological management measures as the Applicant considers appropriate, having regard to what is reasonable, practicable and achievable.

1.6.52 The formation of the ESG may provide opportunities for strategic collaboration with other solar projects within the region.

1.6.53 The ESG shall comprise but not be limited to:

a) up to two representatives nominated by the Applicant, at least one of which being a suitably qualified and experienced ecologist.

b) one representative from Lincolnshire County Council;

c) one representative from North Kesteven District Council; and

d) one representative from Boston Borough Council.

1.6.54 The ESG will encourage representation at its meetings by representatives from relevant nature conservation organisations as and when required.

1.6.55 The Applicant will be responsible for the administration of convening annual meetings of the ESG. Meetings will be chaired by an appropriately qualified member of the ESG and be quorate if at least 3 members are present.

1.6.56 The Applicant will establish the ESG at least six months prior to the submission of the first detailed LEMP(s) to provide an opportunity to make written recommendations on a draft LEMP(s) in advance of its submission pursuant to requirement. The Applicant must have regard to such written recommendations received within two weeks of the draft being shared and subject to the principles in 1.6.51. The ESG would convene and begin normal operations in advance of the commencement of the activities set out in the approved LEMP(s), and shall continue to exist until completion of

decommissioning works, unless a shorter period is agreed between the members of the ESG.

1.6.57 Once established (and unless otherwise agreed by the ESG), the ESG shall meet at least twice annually for the 10 years and then move to a single annual meeting thereafter, annually, either virtually or in a convenient location to be agreed by the ESG. Decisions and recommendations made by the ESG would normally be on the basis of consensus. In the unusual case of needing to put a decision to the vote, this would be by a majority vote from those attending that meeting. The remit of the ESG cannot be extended beyond the scope of measures in this oLEMP.

1.6.58 The LEMP(s) will confirm any aspects of the ESG's remit that may not require the involvement of all Council representatives due to one Council taking a lead role – for example, it is noted that BNG monitoring is a particular focus for North Kesteven District Council, and as a result in relation to BNG monitoring the ESG may only require involvement from the representative for North Kesteven District Council and not the other Councils.

1.6.59 The Applicant will meet all reasonable costs of Council representatives comprising the ESG, which costs shall cover attendance at meetings and reviewing supplied material. Additional costs will be met where deemed necessary and agreed in advance between the ESG members. The involvement of the Council representatives in the ESG is expected to comprise:

a) Years 1-10 (two meetings a year) involving:

- 1 day reading reports / meeting preparation
- 1 day travelling to and attending meetings (site based meetings during years 1, 2, 3, 4 and 10)
- 1 day delivering follow up actions
- Total time incurred for each Council officer / representative of 6 days a year, 60 days in total over ten years.

b) Year 11 onwards (one meeting a year) involving:

- 1 day reading reports / meeting preparation
- 1 day travelling to and attending meetings (site based meetings during years 15, 20, 25 and 30)
- 1 day delivering follow up actions
- Total time incurred for each Council officer / representative of 3 days per year, 90 days in total over 30 years.

1.6.60 The amount to be paid by the Applicant to cover the reasonable costs of the Council representatives comprising the ESG over the lifetime of the Proposed Development is secured by Article 50 of the draft DCO and shall be:

c) £118,000 (index linked) in relation to the NKDC representative;

d) £13,500 (index linked) in relation to the LCC representative; and

e) £13,500 (index linked) in relation to the BBC representative

(noting that the sums may be less where there are aspects of the ESG's remit that all Council representatives are not involved with).

Offsite ecology and planting

1.6.61 The Applicant agrees to fund provision of hedgerow planting, gapping up of existing hedgerows, or another improvement to connectivity for biodiversity between natural habitats in the Borough of Boston. The funding is in the amount of £15,000 and is secured by an Article of the draft DCO.

Application by Fosse Green Energy Ltd for an order granting development consent for the Fosse Green Energy solar farm

Deadline 5A –

Responses to Examining Authority's Third Written Questions

and requests for information:

Appendix C:

Question LV.3.02

Lincoln and Witham Landscape Recovery Project – Overlay Plan

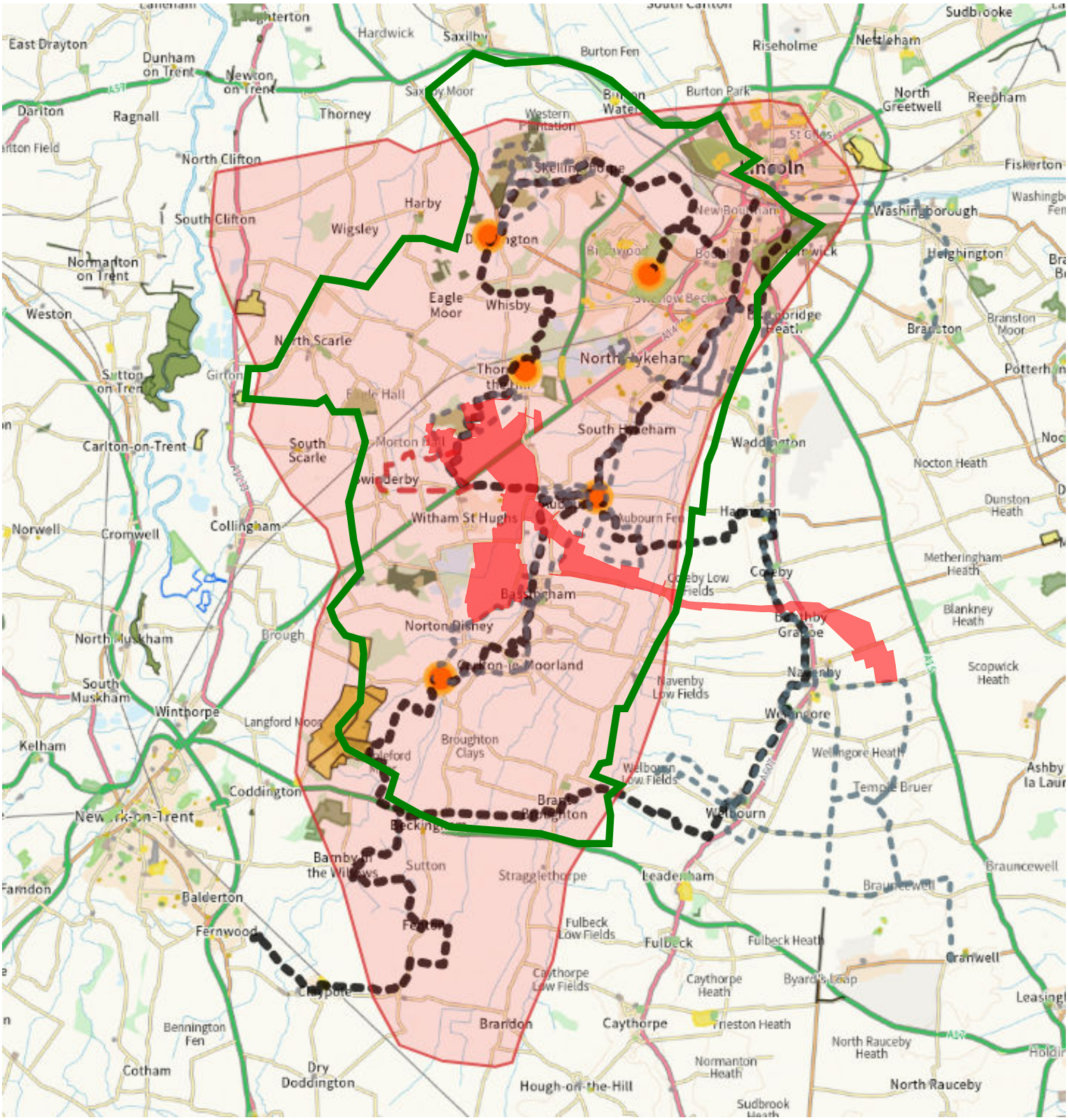
prepared by

North Kesteven District Council

ID [redacted]

NKDC reference: 23/0325/NSIP

Planning Inspectorate reference: EN010154



Overlay Map:

Lincoln and Witham Landscape Recovery Project (shaded pink)

Witham Valley Country Park (edged green)

Fosse Green Energy Outer Order Limits (shaded red)

All boundaries approximate, not to scale