



Fosse Green Energy

EN010154

9.31 Applicant's Response to Deadline 5
Submissions

VOLUME

9

Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure)

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9.31 Applicant's Response to Deadline 5 Submissions

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1. Introduction

1.1 Purpose of this document

1.1.1 The purpose of this document is to provide Fosse Green Energy's ('the Applicant') response to the relevant Deadline 5 Submissions made by Interested Parties (IPs) and Non-Interested Parties (non-IPs), submitted to the Examination on 28 April 2026 at Deadline 5. This document focuses on responding to comments from IPs/non-IPs which raise new, or substantially different, points to those already raised and responded to by the Applicant as part of previous submissions – for example, within the following documents:

- Applicant's Response to Relevant Representations;
- Applicant's Response to the Examining Authority's First Written Questions;
- Applicant's Response to Written Representations;
- Applicant's Response to Local Impact Reports;
- Applicant's Response to Post Hearing Summaries;
- Applicant's Response to Examining Authority's Second Written Questions;
- Applicant's Response to Deadline 2 Submissions;
- Applicant's Response to Deadline 3 and 3A Submissions; and
- Applicant's Response to Deadline 4 Submissions.

1.1.2 This document also responds to the Planning Inspectorate's Rule 17 – Request for further information, issued 06 May 2026, at Table 2-4.

1.2 Structure of this Document

1.2.1 This document provides a response from the Applicant to the relevant matters raised in the Deadline 5 Submissions, and is structured as follows:

- a. Deadline 5 Submissions:
 - i. Table 2-1: Applicant's response to comments from any party on any submissions and any information received at Deadline;
 - ii. Table 2-2: Applicant's response to Deadline 5 Submissions; and
 - iii. Table 2-3: Applicant's response to any further information requested by ExA under Rule 17 of the Examination Procedure Rules.

1.2.2 As noted above, Table 2-4 sets out the Applicant's response to the Planning Inspectorate's Rule 17 – Request for further information, issued 06 May 2026.

1.2.3 For ease of reference, a table of acronyms used in this document is provided in **Table 1-1** below.

Table 1-1: Abbreviations

Abbreviation	Definition
ACoW	Archaeological Clerk of Works
AIL	Abnormal Indivisible Load
ALC	Agricultural Land Classification
ANPR	Automatic Number Plate Recognition
BESS	Battery Energy Storage System
BMV	Best and Most Versatile Land
BNG	Biodiversity Net Gain
BPA	British Pipeline Agency Limited
BS	British Standard
BSI	British Standards Institution
BSMP	Battery Safety Management Plan
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DMP	Dust Management Plan
DUKES	Digest of UK Energy Statistics
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
Ha	Hectares
IP	Interested Party
kV	Kilovolt
LCC	Lincolnshire County Council
LEMP	Landscape and Ecological Management Plan
LFRS	Lincolnshire Fire and Rescue Service
LGV	Local Good Vehicle
LNR	Local Nature Reserve
LPA	Local Planning Authority
LWS	Local Wildlife Site
LVIA	Landscape and Visual Impact Assessment
MW	Megawatt

Abbreviation	Definition
MWh	Megawatt Hours
NE	Natural England
NFCC	National Fire Chiefs Council
NGET	National Grid Energy Transmission
NH	National Highways
NKDC	North Kesteven District Council
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OEMP	Operational Environmental Management Plan
PFAS	per-and poly fluoroalkyl substances
PINS	Planning Inspectorate
PPW	Permitted Preliminary Works
PRoW	Public Right of Way
PRoWMP	Public Right of Way Management Plan
PV	Photovoltaic
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State
SRN	Strategic Road Network
TA	Transport Assessment
tCO ₂ e	Tonnes CO ₂ Equivalent
TEC	Transmission Entry Capacity
TCPA	Town and Country Planning Act
TPO	Tree Preservation Order
TTM	Temporary Traffic Management
UKHSA	UK Health Security Agency
WSI	Written Scheme of Investigation
ZoI	Zone of Influence

2. Applicant's Responses to Deadline 5 Submissions

2.1 Applicant's response to Comments from any party on any submissions and any information received at Deadline 4

Table 2-1: Applicant's response to comments from any party on any submissions and any information received at Deadline 4

Interested Party	Theme	Comments from any party on any submissions and any information received at deadline 4	Applicant Response
LCC	Comments on D4 documents - Layout	Site Layout Plan Revisions - Indicative Fixed South Facing Layout (Rev 3) and Indicative Single Axis Tracker Layout (Rev 3) [REP4-006 & REP4-007, respectively) LCC assumes that the overall red line boundary remains unchanged, and thus LCC's previous comments in respect of minerals & waste safeguarding remain unchanged.	The assumption that the DCO Site red line boundary remains unchanged is correct. The Applicant's position regarding minerals and waste safeguarding are set out the Applicant's Response to Deadline 4 Submissions [REP5-025], the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] and the Applicant's Response to Deadline 2 Submissions [REP3A-025].
LCC	Comments on D4 documents - FCEMP	Framework Construction Environmental Management Plan (Rev 5) [REP4-009] LCC notes and appreciates the addition of paragraph 2.2.3 which states the applicant will inform LCC of the date of final commissioning once it has occurred. Section 2.9: Recovery, Recycling and Disposal of Waste – No changes to comment on here, but we note that the Table of Contents mistakenly labels this as 'Section 2.8'. In respect of archaeology LCC's previous comments stand, including that 'The full extent of any preservation in situ areas or areas identified for further archaeological work will need to be fenced off to ensure that there are no groundworks, plant movement, storage or any other developmental works which may cause damage to the currently surviving archaeology.' Within Table 2, cultural heritage, CH-C1 states that 'The detailed CEMP(s) will include an action plan detailing the required mitigation in the event that unplanned activities threaten the preservation of known buried archaeological remains.' Again, this will also need to include unevaluated areas as well as known archaeologically sensitive areas. This document makes reference to Environmental and Ecological Clerks of Work, as stated in our previous comments, an Archaeological Clerk of Works is also required.	Regarding an Archaeological Clerk of Works, it should be noted that CH-C1 of the Framework CEMP [REP5-011] notes that "If deemed necessary, an Archaeological Clerk of Works can be agreed." Matters of temporary or permanent fencing to protect known or potential buried archaeological remains are referenced in the draft Framework WSI [REP3A-027] (at paragraph 3.19) The Framework CEMP [REP5-011] correctly identifies the section 'Recovery, Recycling and Disposal of Waste' as Section 2.8 within the Table of Contents and within the document itself.
LCC	Comments on D4 documents - FSMP	Framework Soil Management Plan Rev 5 [REP4-011] The Framework Soil Management Plan Rev 5 [REP4-011] includes a number of activities and processes the effects of which will need to be understood in terms of potential impacts upon archaeology. We therefore strongly recommend that as details become known the information is shared with the archaeological	The provision for a proportionate response to intentions for topsoil stripping or topsoil storage for construction activities is noted in paragraphs 1.21-1.22 of the Framework WSI [REP3A-027].

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		<p>consultant to inform what further evaluation and/or mitigation works may be required to deal with these developmental impacts.</p> <p>For example, section 5.4.1 states that 'Soils on site comprise topsoil to between 20cm and 35cm depth' and that 'Topsoil must be stripped to a predetermined depth or at a predetermined distinct colour change (to be confirmed in the SMP (Soil Management Plan) from all areas to be impacted by construction activities.'</p> <p>LCC are pleased to note that section 5.7.1 states that 'Temporary stockpile locations must not present a risk to any sensitive environments.' This will also need to apply to unevaluated areas where currently surviving archaeology could be damaged or destroyed by compaction or associated groundworks without identification or recording.</p> <p>Section 5.7.2 states that 'the SMP must contain details for ...Maps of topsoil/subsoil types, areas to be stripped and areas to be left in situ' and 'Stockpiling locations' and section 6.1 Options for Spoil Reuse, Recycling and Disposal includes reusing soil for Landscaping/Habitat Creation and Wetland Areas/SuDS features. It is these types of site specific impacts which must be used to inform the archaeological process for this scheme to ensure that the developmental impacts on archaeology are dealt with adequately.</p> <p>The movement of soil has the potential for extremely detrimental impacts on archaeology. Soil movement in archaeological areas would result in the loss of archaeological value: the removal of soil would result in the redistribution of finds and the loss of relative context where archaeological features have been ploughed and finds have entered the plough soil. The subsequent spreading of such archaeological material would correspondingly reduce the archaeological value of the areas it is translocated to as the archaeological legibility would be permanently destroyed.</p> <p>It is therefore essential that before any soil movement takes place the areas involved in soil movement have been adequately evaluated to understand their archaeological potential and that there is sufficient baseline evidence to inform reasonable archaeological mitigation as required.</p> <p>The associated groundworks for soil movement also would damage and destroy surviving archaeology. Section 6.8.2 states that 'The receiving surface (in-situ layer of soil) must be decompacted first prior to placement and spreading. In some instances this receiving layer may require deep ripping.</p> <p>Decompaction measures, particularly when deep ripping is required would of course destroy any surviving archaeology. There will need to be sufficient evaluation to determine the location, extent and significance of archaeology across these areas to ensure they are identified and adequately recorded in advance of their destruction.</p> <p>Soil storage areas cause compaction and as stated in section 5.4.1 topsoil across the Order Limits varies between 20 and 35cm so any surviving</p>	<p>The provision of an Archaeological Clerk of Works (if deemed necessary), as per CH-C1 of the Framework CEMP [REP5-011] will allow for the adequate response and management of 'corrective actions' to improve growing conditions (where potential to impact important buried archaeological remains is a concern).</p> <p>On the matter of disturbance to or potential destruction of earthworks of archaeological interest, no such locations are known to exist with areas of likely construction activities.</p>

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		<p>archaeology would be impacted in these areas. Again, sufficient evaluation will need to be undertaken in these areas to determine if archaeology survives here which would be damaged or destroyed by the compaction, and presumably subsequent de-compaction measures which will be undertaken for land reversion at the end of the scheme's lifetime.</p> <p>Section 6.9.1 'In the event that unsatisfactory growing conditions are observed during the monitoring and maintenance period a Landscape Specialist is to be consulted to provide recommendations for corrective action.' Any future corrective action which could impact on archaeology should be discussed with the Archaeological Clerk of Works to allow for a proportionate archaeological response as required.</p> <p>Section 7.2.2 makes reference to topographic survey to 'determine site levels, changes in elevation, earmark cut and fill locations.' Again, engagement with the archaeologist and site-specific information sharing will be essential. Full survey of any extant earthworks must be undertaken in advance of soil movement, storage or spreading of any spoil as well as any technical investigations. Any surviving earthworks across the Order Limits must be reinstated once groundworks are complete.</p> <p>Earthworks are fragile and will be destroyed by flattening and plant movement but also by the spreading of spoil or any other works which would erase their legibility in the landscape. Such sites need to be excluded from any such works. This should be included in the construction, operation and decommissioning management plans along with any other archaeological mitigation areas which would be affected.</p>	
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] - LVIA	Comments on Notes from Open Floor Hearing (OFH) 1 Oral Submission PAGE 42 – Luke Daniels – Landscape and Visual Impact – LCC appreciates clarification on this issue by the Applicant regarding the LVIA methodology. However, LCC note that the methodology provided by the LI 'is guidance' and open to professional judgement. LCC feels that the impact of the development on receptors like local walkers (specifically those using the 'Steeping Out Walks) has been understated.	The Applicant has agreed the methodology, as well as the level of effects on all but four landscape receptors and four visual receptors, with LCC as recorded within the Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) [REP4-012], submitted at Deadline 4.
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] - LVIA	Comments from any party on any submissions and any information received at Deadline 2 PAGE 56 – Landscape – relating to LCC's concerns about understating of magnitude, need for a robust LEMP, restoration of the land, understating of impacts on Landscape Character Areas, oversight of local walking routes in LVIA including Steeping Out and Bassingham and Villages Circular Trail, cumulative effects are understated, RVAA indicates that some properties will experience significant adverse effects.	As set out in the Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) [REP4-012], submitted at Deadline 4, the Applicant has agreed with LCC that: <ul style="list-style-type: none"> - the level of effects is agreed as accurate on all but four landscape receptors and four visual receptors (both parties positions are set out in detail with the aforementioned Statement of Common Ground [REP4-012]). - the RVAA threshold has not been reached. - the provision for securing a detailed LEMP substantially in accordance with the Framework LEMP via Requirement 8 of the draft DCO [REP3A-004] is

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		<p>LCC's position on these issues remains unchanged. However, it is acknowledged that some improvements to the LEMP (REP2-021) have been made. The clarification regarding the decommissioning of the project is also acknowledged with the Framework DEMP (REP3-020) committing the Applicant to the removal of 'concrete foundations' (paragraph 1.1.4). However, LCC remains to be convinced that the land will be suitable to return to its pre-development use when the long term-impacts on soils, for example, remain unknown. Note in this regard the comments made by Anne Heard at pp77 of the document concerning the development impacts on the restoration of the land.</p> <p>With respect to landscape comments made by Phillip John Heard at pp 87 – Landscape and Visual – It is noted that the Applicant concedes there will be significant effects - but that these are assessed as 'moderate adverse'. LCC believe that this understates the impact of the development. There is no consideration that 'moderate adverse effects' on the Site, Tunman Hill and Thurlby Fen may equate cumulatively to a greater adverse effect on the region overall.</p>	<p>sufficient, and the reservations in the Framework LEMP for some details to be provided post-consent are appropriate.</p> <p>With regard to long-term impacts on soils, the Framework Soil Management Plan [REP4-010] details the management measures for soil resources during the construction, operation and decommissioning phases of the Proposed Development. The Framework SMP, which has been updated and submitted to the Examination at Deadline 5A, makes the commitment at paragraph 7.1.5 that <i>"The agricultural land soil resource within the Principal Site will be returned to the landowners in its current state following decommissioning of the Proposed Development and reinstatement of the land"</i>. Full details will be provided in the detailed SMP which will be secured by a DCO Requirement.</p>
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] - Waste	<p>PAGE 59/60 (and at PAGE 143) – Waste.</p> <p>LCC welcomes the Applicant's clarifications on anticipated waste arisings during each phase of the project, particularly for PV panels. However, our concerns remain regarding the lack of current capacity for the recycling of PV panels, and would ask the ExA to consider this matter in light of the cumulative arisings anticipated from multiple NSIP-scale solar farms proposed in LCCs administrative boundaries, a number of which have already been approved.</p>	<p>The Applicant notes this request from LCC to the ExA, but would reiterate that the East Yorkshire Solar Farm [EN010143] Examining Authority's Recommendation Report, dated 17 February 2025, states at paragraph 3.13.50: <i>"While the capacity of facilities to deal with the decommissioned solar PV panels is still evolving, I see no reason to disagree with the Applicant's view that the system will respond to demand over time. There is nothing to suggest that the type or number of panels involved in the application scheme would lead to particular difficulties in this regard."</i> As per the Applicant's previous responses (e.g. the Applicant's Response to Written Representations [REP2-030], ref. p51/52), the Applicant considers it reasonable to assume that solar panel recycling will have expanded to meet demand as solar PV installation increases.</p>
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] - Planning	<p>PAGE 60/61 – Planning.</p> <p>Whilst the applicant may consider it is 'incentivised to ensure the Proposed Development generates electricity in order to receive revenue from the project', and that '....in the unlikely event it is not producing electricity for a lengthy period..' operational costs would mean that it is financially incentivised to decommission of its own volition, LCC would suggest the DCO needs to provide more certainty in this regard. For a project that spans 60+ years, unforeseen circumstances may arise or changes in technological developments may give rise to a situation that leads to early cessation, and a clear and robust mechanism should be in place to ensure that decommissioning is appropriately addressed should this occur.</p>	<p>The Applicant's position remains unchanged from the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] in that the Applicant does not consider it necessary to include a provision to trigger the decommissioning of the Proposed Development if it ceases to generate electricity before the end of its operational lifetime. In the unlikely event of an extended period of outage, the ongoing maintenance costs would mean the Applicant would be strongly motivated to decommission the Proposed Development early, without needing a provision requiring this. It is therefore considered sufficient protections are already in place to avoid the Proposed Development being built and not generating electricity.</p>

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LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Grid Connection	<p>PAGE 61- Grid Connection.</p> <p>Notwithstanding the applicant's proposed Preliminary Prior Works EMP to be submitted at DL5, LCC would maintain its position that a Grampian condition is necessary to prevent any abortive work being carried out in the event of Navenby substation planning not being secured, thereby preventing any environmental harm from occurring in the first instance rather than relying on retrospective restoration works to remedy any harm caused</p>	<p>It should be noted that the Permitted Preliminary Works Environmental Management Plan [REP5-026] sets out in paragraph 3.14.1 that if the permitted preliminary works (PPW) are undertaken on an abortive basis, the relevant land will be restored. This will mean that if PPW are undertaken but the Proposed Development is not commenced within five years from the date of the Order, in accordance with Requirement 2 of the Draft DCO [REP3A-004], the land on which any such PPW have been undertaken would be restored.</p> <p>In terms of the relationship between the Proposed Development and the proposed National Grid substation near Navenby, it is noted that the Secretary of State removed the Examining Authority's proposed restriction on the commencement of the Springwell Solar Farm until the planning permission for the substation has been granted (i.e. a Grampian condition). The Secretary of State did not agree with the Examining Authority on this point, given that the applicant for the Springwell Solar Farm had not identified any issues that would result in refusal of the proposed National Grid substation near Navenby, neither had there been any substantive evidence put forward by the local authorities or Interested Parties ("IPs") to demonstrate that there is an obvious reason as to why planning permission would be refused. This conclusion aligns with that presented in the Applicant's Technical Note for the proposed National Grid substation near Navenby [REP3-046], which sets out in paragraph 4.14 "on the basis that NGET follow the Horlock Rules by taking a responsible approach to siting, design and mitigation, the Applicant considers there are no obvious reasons that consent for the proposed Navenby substation would be withheld". The Secretary of State in relation to the Springwell application also relied upon the grid connection agreement with NGET and that NGET, as a regulated business, has a legal obligation to meet any requests for power connections.</p>
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Soils and agricultural land	<p>PAGE 62 – Soils and agricultural land.</p> <p>There is agreement that the magnitude of impact on the soil resource beneath solar panels is 'Minor' – reference Table 3 from the IEMA guidance (excerpt below) – ('Permanent, irreversible loss over less than 5 ha or a temporary, reversible loss of one or more soil functions or soil volumes), or temporary, reversible loss of soil-related features set out in Table 2 above....')</p> <p>The applicant also agrees that Grade 3a BMV land falls within the 'high' category of sensitivity, as set out Table 2 of the IEMA guidance, excerpt below: <i>(Tables not reproduced in the Applicant's response but available in [REP5-029])</i></p> <p>Accepting the categories of minor magnitude and high sensitivity, LCC would maintain that the impact on Grade 3a (BMV) land beneath solar panels, as originally cited in our LIR [REP1-053, section 15] should be classed as 'significant' - under the applicant's own 'Impact Assessment and Significance' table (Table 12-14 of Chapter 12 [AS-016]), this combination of magnitude and 6</p>	<p>Regarding the assessment of potential impact relating to Grade 3a BMV land, the Applicant refers to Section 9.2 of the IEMA Guidance (Institute of Environmental Management and Assessment (2022) 'A New Perspective on Land and Soil in Environmental Impact Assessment'), which has been utilised in the assessment of likely significant effects in relation to soils and agricultural land, as set out in paragraph 12.4.19 of Chapter 12: Socio-Economics and Land Use of the ES [AS-016]. This section of the IEMA Guidance sets out that the sensitivity and magnitude of impact classifications "should not replace professional judgement by experienced professionals based on the specifics and context of the EIA being undertaken", whereby Table 5 of the IEMA Guidance notes that a minor magnitude of impact upon a high sensitivity receptor can result in a 'Slight or moderate' effect. It is the Applicant's professional judgement, given the factors previously set out (e.g. see the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], ref. p62), that a conclusion of minor (i.e. slight) adverse and not significant, is appropriate, as per paragraph 12.7.42 of Chapter 12: Socio-Economics and Land Use of the ES [AS-016].</p>

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		<p>sensitivity results in 'Moderate' impacts, which are classed as 'Significant' (reference paragraph 12.4.49).</p> <p>In respect of field drainage, LCC considers that there should be a firm commitment to ensure that any damage to drainage infrastructure arising from development activities is properly remedied, rather than being reliant on whether observations note that it 'results in pooling of water onsite...', observations which could be heavily influenced by weather conditions at the time. The drainage infrastructure may not only provide benefits in terms of flood risk alleviation, but also ensures the land can be utilised to its full potential for agricultural productive purposes</p>	<p>Regarding drainage infrastructure, the Applicant considers that the controls secured within the Framework OEMP [REP5-013] (ref. WAT-O6) are sufficient to ensure that any damage to drainage infrastructure arising from activities associated with the Proposed Development is properly remedied. WAT-O6 in the Framework OEMP [REP5-013] states: "Regular inspection and maintenance of the drainage systems, SuDS, penstocks and culverts will take place throughout the operational phase. This will be undertaken in accordance with good practice guidance", also noting that "Specific requirements and frequency of monitoring will be confirmed in the detailed OEMP(s) and the Water Management Plan (WMP), as relevant."</p>
LCC	<p>Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Temporary Workforce</p>	<p>PAGE 63/64 – Temporary Workforce.</p> <p>LCC acknowledge the applicant's response to the comments made in relation to the Temporary Workforce, and welcome the points raised regarding the use of hotel chains who are more readily available and used to accommodating such bookings. However, our concerns regarding capacity and the potential for the overlap in the construction periods. As demonstrated by the examples provided in the table below (please note that this table does not include all solar NSIPs proposed within Lincolnshire, only those closest to Lincoln geographically for the purpose of illustrating temporary workforce impacts), there is the likelihood that among the schemes closest to Lincoln there will be noticeable overlap in construction periods. It is also likely that should any of these examples experience delays, or the applicant brings their connection date forward that there will be overlap with the applicants scheme (<i>Tables not reproduced in the Applicant's response but available in [REP5-029]</i>).</p> <p>Utilising numbers quoted at Table 12.26 of APP-037, in relation to the number of bed spaces within a 60-minute drive time, only Jan (2332), Feb (1648), Mar (1648) have capacity to accommodate the worker numbers set out in the table above. While each NSIP will have a slightly different travel to work area (which we do not dispute), it is inevitable that there will be overlaps in demand. When the lack of chain hotel provision to the east of the A15 is taken into account, along with the points raised during ISH3 regarding actual travel to work distances, it is clear that projects are going to have to be well coordinated and work together to ensure that it is possible to secure accommodation for the temporary workforce, that also does not impact on the tourist or other business demand for accommodation in the county. It is essential that the 7 applicant understands and works with the limitations posed within and by Lincolnshire as a large rural county that is facing a period of very high construction activity</p>	<p>At ISH3, the Applicant confirmed there would be a surplus of accommodation even at peak demand, meaning workers can be accommodated locally with negligible effects.</p> <p>Contractors typically use larger urban hotels, reducing local impacts, differences in timing and catchments mean peak demand is unlikely to coincide. Conservative workforce assumptions further support the robustness of the ES Chapter 12 Socio Economics and Land Use [AS-016] conclusions.</p> <p>The Council's further comments regarding potential overlap in construction programmes and associated accommodation demand are noted.</p> <p>While there is potential for overlap between schemes, there remains considerable uncertainty in construction programmes, including sequencing, procurement, and delivery timelines.</p> <p>In relation to the distribution of accommodation, the assessment draws on a broad regional market, including larger urban centres that are better equipped to accommodate temporary demand and less sensitive to seasonal pressures. This reduces the likelihood of localised impacts, particularly in smaller rural settlements.</p> <p>Taking these factors together, the Applicant maintains that the overall effect on accommodation availability remains negligible and not significant, as previously concluded.</p>

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LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Minerals and Waste	PAGE 65 – Minerals and Waste – reserves. LCC notes the applicant's position on expansion of the mineral sector. LCC has no further comments to make with regard to mineral reserves, comments made at deadline 3 and 3A continue to stand. LCC would reiterate that it considers it would be beneficial for consideration to be given to potential expansion and communication with mineral developers within the locality. LCC note the difference in opinion and have nothing further to state with regard to this matter.	The Applicant notes LCC's position.
LCC	Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Draft DCO	PAGE 66 - Draft DCO. LCCs position on the definition of maintain was set out within our Deadline 3 submissions and at ISH4. LCC awaits sight of the applicants Deadline 5 submissions to comment on the framework PRowMP and the fee schedule as set out within Schedule 15.	<p>As stated in the Applicant's Response to Deadline 4 Submissions [REP5-025], the Applicant has revised the fee structure in line with the various submissions on this point by LCC and NKDC. The revised fees align with the planning fee schedule which came into force on 1 April 2026. These amendments are reflected in the updated draft DCO submitted at this deadline.</p> <p>At Deadline 3A [REP3A-029] LCC requested that the Framework PRowMP was updated to include a requirement to notify LCC of proposed PRow closures, temporary PRow closures and temporary PRow diversions. The Applicant would direct LCC to Section 3 of the Framework PRowMP submitted at Deadline 5A, with excerpts of the relevant paragraphs which address LCC's concerns set out below (note amendment in red to secure that diversion routes will be available for use prior to any closures):</p> <ul style="list-style-type: none"> • 3.1.4 The SRowA Plans [EN010154/APP/2.3] identify the locations where powers for temporary and permanent management of the PRow may need to be exercised under the DCO. However, it should be noted that the SRowA plans are based on the design as presented at the time of producing this Framework plan, the limits of deviation and Proposed Development Parameters [EN010154/APP/7.4]. As such, this document sets out the expected PRow interactions, based on the Proposed Development at the time of DCO submission. • 3.1.7 It is important to note that whilst the proposed construction routes and crossing point locations within the DCO Site may be subject to minor changes during the detailed design phase, these changes are not expected to affect the principles presented in this Framework PRow-MP [EN010154/APP/7.14] or result in any additional adverse impacts once the proposed management and mitigation measures have been implemented. Any changes will be agreed with the relevant local authority LCC with regards to the proposed management of such changes during the construction phase of the Proposed Development. • 3.1.8 b - Temporary PRow diversion routes which are clearly marked out with appropriate signage will be provided to avoid PRow closures and these diversion routes will be agreed with LCC prior to construction; • 3.1.8 f. A communications strategy will be developed, which will include regular meetings with contractors to review and address any issues

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			<p>associated with PRow usage through the Proposed Development, and to relay information between parties in respect of the PRow management.</p> <ul style="list-style-type: none"> 3.2.7 Some PRow may need to be temporarily closed to facilitate the safe construction of the Proposed Development. Where a PRow is proposed for temporary closure, a diversion route has been proposed for the duration of the closure, with the original PRow to be fully reinstated upon completion of the relevant works. <i>Diversion routes will be established and made available for use by the public prior to the implementation of any temporary closure, and will be retained for the duration of that closure.</i> The SRowA Plans [EN010154/APP/2.3] show each proposed temporary PRow closure, as well as the corresponding proposed indicative location of temporary PRow diversion. 3.2.8 It is expected that such diversions would only be required for a short period of time. The expectation is that this period of time would be circa six weeks for each PRow within the Principal Site and circa four weeks for each PRow within the Cable Corridor. However, the length of time for which a diversion is required will vary according to the types of works required in the vicinity of the PRow. Some diversions may only be required for a few days; but as this may be required on multiple occasions, the overall duration of the works has been considered. <p>Requirement 18 of Schedule 2 to the draft DCO [REP3A-004] secures the provision of a detailed PRowWMP, which is to be substantially in accordance with the Framework, to be submitted to and approved by the relevant planning authority (being NKDC) prior to the commencement of any part of the Proposed Development.</p>
LCC	Comments on ExQ2 responses – DCO.2.31	DCO.2.31 - Schedule 15 – fees LCC notes the applicant's statement that it will be considering the proposed amendments to Schedule 15 and will be providing an update at deadline 5. LCC will look to review post deadline 5.	As noted above, the Applicant has revised the fee structure in Schedule 15 of the draft DCO [REP3A-004] and an updated draft DCO has been submitted at Deadline 5A.
LCC	Comments on ExQ2 responses – LV.2.03	LV.2.03- Perception of solar panels in the landscape. LCC's position remains unchanged. Solar panels are unlikely to be perceived as rural or agricultural and the impact of them on the (NSIP) scale proposed is untested. The Appeal decisions quoted by the Applicant relate to much smaller scale projects. Sequential cumulative impacts, where receptors move through the landscape and repeatedly experience intrusive views from solar development, have not been adequately considered with the Applicant focusing on 'views of a relatively small part of the wider site' and on static receptors. LCC welcomes the Applicant's acknowledgement that the experience of solar panels	<p>The Applicant has agreed with LCC the level of effects on all but four visual receptors, which is set out, together with both parties positions on the unagreed receptors, within the Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) [REP4-012], submitted at Deadline 4.</p> <p>The Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) [REP4-012] also records both parties positions on cumulative landscape and visual impacts.</p>

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		<p>is dependent on viewpoint distance, angle and seasonality, but does not believe this has been adequately factored into the assessment of visual effects</p>	
LCC	<p>Comments on ExQ2 responses – LV.2.05</p>	<p>LV.2.05 - Significance of identified negative landscape and visual impacts. LCC's position remains unchanged. The Landscape and Visual effects of the development are significant and would be a valid reason for consent to be withheld.</p> <p>The assessment within the LVIA remains the same and LCC continues to believe that the Applicant's assessment is understated and cumulative impacts are underestimated. The LEMP has been updated by the Applicant to include more regular inspection of the proposed planting as described in Paragraph 7.1.7. However, a commitment to replacement planting, if failures are identified, could be more explicitly described. For example, there is no mention of replacement planting in the Landscape Strategy (4.1). However, Management Prescriptions for Proposed planting (5.3) does mention replacement planting in paragraph 5.3.3 and this is welcomed. Replacement planting is mentioned in Establishment Maintenance (5.3.11 – g.) but suggests 'matching' species – we would suggest this is replaced with 'suitable' species to allow some flexibility to respond to the reasons behind the failures. There is no clarification that Establishment maintenance is 15 years. In the Long-term maintenance (5.3.13 – f) describes monitoring of plant health - but there is no commitment to replacement planting stated. These issues are repeated for 'Hedgerows with Trees', 'Individual Trees' and 'Community Orchard'. Replacement planting is mentioned in 7.1.12 which is welcomed. However, 7.1.5 refers to a '5-year establishment aftercare' period – LCC would like this to be extended for the planting to 15 years.</p>	<p>The Applicant has agreed with LCC the level of effects on all but four landscape receptors and four visual receptors, which is set out, together with both parties positions on the unagreed receptors, within the Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) [REP4-012], submitted at Deadline 4.</p> <p>The Applicant disagrees that a more explicit reference is required for replacement planting or the timescales for this. As LCC's response notes, there are multiple references in the management prescriptions for the different habitats within the Framework LEMP [REP5-017], as well as the addition of wording at paragraph 5.3.3 under the heading of 'General Principles for Planting' that clearly states:</p> <p><i>"All existing and proposed habitats will be managed and maintained for the operational duration of the Proposed Development. In the unlikely event of external factors causing significant losses to the mitigation planting during the lifetime of the Proposed Development, such that the purpose of screening the development is no longer achieved as a result of gaps in the planting, replacement planting will be undertaken to infill gaps that may arise. This approach will ensure commitments are fulfilled in respect of providing screening of the scheme and enhancing biodiversity."</i></p> <p>The Applicant has agreed with LCC that the reservations in the Framework LEMP which allow for some details to be provided post-consent are appropriate and the provision for securing a detailed LEMP substantially in accordance with the Framework LEMP via Requirement 8 of the draft DCO [REP3A-004] is sufficient, which is also set out in the Statement of Common Ground with Lincolnshire County Council (including Lincolnshire Fire and Rescue) (Revision 1) [REP4-012], submitted at Deadline 4.</p> <p>As noted above, Requirement 8 of Schedule 2 to the draft DCO [REP3A-004] secures the provision of a detailed LEMP, which is to be substantially in accordance with the Framework plan, to be submitted to and approved by the relevant planning authority (being NKDC) in consultation with other prescribed consultees including LCC. The detailed LEMP must be implemented as approved and maintained throughout the operation of the relevant part of the Proposed Development.</p>

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LCC	Interrelationships Report [REP4-019]	<p>Interrelationships Report [REP4-019] LCC welcome the inclusion of this inter-relationship report. LCC notes that the Interrelationship report makes no reference to minerals and waste matters. LCC would advise the inclusion, particularly regarding the matter of cumulative waste arisings, particularly of PV panels.</p> <p>Paragraph 2.2.32 - The council disagrees with this paragraph. Although outside of the 10km search area, overnight accommodation, as already raised within LCCs submissions, is likely to have impacts beyond 10km, with the 30-minute (and 60-minute) travel to work area extending significantly beyond.</p> <p>Paragraph 2.2.36 - Similarly to the comment above, the Council disagree with this paragraph. While there is less likelihood of the applicants proposed construction overlapping with that of the Heckington Fen Solar Park, given that temporary worker accommodation will potentially be utilised that is outside of the 10km search area, there is the potential for cumulative impacts. In particular, impacts may arise from Heckington Fen temporary workers being accommodated within the search area for Fosse Green.</p> <p>From a landscape and visual perspective, LCC would question the applicants conclusion within paragraph 4.1.3, that the elevated impacts upon Witham and Brant Vales and Limestone Heath would only occur during the construction period. Further to this, paragraph 4.1.4 is very light on detail. There is no analysis of sequential cumulative impacts of the development on people passing through the landscape on PRow or other sensitive routes.</p>	<p>Regarding consideration of minerals and waste within the Interrelationships Report [REP4-019], the Applicant did not intend for the inter-relationship report to regurgitate and duplicate the cumulative effect assessment in the ES; this was not the objective of this report and a 3-page summary of the cumulative effects was provided for context. Chapter 14: Other Environmental Topics of the ES [APP-039] provides the assessment of the cumulative effects of minerals and waste in Section 14.5. The Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. p142) also addresses this issue.</p> <p>The Council's concern relates primarily to indirect effects associated with workforce accommodation, which operate at a broader, regional scale. This matter has been appropriately considered within Chapter 12 Socio Economics and Land Use: of the ES [AS-016], where a significantly larger travel to work area (30 and 60-minute catchments) has been assessed.</p> <p>In line with the methodology presented in Chapter 5: EIA Methodology of the ES, Section 5.8 [APP-030], effects to temporary accommodation are not considered within the cumulative assessment as the Proposed Development would not make a meaningful contribution to any cumulative effect which may occur from the other developments in the area.</p> <p>The Applicant has set out its position on sequential cumulative effects from a landscape and visual perspective within the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (reference LV.2.06), and summarised again in the Applicant's Response to Deadline 4 Submissions [REP5-025].</p>
LCC	Archaeological Framework Written Scheme of Investigation (WSI) (Rev 2) [REP3A-028]	<p>Archaeological Framework Written Scheme of Investigation (WSI) (Rev 2) [REP3A-028] LCC is in general agreement with the archaeological Framework Written Scheme of Investigation [REP3A-028].</p> <p>Section 1.28 points out that 'The nature of the scheme design at this stage of the development process....does not allow this Framework WSI to prescribe the specific requirements for work in defined locations.'</p> <p>The Archaeological Management Plan will need to be informed by the site-specific impacts of the development as they become known so that the specific requirements for archaeological work can be agreed to adequately deal with the full range of developmental impacts across the Order Limits.</p> <p>As stated previously in our responses, an Archaeological Clerk of Works will be responsible for ensuring these measures are put in place and maintained. The Archaeological Clerk of Works will need to be included in the operational site team to ensure that any proposed work which may impact on currently surviving</p>	<p>Regarding an Archaeological Clerk of Works, it should be noted that CH-C1 of the Framework CEMP [REP5-011] states that "<i>If deemed necessary, an Archaeological Clerk of Works can be agreed.</i>"</p> <p>The Applicant agrees with the sentiment of the comments provided by LCC on the Framework WSI [REP3A-027], which also concord with the comments from Historic England.</p> <p>Requirement 11 of Schedule 2 to the draft DCO [REP3A-004] provides that no part of the Proposed Development is to be commenced until a scheme for additional trial trenching for that part has been submitted to and approved by LCC (as the relevant planning authority) in consultation with Historic England, additional trial trenching has been carried out for that part in accordance with the approved scheme, and the Framework WSI [REP3A-027] has been updated to account for the results of that additional trial trenching. The updated Framework WSI must then be submitted to LCC for approval in consultation with Historic</p>

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		<p>archaeology across the Order Limits are mitigated effectively as required through the lifetime of the scheme.</p> <p>We are pleased that the Framework WSI acknowledges that the trial trenching undertaken so far 'has proven to be a successful and efficient means of investigating the potential for buried archaeological remains that could be affected by construction work' and that it includes the commitment for 'further archaeological trial trenching will take place in advance of construction as part of the detailed design phase of the Proposed Development.' (section 3.3)</p> <p>The requirement for an agreed Archaeological Management Plan and an Archaeological Clerk of Works should be included in the Framework WSI as well as all other relevant management plans for the scheme involving development works which would cause detrimental impact to currently surviving archaeology. The Archaeological Management Plan will need to be informed as details on the location, extent, depth and methodology of the range of developmental impacts become known and the framework submission documents evolve, such as those for soil management and drainage as well as the LEMP, CEMP, OEMP and DEMP, along with the details of any impacts arising from measures to restore land to its previous agricultural use which would damage or destroy surviving archaeology without identification or recording.</p>	<p>England and the construction of the Proposed Development must be carried out in accordance with the approved WSI. This ensures that any potential archaeology is appropriately and sufficiently considered.</p> <p>As set out in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p6), the Framework WSI [REP3A-027] sets out the scope of the content of a future Archaeological Management Plan (AMP), and includes provision for an Archaeological Clerk of Works (ACoW), which would assist in management of the archaeological resource throughout the lifetime of the Proposed Development (construction, operation and decommissioning). Under Requirement 11 of Schedule 2 to the Draft DCO [REP3A 004], the Framework WSI must be submitted to and approved by LCC in consultation with Historic England prior to the commencement of the Proposed Development, LCC will have ample opportunity to ensure that adequate mitigation is implemented.</p>
NKDC	REP4-009 : Framework Construction Environmental Management Plan (FCEMP) Rev5 - Commissioning	<p>Paragraph 2.2.3</p> <p>The Applicant has inserted text committing to informing Lincolnshire County Council of the date of final commissioning, once it has occurred. It is requested that the wording is further amended such that NKDC is also informed of the date of final commissioning. This could perhaps be achieved by using the term 'host authorities' rather than individual councils.</p>	<p>The Framework CEMP has been updated (to be submitted to the Examination at Deadline 5A) to reflect this amendment.</p>
NKDC	REP4-009 : Framework Construction Environmental Management Plan (FCEMP) Rev5 – Noise and Vibration	<p>Section 3.7, Table 6 – Noise and Vibration 4. The Council welcomes the addition of item r. starting at the bottom of page 56. However, the Council requests that wording is added to ensure that noise from construction activities shall not be audible at noise sensitive / residential receptors between the hours of 18:00 – 19:00</p>	<p>The Applicant considers that the update previously made to the Framework CEMP [REP5-011] at item r of NV-C1 provides a proportionate control to ensure that no unacceptable noise effects arise during this period, whereby the suggestion of inserting wording to the effect of "<i>noise from construction activities shall not be audible at noise sensitive / residential receptors between the hours of 18:00 – 19:00</i>" is considered overly subjective and not able to be effectively managed by the Principal Contractor.</p>
NKDC	REP4-018 : Applicant's Response to Deadline 3 and	<p>ExQ2, DCO.2.31 - Schedule 15 fees</p> <p>6. The Council notes that the Applicant is considering the fees and amendments to the DCO text suggested by the Council in its Deadline 3A submissions (REP4-022, pages 9 – 12), and awaits further discussions with the Applicant.</p>	<p>As stated in the Applicant's Response to Deadline 4 Submissions [REP5-025], the Applicant has revised the fee structure in line with the various submissions on this point by LCC and NKDC. The revised fees align with the planning fee schedule which came into force on 1 April 2026. These amendments are reflected in the updated draft DCO submitted at this deadline.</p>

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	<p>Deadline Submissions 3A</p>	<p>7. The Council notes that the Applicant maintains that indexing application fees is not necessary. The Government has made the following statement regarding fees for applications under the Town and Country Planning Act 1990: 'Planning fees are subject to annual indexation, from 1 April 2025. Every year, planning fees will be increased by the rate of inflation, as measured by the Consumer Prices Index (CPI), from the preceding September. ' (Planning fees: annual indexation from 1 April)</p> <p>8. Given that statement, the Council would request that the Applicant explains why they and the Proposed Development should be a special case which is not subject to the same rules as other developers. The Council considers that these fees should be subject to indexation using the Consumer Prices Index.</p> <p>9. This approach has been validated in the case of the made DCO for the Springwell solar farm – specifically via Schedule 16 (5) (3) of the Order, which addresses the fees for the discharge of Requirements as follows: (3) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2025, 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.</p> <p>10. s18A of the Fees Regulations confirms that ‘if there is a relevant increase in the consumer prices index, each relevant amount is increased on the fee change date in accordance with paragraph (3)‘.</p> <p>11. Furthermore, Schedule 2 (27) (4) of the draft DCO (document reference REP 8- 004) in relation to the Beacon Fen solar farm (EN010151), in relation to the fees for the discharge of Requirements, states that: (4) The fees specified in sub-paragraph (2) shall be adjusted on each anniversary of the date this Order comes into force 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%.</p> <p>12. As such the Applicant’s approach is out of step with these recent precedents, the Council continues to resist it and we would welcome the same of the Examining Authority.</p>	<p>With regards to indexation, the Applicant has previously set out its position with regards to indexation in the Applicant's Response to Deadline 3 and 3A Submissions. The Applicant maintains its position but in line with the Examining Authority's request, in responding to DCO.3.14 of the ExQ3s [PD-021] the Applicant has provided wording for an indexation mechanism on a without prejudice basis.</p>
<p>NKDC</p>	<p>REP4-018 Applicant's Response to Deadline 3 and Deadline 3A Submissions :</p>	<p>ExQ2 ENC.2.09 - BNG monitoring</p> <p>13. The Council does not accept the Applicant's response on this point and maintains that funding should be provided for its attendance at the proposed EAG, as well as to carry out monitoring verification checks. The Council will add to this response when answering the Examination Authority's Third Written Question ENC.3.03.</p>	<p>The Applicant notes the Council's position regarding BNG monitoring funding and membership of the EAG but maintains its position as set out in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p8 and p41).</p> <p>It should be noted that the Applicant now meets the Statutory Biodiversity Metric Trading Rules, whereby the Applicant has updated the Biodiversity Net Gain Report [REP5-015], submitted to the Examination at Deadline 5, to reflect this.</p>

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		<p>14. It should be noted that because the Applicant's BNG Report still does not comply with trading rules and requires updated metrics to be applied, it is not possible to provide an accurate detailed costing for the monitoring verification checks. However, pending those corrections, the Council can provide the following information to demonstrate the scale and rationale for the likely fees sought:</p> <ul style="list-style-type: none"> • 20% sample each monitoring year supported by AI mapping • Area habitats are estimated at 519.36ha of monitorable habitat (habitat of a medium distinctiveness and above or low distinctiveness with a moderate or above condition) made up of 472.94ha of created habitat, 15.78ha of enhanced habitat and 30.64ha of retained habitat • For the above habitats, which are of a 'low difficulty' in achieving, the associated BNG monitoring fee would be £50,575.32 • For hedgerows there are 83.54km of monitorable habitat (14km retained, 19.16km created and 50.38km enhanced) • With all hedgerows having a 'low difficulty' in achieving the associated BNG monitoring fee would be £6,518.80 • For watercourses there are 6.43km of monitorable habitat (0.64km retained and 5.79km enhanced). Some of the difficulties in achieving would be 'moderate' and as such the associated BNG monitoring fee would be £7,635.55 • The AI mapping support is estimated at £25,190.11 • This brings the total estimated charge for the 30-year BNG monitoring lifetime to a one off payment of £89,919.78. <p>15. Once the BNG Report is corrected for errors, these figures may be subject to change; and it may be necessary to update the costs to an annual increase in line with the Council's adopted approach to BNG monitoring fees.</p> <p>16. We note paragraph 6.4.60 of the Examining Authority's Report of Findings and Conclusions in relation to the Springwell solar farm DCO, and the reporting of the (Springwell) applicant's position that such a monitoring contribution 'is not needed' and that delivery and monitoring of BNG would be secured by the oLEMP/Requirement 8 of the DCO.</p> <p>17. Nevertheless it remains the case that the Springwell applicant concluded a s106 Agreement – a copy of which has been submitted into the Fosse Green examination - agreeing to a financial payment which can be utilised towards the Council's BNG monitoring responsibilities. The applicant for the Beacon Fen solar farm has made a similar financial commitment through Article 50 of the dDCO; document reference REP8-004.</p> <p>18. In the same way as its approach to the indexation of Requirement fees above, the Applicant's position remains out of step with examples elsewhere and the Council will continue to resist it.</p>	<p>The Applicant held a meeting with NKDC and LCC on 6th May 2026 where NKDC and LCC both welcomed this update. Following the discussions at this meeting, the Applicant will be updating the BNG Report to respond to a further request from NKDC/LCC regarding the assumed condition of a small number of habitats considered within the BNG assessment – this update will not affect the conclusions of the BNG Report, which will be submitted to the Examination at Deadline 6. The updated BNG Report will be shared with LCC and NKDC in advance of Deadline 6 for their review of the updates made.</p>

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NKDC	REP4-018 : Applicant's Response to Deadline 3 and Deadline 3A Submissions	<p>ExQ2, TT.2.03 - Status of Stepping Out routes ExQ2, TT.2.09 – public rights of way – mitigation and compensation</p> <p>19. The Council notes that the Applicant has now shifted away from identifying the existing permissive paths within the site; and in its comments has removed previous references to the locations of these permissive paths having been established through site visits. The Applicant's site visits were clearly inadequate in this regard, and the baseline information on permissive paths used in the ES and shown on drawing AS-024 was significantly incorrect.</p> <p>20. The Applicant has submitted the following drawings as indicating its revised approach to the provision of permissive paths:</p> <ul style="list-style-type: none"> • REP4-006 : Figure 3-2A Indicative Fixed South-facing Site Layout Plan • REP4-007 : Figure 3-2B Indicative Single Axis Tracker Site Layout Plan <p>21. These drawings are labelled 'indicative', and are not intended to be certified documents. The Council looks forward to having sight of the final permissive path proposals on the Landscape Mitigation Plan contained in the Framework Landscape and Ecological Management Plan, as it is that document which is referred to in the definition of Permissive Paths in the draft DCO, article 2 (REP3A-029). Also showing the permissive paths on the Streets, Rights of Way and Access Plans will be helpful in showing how they connect to the statutory public rights of way network.</p> <p>22. The Council will continue to discuss permissive paths, including the Stepping Out Walks, with the Applicant and will comment further in due course. At this stage, the Council offers the following comments on the remainder of the Applicant's submissions on this topic at Deadline 4.</p> <p>23. The changes to the permissive path routes in the area around Thorpe on the Hill, Morton and Tunman Wood represent an overall minor improvement on previous proposals. The loss of some lengths of the existing Stepping Out permissive routes – for instance the valuable walk along the southern side of Housham Wood – is offset by the retention of the length of permissive path alongside the eastern side of the wood north of Housham Wood Farm. The new route also avoids “funnelling” walkers between panel arrays heading south from Housham Wood; but on the other hand the loss of a length of permissive path to the east of Housham Wood Farm means directing walkers along the public rights of way immediately to the north, where they would have to pass between areas of panel arrays.</p> <p>24. These changes do not significantly reduce the adverse effects on the experience for users of the two Stepping Out Walks: Morton and Tunman Wood, and Thorpe on the Hill. It is clear that users would experience the loss of open, undeveloped and wide rural views – a major factor in the design and promotion of these walks. The Applicant has never properly acknowledged the value of these walks in terms of their potential to deliver on recreation, mental and</p>	<p>The Applicant has set out its position regarding the identification of permissive paths at the submission stage of the DCO Application and throughout Examination, for example in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p18 and p19). The Applicant is committed to working with NKDC, as previously communicated, in establishing a proposed permissive path network which captures the most up-to-date available information.</p> <p>The Applicant notes that the Framework LEMP [REP5-017] and Streets, Rights of Way and Access Plans [REP5-004] were submitted to the Examination at Deadline 5 reflecting the updated proposed permissive path network.</p> <p>The Applicant recognises the local value of the Stepping Out Walks, and has acknowledged these as part of the Health and Wellbeing Summary Statement [REP5-023]. The assessment approach recognises that walking contributes positively to physical and mental wellbeing, and that changes in access, amenity and visual experience can represent potential health pathways. These pathways have been considered through the Landscape and Visual Amenity [AS-117], Traffic and Transport [REP3-010], and Socio-Economics [AS 016] chapters of the ES, and are brought together within the Health and Wellbeing Summary Statement [REP5-023] in accordance with the scoping approach endorsed by the Planning Inspectorate and NKDC.</p> <p>Regarding the statement that effects need to be fully mitigated and compensated for, the Applicant has responded on this point in the Applicant's Response to Deadline 4 Submissions [REP5-025] and its position remains unchanged. Within the Applicant's Response to Local Impact Reports [REP1-057], pages 45-48, the Applicant set out that the Council did not identify any policy basis for affording Stepping Out Walks enhanced status beyond that of the underlying PRoW. While the North Kesteven Active Travel Strategy encourages exploration of 'stepping out' style routes, it does not give formal designation or protection. Stepping Out Walks are not statutory routes and rely in part on permissive access and private land; where they overlap with PRoW, their use is fully captured through the PRoW assessment. Potential effects on all PRoWs within 500 m of the DCO Site, including those forming part of Stepping Out Walks, have been assessed in Chapter 12: Socio Economics and Land Use of the ES [AS-016], with effects during construction, operation and decommissioning found to be negligible and not significant. From a landscape and visual assessment perspective, of relevance to the PRoW used as part of the Stepping Out Walks, Chapter 10: Landscape and Visual Amenity of the ES [AS-117] concludes moderate adverse effects in Year 15 for Recreational users of PRoWs TOTH/7/2 and TOTH/11/1 during winter when there are no leaves on the vegetation.</p>

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		<p>physical health, and tourism objectives. Those effects need to be fully mitigated and compensated for.</p> <p>25. In terms of the total length of permissive path offered, the Applicant has measured this to be 10.2km. Whilst there are limitations with the scale and accuracy of the plans provided, the Council has measured the total length of permissive path as being 9.8km. But in any case, there are significant limitations to the Applicant's approach which this highlights. Whilst the provision of permissive paths in general is welcome, the failure to recognise the value of and impacts on the Stepping Out Walks in particular is a deficiency of the application. For instance, the permissive path proposed alongside the A46 may be of value to some, especially the occupants of the caravan park nearby. However, in terms of views and noise, that path would never have been selected as part of a Stepping Out Walk.</p> <p>26. In responding to ExQ2 TT.2.09, the Council identified a number of measures which could mitigate and offset the adverse effects on the Stepping Out Walks. The Applicant has suggested that these might be delivered using the Community Benefit Fund. However, the Council considers this to be insufficient for the following reasons:</p> <p>27. Firstly, the community benefit fund is not a secured item. There is nothing to prevent the undertaker from changing its mind on its provision.</p> <p>28. Secondly, in order to ensure that the Stepping Out Walks continue to be delivered within the application site – on revised routes in some locations – it will be necessary to re-map, publish and way-mark those routes. The Applicant provides no guarantees that this will be provided for. For instance, without the extensive Stepping Out way-marking the routes would not in fact be Stepping Out walks; but there is no mechanism to require the undertaker to do or even allow this to take place within the Order Limits.</p> <p>29. Thirdly, re-routing the Stepping Out walks affected will not fully mitigate for the adverse effects on the user experience. As explained above, simply providing additional km of permissive paths does not address the underlying issue. Therefore measures to offset these adverse effects are necessary. This is why the Council also seeks the following:</p> <ul style="list-style-type: none"> • Funding for a new Stepping Out Walk extending from outside the Order Limits in Witham St Hughs; through the site on the public rights of way and permissive paths provided; and onwards (again outside the Order Limits) towards Auborn. • Funding for a new Stepping Out Walk to extend from North Hykeham towards Aubourn, linking up with the above new walk <p>30. To deliver these measures, funding is sought. The sums are not large, and are being calculated at present. They will form part of further discussions with the Applicant, but the Council's view is that they should be secured as part of the application in order to fully address its adverse effects.</p>	<p>Regarding the permissive path proposed alongside the A46, it should be noted that this permissive path is not intended to form part of the amended Stepping Out Walk, whereby this route has been developed following consultation and requests from local residents to enable residents of Cathedral View Caravan Park access to Fosse Lane, providing a circular walk and safer route and access to Thorpe-on-the Hill, as set out in the Consultation Report [APP-023] and Consultation Report Appendices [APP-024].</p> <p>Regarding the funding requirements requested by the Council, the Applicant has responded on this point in the Applicant's Response to Deadline 4 Submissions [REP5-025] and its position remains unchanged, maintaining that this could be a potential use for the community benefit fund which will be provided by the Applicant once the Proposed Development commences commercial operation should development consent be granted. The additional measures suggested by NKDC, including funding for new walking routes, fall beyond the scope of mitigation reasonably required for the effects identified and within the remit of the DCO. By proposing permissive paths as part of the Proposed Development (secured by the Landscape Mitigation Plan [REP5-017] and SROWA Plans [REP5-004], the Proposed Development affords the benefit that the Stepping Out Walks (noting the two minor proposed amendments in their current routing) are retained within the Order Limits for the duration of the operational lifetime of the Proposed Development, in contrast to the ability for a landowner to remove an existing permissive path currently utilised by the Stepping Out Walks at short notice.</p>

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National Highways	FLEMP Mitigation A46	As set out in National Highways deadline 4 submission (REP4- 025), National Highways seek to understand from the Applicant how the distance of '15m' has been established as appropriate to NH interests. An explanation of the proposed '15m' is required from the Applicant to demonstrate there are no LEMP mitigation works beyond that distance with the potential to affect NH interests.	<p>As set out in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p44), a distance of 15m from the edge of the A46 carriageway was initially proposed in order to cover the area of the existing hedgerow which adjoins the A46, therefore meaning that National Highways would be a consultee regarding any LEMP mitigation/management works concerning these hedgerows. The Applicant considers this to be the only LEMP-related works which could have the potential to affect National Highways interests (i.e. the A46 which is part of the Strategic Road Network) and therefore considered this an appropriate 'consultation zone' for LEMP works within which National Highways would be consulted. However, in preparing the figure requested by National Highways illustrating this (ref. [REP4-025]), and further interrogating the proposed 15m consultation zone, the Applicant identified a number of pinch points due to the alignment of the A46 highway edge where some existing hedgerow extends beyond the 15m buffer zone. As such, an alternative approach has been proposed, whereby a plan has been prepared (which forms Appendix B, Figure 7.15-2: National Highways Consultation Zone of the Framework LEMP [REP5-017]) which defines a specific consultation zone as opposed to committing to a set 15m distance. This revised consultation zone encompasses all the front and rear (with appropriate offsets) of the hedgerows adjoining the A46, and as such ensures that National Highways would be consulted on the relevant LEMP mitigation/management works being those which have the potential to affect NH interests. The wording of Requirement 8 of Schedule 2 to the Draft DCO, submitted at Deadline 5A, has been updated accordingly.</p> <p>It should be noted that the Applicant has shared the proposed consultation zone with National Highways, and National Highways have confirmed that they will respond at Deadline 5A.</p>
National Highways	Requirement 14 of the draft DCO	As set out in National Highways' Deadline 4 submission (REP4-025), National Highways maintains its position that it should be an approving body, rather than a consultee, in respect of the Construction Traffic Management Plan (CTMP). This is a limited and proportionate request, directed at ensuring that requirements which engage the safety of the Strategic Road Network (SRN) cannot be inadvertently discharged through administrative oversight. National Highways does not accept the Applicant's suggestion that granting National Highways approval rights would introduce undue complexity or risk delay. National Highways has well-established processes for responding to applications within statutory timescales and is subject to a regulatory duty to act as a facilitator and enabler of development. These processes have been successfully applied under previously made orders where National Highways has been granted an approval role, including The Viking CCS Carbon Dioxide Pipeline Order 2025 and The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015. Further, as confirmed in its Deadline 4 submission (REP4-025), National	<p>Whilst the Applicant acknowledges that NH has been granted an approval role to the CTMP for two previous DCOs and notes the ExA's comments on this point in its Schedule of Changes to the draft Development Consent Order [PD-022], each application needs to be treated on its own merits. Caution should be taken in applying precedent where the rationale for inclusion of a requirement is not clearly explained in the decision making. No explanation has been provided as to why that decision can and should be applied in this case, or whether the position was simply accepted by the promoter. The need for caution is particularly pertinent given the two precedents cited by NH relate to different types of DCO, namely pipelines and offshore wind and the nature of these technologies means that these schemes have long linear elements and so would likely have more pronounced effects on the strategic road network than the Proposed Development.</p> <p>Therefore, the Applicant maintains its position as previously set out including in the Applicant's Response to the Examining Authority's Second Written Questions</p>

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		<p>Highways is not opposed to being included within the deemed consent provisions at paragraph 2 of Schedule 15 of the draft Development Consent Order (REP3A-004), should this be considered necessary to address the Applicant's concerns regarding potential delay.</p> <p>In the Applicant's response, concern is raised that the involvement of more than one discharging authority in respect of the CTMP may cause delay. National Highways notes that multiple discharging authorities have been provided for previously, and that Schedule 2, Part 2 of The Viking CCS Carbon Dioxide Pipeline Order 2025 contains drafting which expressly addressed scenarios where more than one discharging authority was involved. Similar drafting could be adopted here if considered necessary</p>	<p>[REP3-045] (ref. DCO.2.21), the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] and the Applicant's Response to Deadline 4 Submissions [REP5-025].</p>
Cliff Villages Solar Action Group	Permanent sealing of land	<p>Permanent sealing of land: The Applicant has dismissed this issue without any evidence to the contrary and has stated ignorance of any other NSIPs where the Secretary of State has considered land to be permanently sealed, including Mallard Pass, promoted by the same applicant. Of note in the recent Springwell decision, the Secretary of State considered land beneath substations, BESS, access tracks etc to be permanently sealed.</p>	<p>The Applicant responded to this issue in its response to Deadline 4 Submissions [REP5-025]. In summary, the Mallard Pass application was not originally for a time limited consent, and therefore it assessed some components of the scheme as permanent. It was later, during Examination, that a time limit was imposed on this scheme. Other solar NSIPs are discussed in REP5-025; some of these intend to leave the onsite tracks and/or substations in place after decommissioning (unlike the Proposed Development) and have therefore assessed these areas as permanently lost; others have concrete pads or tracks on Very High sensitivity Grade 1 or 2 land (again, unlike the Proposed Development), which is difficult to reinstate quickly to its previous land value, and therefore was evaluated as permanently lost. Springwell Solar is a similar situation to this, Springwell Solar has 86ha of Very High sensitivity land comprising Grades 1 and 2 within its Order limits, with 14ha of this being solar PV with the potential for crushed gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited. As the Applicant noted in REP5-029, it is understandable why a developer, ExA or SoS may consider this impact on Grades 1 or 2 soil to be permanent loss of agricultural land; it is much more difficult to reinstate Grades 1 and 2 land back to its current standard after removal of above ground infrastructure and may require several years of restoration. The Applicant's Proposed Development does not have access tracks, Solar Stations, or distributed BESS within Very High sensitivity land (Grades 1 and 2), and therefore the Applicant is able to commit to reinstating the soil during decommissioning to its current value, avoiding the need to consider it as permanent loss of agricultural land.</p>
Cliff Villages Solar Action Group	Overplanting	<p>Overplanting: The ExA, in its first set of questions, asked the Applicant to justify an overplanting ratio of 1.6. Despite two issues of the Solar Technical Summary there has been no justification for this figure. Indeed, there appears to be firm justification that an overplanting ratio of 1.17 is sufficient.</p>	<p>The Applicant considers that the overplanting ratio of 1.6 has been sufficiently justified in previous submissions, e.g. the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] (ref. GC.1.04). Furthermore, the Solar Technology Technical Guide [REP3-036] was updated (see Section 5.3) to further explain and justify the 1.6 overplanting ratio.</p>

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Cliff Villages Solar Action Group	Load Factor	Load Factor: The Applicant, through the Solar Technical Guide and the estimated total generation figure of 19,438,499 MWh, appears to assume a load factor range for the Proposed Development of between 15 and 20 percent. This is significantly above the current UK average of circa 10%. Even with the perceived technical improvements in panel efficiency on the horizon (nominally approximately 10%) here is no justification produced to support such high load factor figures. A more realistic maximum achievable load figure would be 11%.	Please refer to Table 2-4, item 3, which provides a fully worked calculation demonstrating how the generating output of 19,438,499MWh has been derived.
Cliff Villages Solar Action Group	Greenhouse Gas Emissions	Greenhouse Gas (GHG) Emissions: Other than the 'this is industry best practice' statement, the Applicant has failed to justify the low level of GHG emissions they claim for their development. If the same data as the approved Springwell development had been applied, it would be some 3 times higher. Given that Springwell also claim they have complied with industry best practice, then the worstcase (Springwell data) should be applied	As noted on page 7 of the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] , there is no clarity or traceability on the emission factor used in Springwell so the Applicant cannot comment, compare or adopt it without understanding the detail behind it and instead reiterates that the emission factors used are representative of large solar manufacturers and are available and traceable. ISEP guidance on calculating greenhouse gas emissions requires a reasonable worst-case scenario be calculated and the Applicant maintains that the emission factors presented constitute a reasonable worst case given the available data.
Cliff Villages Solar Action Group	Inflated 'benefits'	Inflated 'benefits': If the load factor was circa 10%, the estimated total generation figure through life would be some 13 million MWh. When this figure is combined with the underestimated GHG emissions figure, the perceived benefits of the Proposed Development are excessively inflated.	Please refer to Table 2-4, item 3, which provides a fully worked calculation demonstrating how the generating output of 19,438,499MWh has been derived.
Cliff Villages Solar Action Group	Traffic Movements	Traffic: Traffic routing through Haddington is an example of the Applicant's conflicting evidence over time; initially it was stated there would be no HGVs through the village, then there would be 84 daily HGV movements. The latest estimate is 109 daily HGV movements. It is noted the road safety assessment is solely based on collision data and no iRAP assessment has been undertaken.	<p>As clarified in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. p72), the HGV flow on L11 (South Hykeham Road) through Haddington is 109 vehicles; this is consistent with the figure that has been included in the assessment of the Proposed Development effects, as presented in Chapter 13 :Traffic and Transport of the ES [REP3-010]. This figure has not subsequently changed.</p> <p>Currently, there is no specific requirement to carry out iRAP assessments of the highway network for a development such as this. The approach adopted, to review the safety record of links and junctions and compare the accident rate to national averages is the typical means of assessment adopted for other similar schemes. Furthermore, this approach to the assessment of the effects of the Proposed Development was set out initially in the ES Scoping Report and subsequently included in the Preliminary Environmental Information Report, both of which were submitted to LCC for comment, and no requirement for an alternative methodology was requested.</p>

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Cliff Villages Solar Action Group	Grid Connection	Grid Connection: On a number of occasions, we have questioned the 'secured' Gate 2 and Gate 1 connections for the solar development and BESS respectively. The Applicant repeatedly states a grid connection has been secured. Given that the Applicant refuses to provide proof of such and the statement that the Applicant is "awaiting confirmation of its confirmed connection", it is important that the Applicant provides written proof of a secured connection prior to any DCO approval.	<p>The Applicant understands that the TEC register currently identifies the energy projects with a Gate 1 offer (which essentially means there is no connection offer at this stage) or, where it is already consented, being constructed, or built and ready (and the developer has signed the offer), it shows a Gate 2 offer. The Proposed Development does not fall into any of these categories.</p> <p>To clarify, energy projects that do not fall into the above categories have received a Gate 2 notification, advising if they are Phase 1 or Phase 2 projects – i.e., whether a connection offer is available for the period 2030-2035 or 2035 onwards. The Proposed Development (Solar element) received a Gate 2 Phase 2 notification, which means that the connection offer will follow in accordance with NESO timescales outlined on the NESO website (for transmission scale projects, between early-September 2026 and mid-January 2027). It is at this stage the Applicant will be given an offer to review and sign, and the TEC register would be updated accordingly. NESO's process has clarified that the Proposed Development will definitely receive a connection offer to connect between 2030-2035 (the precise date will be within the offer) but the Applicant acknowledges this information is not in the public domain for stakeholders to interrogate.</p> <p>The Applicant notes that during the Issue Specific Hearings, the Examining Authority stated that Interested Parties could contact NESO for further information if they wished to do so.</p>
Cliff Villages Solar Action Group	Visitor Economy	We consider the Applicant has not adequately address the impact of the Proposed Development on the visitor economy	Chapter 12 Socio Economics and Land Use of the ES[AS-016] includes assessment of effects on tourism, recreation and visitor attractions and concludes there would be no significant effects. The Applicant's responses to previous representations have addressed concerns about the impact of the Proposed Development on the tourism and the visitor economy. These include the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] and the Applicant's Response to Deadline 4 Submissions [REP5-025].
Springwell Solar Action Group	4. Technical and Engineering Matters	<p>4. Technical and Engineering Matters</p> <p>The Applicant's claim that no Abnormal Indivisible Loads (AILs) will be required during operation is contradicted by acknowledgement of transformer delivery via AIL and a design life of 30–40 years. Additionally, the Applicant's asserted load factor of 10% is challenged by an independent calculation closer to 15.4%, which inflates perceived benefits and conflicts with evidence-based assessment requirements in NPS EN-1.</p>	<p>The transformers on the site referenced in the Framework OEMP [REP5-013] (ref. Table 2) as being required to be replaced during the operational phase of the Proposed Development, will be transported to/from the site by normal HGV. Only the larger Substation transformer will be transported to the site by AIL during the construction phase, but this is not expected to require replacement during the lifespan of the Proposed Development. Accordingly, no AILs are expected to be required during operation.</p> <p>With regards to the load factor, please refer to Table 2-4, item 3.</p>

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Springwell Solar Action Group	5. Environmental and Climate Considerations	<p>5. Environmental and Climate Considerations</p> <p>The Applicant rejects panel-based greenhouse gas (GHG) comparisons in favour of megawatt-based scaling, leading to significant discrepancies when compared to data from Springwell Solar Farm. The representation criticizes the failure to apply a worst case Rochdale Envelope approach and reliance solely on operational emissions, which ignores lifecycle carbon assessment principles. This approach conflicts with NPS EN-1 and NPPF climate objectives</p>	<p>For clarity, the Applicant has not used megawatt-based scaling. The Applicant has used Environmental Product Declarations (EPDs) for solar panels where the functional unit is the MW capacity of the panel, as that is likely to be the driving factor in the carbon footprint of solar panels and is the functional unit used in EPDs reviewed. As noted on page 7 of the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], there is no clarity or traceability on the emission factor used in Springwell so the Applicant cannot comment, compare or adopt it without understanding the detail behind it and instead reiterates that the emission factors used are representative of large solar manufacturers and are available and traceable.</p>
Springwell Solar Action Group	8. Land Use and Agriculture	<p>8. Land Use and Agriculture</p> <p>The Applicant justifies the use of Best and Most Versatile (BMV) land by maximizing grid output, but this is deemed insufficient under NPPF agricultural land policy. The Applicant also fails to adopt a precautionary assumption that land beneath infrastructure will be permanently lost, conflicting with recent Secretary of State decisions and their own submissions.</p>	<p>The Applicant has discussed permanent loss of soils in the Applicant's Response to Deadline 4 Submissions [REP5-025], as well as in this document in response to Cliff Villages Solar Action Group and is satisfied its position is robust.</p> <p>The Proposed Development avoids the highest quality soils, Grades 1 and 2, which are Very High sensitivity to change. There is Grade 3a BMV within the Order Limits but the Applicant refers to Paragraph 5.11.12 of EN-1 which states that "Applicants should minimise impacts on best and most versatile agricultural land... and preferably use poorer quality land"; this has informed the approach taken; 72.2% of the Principal Site is non-BMV. The use of BMV land was carefully considered through the site selection process set out in Appendix A: Site Selection Report of the Planning Statement [AS-098]. Grade 3a land makes up 27.8% (c 283ha or 699 acres) of the Principal Site. Of this Grade 3a land, only 43% is under panels. 41% will be Retained Arable / Grassland (c 116ha or 267 acres) and therefore has the flexibility to be used for arable farming, with the final 12% being Managed Arable for Bird Mitigation (34.06ha or 84 acres) and therefore will continue as arable use.</p> <p>The Applicant has sought to deliver a Proposed Development that minimises impacts on BMV land but has not omitted BMV land altogether. The complete avoidance would result in a smaller scheme, which would not maximise the renewable energy generation of the grid connection agreement or deliver the well-documented, much needed renewable energy for the UK. The Proposed Development is long-term and reversible; all above ground infrastructure will be removed on completion, including for example tracks, battery storage, and the Onsite Substation. The Cable Corridor will be available for arable farming immediately after reinstatement, meaning only a small area of the Cable Corridor – approximately 30-40m working width - is affected for at worst one growing season.</p>

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Springwell Solar Action Group	9. Grid Connection and Infrastructure	<p>9. Grid Connection and Infrastructure</p> <p>Although the Applicant asserts securing a Gate 2 grid connection, no documentary evidence has been provided. Without such evidence, the Examining Authority cannot be satisfied of the proposal's deliverability. As with Springwell the Applicant seems to feel that the grid connection at Navenby is a given. Whilst the PI on Springwell did highlight that he felt this was a risk and cautioned the work commencing prior to the substation being build the SOS has ignored this. This would indicate a SOS who is Predetermined which is a major issue in planning regulations. Anyone who is predetermined should declare and step away from the process. It is clear that the SOS and those linked to that office are predetermined and are therefore not suitable to assess these applications.</p>	<p>The Applicant has secured a grid connection agreement as set out in the Grid Connection Statement [APP-200]. To clarify, the TEC register currently identifies the energy projects with a Gate 1 offer (which essentially means there is no connection offer at this stage) or, where it is already consented, being constructed, or built and ready (and the developer has signed the offer), it shows a Gate 2 offer. The Proposed Development does not fall into any of these categories. Energy projects that do not fall into these categories have received a Gate 2 notification, advising if they are Phase 1 or Phase 2 projects – i.e., whether a connection offer is available for the period 2030-2035 or 2035 onwards. The Proposed Development (Solar element) received a Gate 2 Phase 2 notification, which means that the connection offer will follow in accordance with NESO timescales outlined on the NESO website (for transmission scale projects, between early-September 2026 and mid-January 2027). It is at this stage the Applicant will be given an offer to review and sign, and the TEC register would be updated accordingly. NESO's process has clarified that the Proposed Development will definitely receive a connection offer to connect between 2030-2035 (the precise date will be within the offer) but the Applicant acknowledges this information is not in the public domain for stakeholders to interrogate.</p> <p>In terms of decision making, the Examining Authority will provide a recommendation on the Proposed Development following the examination of the application, and the Secretary of State will make a decision in line with the relevant national policy statements which have effect, as required in Section 104 of the Planning Act 2008.</p>
Springwell Solar Action Group	10. Decommissioning and Financial Provision	<p>10. Decommissioning and Financial Provision</p> <p>The Applicant states that decommissioning costs are included but fails to provide a detailed financial mechanism. This lack of assurance does not meet NPS EN-1 requirements for confidence in mitigation measures. The Applicants own Legal team stated in the OFH that we don't know what will happen in 10 years let alone 60 years therefore in his words he would not confirm what would happen to the land and also could not guarantee it would be returned to the same state as it was in 2026. This therefore makes a complete mockery of the claims stated by the Applicant in their literature.</p>	<p>As previously noted, the Funding Statement [REP2-009], provides clarity that the cost estimate for the Proposed Development includes decommissioning costs. The Applicant's sum for decommissioning costs is based on experience, knowledge and industry information.</p> <p>The Applicant's position remains that it is not necessary to provide any form of financial security for the decommissioning of the Proposed Development, by way of a sinking fund, a decommissioning bond or otherwise. In the interests of brevity, the Applicant has not sought to replicate its previous responses on this point, but an explanation of the reasoning for the Applicant's position can be found in various documents including the Applicant's Response to Deadline 4 Submissions [REP5-025], the Applicant's Response to Written Representations [REP2-030], the Applicant's Response to Local Impact Reports [REP2-031], the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045], the Applicant's Response to Deadline 2 Submissions [REP3A-025], and the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018].</p>

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James Gallagher	Construction Traffic	<p>CONSTRUCTION TRAFFIC Navenby Parish Council asked (REP2-046) that all construction traffic (not just HGVs) should avoid Navenby (i.e. along or crossing Navenby High Street). Navenby Parish Council also asked that the outline CTMP commit to more more specific enforcement measures (such as ANPR cameras at site compounds). In addition, the Parish Council asked that it be consulted about the final CTMP. The applicant responded (REP30-025) that HGVs would not pass through the village but did not respond on either the issue of non-HGV construction traffic or consultation about the final CTMP. In the "Springwell Solar Farm Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero", the ExA said in paragraph 12.4.7 that: bullet point 7 "No construction traffic is proposed to use the A607 or will pass through the settlements of Navenby Wellingore, Welbourn, Leadenham or Caythorpe." bullet point 11 "The final CTMP will include further details on monitoring, compliance and enforcement as noted in Section 8 of the oCTMP [REP3-035]. This would include enhanced HGV identification, tracking, use of CCTV at site accesses, GPS tracking, spot checking, review of tachographs, etc, as well as details of sanctions and a reporting process." There has been recognition of community concerns about traffic in the case of Springwell. The community does not feel there has been sufficient recognition of concerns in relation to Fosse Green. Navenby Parish Council was seeking assurance that in relation to Fosse Green, construction traffic (not just HGVs) would not pass through Navenby village and that there would be use of cameras at site accesses. In the light of continued community concern, will both the Applicant and Lincolnshire County Council confirm that they wish to avoid construction traffic passing through Navenby, cameras will be placed at site accesses and that the final CTMP will be the subject of consultation with Navenby Parish Council. REP4-014 is the applicant's response to four comments on traffic that I made in REP3-082 and REP3-083; I wish to express concern about several parts of the applicant's responses. First, the applicant said the non-disclosure of the serious collision on Green Man Road was because it "occurred outside the extents of this study area, and beyond the extent of the road used by traffic travelling from the A15 to the site access". Even if not on the part of the road between the A15 and the site access, if the applicant is not accepting that non-HGV be restricted from that part of Green Man Road, the whole of the road should be in the study area. Second, the applicant said LGVs would not be allowed on site before 9.00 but did not address my point that restriction could lead to them waiting in Navenby village until they are allowed on site. Third, I note that the applicant now appears to have accepted that their previous position on shuttle buses is untenable (that no traffic would transit down the A15 through junction 12) and that rather than two buses from each of 6 centres (as previously indicated in the applicant's documents) the applicant now</p>	<p>Regarding consultation on CTMP, as stated in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p58), the final monitoring strategy will be agreed with LCC through the detailed CTMP, whereby the Parish councils will be able to discuss traffic matters with the Applicant through the Community Liaison Group or the designated community liaison officer. Regarding non-HGV construction traffic, this is also addressed in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p58), where it is noted that due to the low numbers of LGV vehicles, it is not considered necessary to enforce routing of these types of vehicles, unlike HGVs.</p> <p>Regarding construction traffic passing through Navenby, the Applicant clarified in response to Navenby Parish Council in the Applicant's Response to Deadline 2 Submissions [REP3A-025] (ref. p81) that paragraph 7.3.6 of the Framework CTMP [REP3-032] sets out that a Traffic Management and Monitoring System (TMMS) will be developed to provide details of the technologies and other means employed to monitor HGV movements to and from the DCO Site, e.g. Global Positioning System (GPS) and Automatic Number Plate Recognition (ANPR). This will enable the Applicant to monitor compliance with the HGV routes discussed in the Framework CTMP [REP3 032] and set out on Figure 13-4: Heavy Goods Vehicle Routing of the ES [AS-072]. The detail of this TMMS (ANPR locations etc) will be agreed with LCC and National Highways as part of the detailed CTMP which will be produced should consent be granted. As noted above and in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p58), the Applicant considers it appropriate to consult with LCC and National Highways as highway authorities for the local highway network and strategic road network respectively, whereby whilst Parish councils won't have a formal consultee role, the Parish councils will be able to discuss traffic matters with the Applicant through the Community Liaison Group or the designated community liaison officer.</p> <p>Regarding the comment in relation to the serious collision on Green Man Road, as set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. p10), the incident noted on Green Man Road is outside the extent of the prescribed HGV routes and the study area agreed with LCC. Additionally, the single incident is not sufficient to conclude that there is an existing safety issue which should be addressed as part of the scheme proposals.</p> <p>Regarding the comment in relation to LGVs and these vehicles waiting in Navenby village, the Applicant refers to the response in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p58) where the concern regarding LGVs is acknowledged, however only 12 LGVs related to the Cable Corridor works are expected each day. As such, it is not considered necessary, nor is it</p>

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		<p>proposes "five collecting people from Lincoln (232 people) and three from other nearby centres (one from Newark, one from Grantham/ Sleaford & one from Retford/ Worksop)." This raises further doubt about whether the applicant has given rigorous consideration to this matter - for example, the route from Grantham to Sleaford to the site would pass through Sleaford which already suffers from massive traffic problems during school commute time. Other aspects of the applicant's response are unsatisfactory (e.g. no response on workers at the beginning and end of the working week saving time by driving straight to/from the compound from their weekend accommodation other than asserting it will be "adequately managed". The applicant states "This figure has not been challenged by LCC in its review of the submission and so is understood to be acceptable to LCC"; I am not clear to which figure the applicant refers but I would ask that the ExA seeks a comprehensive report, validated by LCC, on the shuttle bus proposals and whether they are a realistic way of reducing car traffic and their impact on the road network. Fourth, I note the applicant did not acknowledge the errors I pointed out on the cumulative assessment but I am pleased the applicant now appears to have changed from their original position of no temporal overlaps. Nevertheless the applicant has still failed to demonstrate a reasonable worst case position. For example, I accept that "only one scheme/ development will be able to undertake connection works at any one time", and that may reduce traffic laying cable in the connection corridors: however, it would not prevent more general construction work (e.g. in relation to panels, batteries etc.). I remain of the view that the applicant has not adopted a reasonable worst case scenario assessment.</p>	<p>typical on other similar proposed schemes, to enforce routing of these types of vehicles, unlike HGVs, to avoid Navenby village.</p> <p>Regarding shuttle buses, the Applicant's position on shuttle buses has not altered. It should be noted that the distribution of shuttle buses has been based on the anticipated distribution of construction staff – this will be revisited as part of the preparation of the detailed CTMP, which will ensure alignment between shuttle bus provision and the locations of staff.</p> <p>Regarding cumulative assessment, the Applicant refers to the response in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p56/57).</p>
James Gallagher	Decommissioning	<p>DECOMMISSIONING I have been unable to find any response from the applicant to my submission in REP3-083 on decommissioning. At the time of writing, I was unaware that the applicant would be addressing the same subject in REP3A-025. Nevertheless, I would be pleased to see the applicant's response to my decommissioning comments in REP3-083 would be grateful if they could be provided.</p>	<p>With regards to the IP's comments that the Applicant has not responded to its comments on decommissioning in REP3-083, it should be noted that, as clarified in its submissions, in order to avoid repetition of topics that have already been responded to in detail, the Applicant's responses at each Examination Deadline focus on responding to new and substantially different comments (e.g. see the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. paragraph 1.1.1)). The comments raised regarding decommissioning in REP3-083 have already been appropriately addressed by the Applicant – for example, see the Applicant's Response to Deadline 2 Submissions [REP3A-025] (ref. p54/55, p77-79), and as such were not addressed again within the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018].</p>
Anne Heard	<p>Comments on REP3A-025 Applicant's response to Deadline 2</p>	<p>Table 2.2 Permanent Sealing of land pages 52 and 53 1.1 The Applicant has constantly shifted its approach to the issue of permanent sealing of agricultural land during the examination. 1.2 Approach number 1- At the ISH on 7 January 2026 (ENV2-011) the Applicant suggested that the permanent sealing of agricultural land in the IEMA Guidelines</p>	<p>The Applicant does not consider it has changed position on the issue of permanent sealing. The Applicant's Response to Deadline 4 Submissions [REP5-025] fully explains the position, including setting out why some of the other solar NSIPs such as Mallard Pass, Heckington Fen, Gate Burton and Beacon Fen may have assessed some impacts as permanent, and why this is not the case for the Proposed Development. It is noted that the submission by</p>

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	<p>Submissions – Permanent sealing of land</p>	<p>related to the sealing of land by roads and buildings and not solar developments, citing Tillbridge, Cottam and West Burton.</p> <p>1.3 In response at Deadline 1 in REP1-106 I set out that neither the ExA Recommendation Reports nor the Secretary of State's decision letters in these cases made any reference to the IEMA Guidelines nor the definition of permanent sealing within those guidelines.</p> <p>1.4 Approach number 2 -At Deadline 3 the Applicant responded to ExAQ2 (REP3-045), FS.2.02 by stating that it was not aware of any solar NSIPs where areas of hard infrastructure were included in the calculation of land permanently sealed except where the applicant was not proposing to remove these works on decommissioning. This is despite my Deadline 1 submission (REP1-106) which stated at paragraph 2.4.3 that with reference to the Mallard Pass, Heckington Fen, Gate Burton and Beacon Fen DCOs:- "The intention in all of the cases referred to above, with the exception of Gate Burton (where the future of the substation was to be decided at the time of decommissioning), was to remove the infrastructure and revert the use of the land to agriculture on decommissioning. In all cases there is an acknowledgement that there would be a permanent loss of agricultural land for the areas of the substations, BESS etc."</p> <p>1.5 Approach number 3- The Applicant seeks to suggest that the issue of whether land is permanently sealed relates to the ALC grading of the soils on which the hard infrastructure is built; that as it is more difficult to restore Grade 1 or 2 back to its former ALC grade, there would be a potential downgrading of soils on decommissioning and therefore the land would be permanently sealed. The Applicant has cited Mallard Pass as an example of this differential approach depending on the existence or absence of high sensitivity soils.</p> <p>1.6 Table 12-4 of Chapter 12 of the Mallard Pass DCO (APP-042) refers to the ALC grading of access tracks and solar station areas. The total area was 8ha of which 0.5ha was Grade 2 and 2.5 ha was Grade 3a. Paragraph 12.4.16 states that "in light of a time limit not being proposed for the consent, these areas are considered as though they are permanently sealed". The Applicant's conclusion in the Mallard Pass DCO that these areas of land were permanently sealed over was therefore nothing to do with the high sensitivity of the soil as the Applicant now asserts.</p> <p>1.7 The Applicant suggests that the area of the substation in the Mallard Pass DCO was treated differently due to the lesser quality of the soils and therefore not considered as permanently sealed over. Table 12-5 of Chapter 12 of the Mallard Pass DCO (APP-042) sets out that the substation covers 6.4ha of which 1.2 ha is Grade 3a and 5.2ha is Grade 3b. Paragraph 12.4.45 states that even though the substation would be removed on decommissioning, it was treated as being developed and for the same reasons given for the access tracks and solar</p>	<p>this IP provides additional examples of solar NSIPs where the applicants may not be removing vegetation planting or substations and therefore assessed the impact as permanent; the Proposed Development has taken this approach for the vegetation planting, but the Onsite Substation for the Proposed Development will be removed during decommissioning and is therefore not permanent.</p> <p>The Applicant notes the Springwell Solar Farm decision. The Applicant is unaware whether the applicant for Springwell Solar made any commitments to return soils to its current state or if there were reasons this could not be achieved, which may have led to this outcome. However, it is noted that Springwell Solar Farm differs from the Proposed Development by the presence of 86ha (213 acres) of Very High sensitivity land comprising Grades 1 and 2 within its Order limits. 14ha (35 acres) of this is solar PV with the potential for crushed gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited. As the Applicant noted in the Applicant's Response to Deadline 4 Submissions [REP5-025], it is understandable why a developer, ExA or SoS may consider this impact on Grades 1 or 2 soil to be permanent loss of agricultural land; it is much more difficult to reinstate Grades 1 and 2 land back to its current standard after removal of above ground infrastructure and may require several years of restoration. The Applicant's Proposed Development does not have access tracks, Solar Stations, or distributed BESS within Very High sensitivity land (Grades 1 and 2), and therefore the Applicant is able to commit to reinstating the soil during decommissioning to its current value, avoiding the need to consider it as permanent loss of agricultural land</p>

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		<p>stations, this would be on a permanent basis. There was therefore no differentiation in the way that the access tracks/solar stations and the substation were treated in the Mallard Pass DCO, both areas were considered to be permanently sealed and this was nothing to do with the sensitivity of the soils.</p> <p>1.8 Approach number 4- The Applicant says that other schemes since Mallard Pass (decided 12 July 2024) such as Gate Burton, Tillbridge, East Yorkshire Solar and Fenwick have not assessed land as permanently sealed. This statement is not correct.</p> <p>Gate Burton:- This was a 60 year time limited consent. The consultants were AECOM. Paragraphs 12.8.8 of Chapter 12 Socio Economics and Land Use (REP4-010) stated that “the Solar Energy and Solar Park contains 73.6 ha of BMV and 6.8 ha of estimated BMV of which approximately 2 ha will be permanently lost due to the construction of the substation and permanent planting on site...”. Paragraph 4.174 of the Secretary of State's decision letter dated 12 July 2024 states “The Secretary of State agrees with the ExA that 2 ha of BMV would be permanently lost and around 73ha would be out of arable use for 60 years”.</p> <p>East Yorkshire:- This was a 40 year consent. The decision letter was 9 May 2025. The consultants were AECOM. Paragraph 15.7.12 of Chapter 15 Soils and Agricultural Land (APP-067) states that the land for the grid connection substation and accesses was assessed as being subject to permanent development/permanent loss of agricultural land. Paragraph 3.9.48 of the Recommendation Report dated 17 February 2025 noted that relatively small amounts of non BMV land (0.41ha) would be lost to tree planting and the grid connection substation compounds.</p> <p>Tillbridge:- This was a 60 year consent. The Secretary of States decision letter was 14 October 2025. The consultants were AECOM. Paragraph 15.8.4 of Chapter 15 Soils and Agriculture (APP046) states that the components which will remain after decommissioning and therefore have the potential to be permanent are the on-site substations and proposed woodland.</p> <p>Fenwick:- This was a 40 year consent. The consultants were AECOM. On decommissioning the future of the onsite substation would be agreed prior to decommissioning (paragraph 12.7.99 of Chapter 12 refers (APP-064). Paragraph 12.7.52 of the Chapter states “Permanent land take will be required within the solar PV site for the construction of the onsite substation”.</p> <p>Paragraph 3.8.42 of the ExA Recommendation Report dated 18 November 2025 states “we accept that there would be a permanent loss of agricultural land beneath the substation”. Paragraph 4.52 of Secretary of States decision letter dated 18 February 2026 refers to the “permanently” affected land required for the substation.</p>	

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		<p>1.9 What can be taken from the four decisions referred to by the Applicant in paragraph 1.8 above since the Mallard Pass decision was that AECOM were the consultants in each case, and that in all four cases it was accepted that the substations within the site were or had the potential to be permanently sealed. This contrasts to Fosse Green where the same consultants do not even acknowledge that the substation will be permanently sealed.</p> <p>1.10 Approach number 5 - The Applicant suggests that it is prudent to follow current good industry practice rather than aligning with the Mallard Pass assessment carried out in 2022 and have cited the four cases set out in paragraph 1.8 above. The Applicant's definition of "good industry practice" appears to be synonymous with the practice of AECOM to assess only the substations as permanently sealed (and not even that concession in the Fosse Green DCO). In assessments by other consultants since Mallard Pass, namely in Beacon Fen and Heckington Fen there has been a conclusion that all hard infrastructure will be permanently sealed over.</p> <p>1.11 In paragraph 4.49 of the recent decision letter of the Secretary of State in Springwell dated 8 April 2026, it was noted that the ExA agreed with NKDC that the sealed over hardstanding areas of the proposed development such as the satellite collector compounds, BESS, substation and main collector compound should be treated on a precautionary basis as "permanently lost" (ER 8.4.16). The paragraph goes on to say "The Secretary of State notes that this approach has been followed on other similar solar developments to provide a worst case scenario where such areas cannot be returned to the same ALC grade and considers it appropriate to use this approach in this case too".</p> <p>1.12 In the light of the decision made by the Secretary of State in Springwell, the Applicant should now accept that the areas of the BESS (centralised or distributed), the access tracks, the substation and the solar station compounds including the swales surrounding these on the proposed development will be permanently sealed over and the Applicant should clarify the amount and grading of the areas of such land.</p>	
Anne Heard	<p>Comments on REP3A-025 Applicant's response to Deadline 2 Submissions – Impact of Noise on PRow</p>	<p>Table 2.2 Impact of noise on PRow pages 70 and 71</p> <p>3.1.1 The WHO Guidelines sets out values for specific health effects of noise and for specific environments. The time base for the specific environment in Table 1 of the Guidance varies from long term exposure to noise eg 16 hours for outdoor living areas to short term bases eg 1 hour for public addresses and 4 hours for festivals. The Guidelines therefore cover short term or temporary exposure to noise</p> <p>3.1.2 The Applicant stated in REP1-047 page 257 that the operational noise from the proposed development would be "akin to the existing sound environment in the area". The Applicant now says they would be "in line with the wider sound environment". Those phrases without qualification are so vague as to be</p>	<p>As stated in the Applicant's Response to Deadline 2 Submissions [REP3A-025], Chapter 11 Noise and Vibration [APP-036] acknowledges that noise from the Proposed Development on the PRow has the potential to affect the acoustic character of the area such that there is a perceived change in quality of life while using PRow's close to operational plant. However, given the range of noise levels along the PRow and the transient use of them, noise levels from the Proposed Development on PRow users, which would be below those associated with regular speech, are not considered to constitute a permanent impact on user's health and quality of life.</p>

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		<p>meaningless. The “wider sound environment” or the “sound environment in the area” could encompass a wide range of existing sound environments. In order to assess the impact of noise from the proposed development on PRow, baseline sound levels need to be taken along the ProW and the Applicant has not carried out such surveys.</p> <p>3.1.3 The Hands off Our Marsh (HOOM) website includes on the homepage within the article headed “Small Solar farms vs new-breed solar power stations” a video taken of a member of the HOOM action group at the Cleve Hill solar farm speaking about the noise from the inverters (minute 5:09 of the video). She describes the noise as “a ringing, a buzz, a whirring which is so loud”. In the video, noise from the inverters can be heard over her voice. This gives some indication of the levels and tonal quality of the noise that we can expect to hear from the proposed development.</p> <p>3.1.4 In considering the impact of noise from the operational activities of the proposed development, it is not just absolute noise levels that should be taken into account. The WHO guidelines referred to above say that “noise can produce a number of social and behavioural effects as well as annoyance. Annoyance in population varies not only with the characteristics of the noise, including the noise source, but also depends to a large degree on many non-acoustical factors of a social, psychological or economic nature”.</p> <p>3.1.5 One of the studies referred to by the Applicant is Ahmadi et al 2026 “Exploring the relationship between mental health and urban green space soundscapes: A scoping review” PLoS One 21(3) which shows that natural soundscapes such as birdsong and water promote stress reduction and cognitive restoration, while mechanical noise is associated with adverse mental health problems. I suggest that the characteristics of the mechanical inverter noise from the proposed development which will be heard along the PRow will cause nuisance and annoyance to the users of the footpaths.</p> <p>3.1.6 The Applicant says that PRow are not noise sensitive receptors in national policy. There is no specific guidance on noise levels that would constitute significant effect for users of PRow because, unlike for example residential properties which are fixed points, it is not possible to have a single objective noise-based measure that defines SOAEL (Significant Observed Adverse Effect Level) that is applicable to all sources of noise in all situations (paragraph 2.22 Noise Policy Statement for England March 2010). The lack of guidance on a specific noise level does not mean that there could not potentially be a significant adverse impact from noise experienced along ProW.</p> <p>3.1.7 The Applicant refers to the tranquillity of the PRow. Paragraph 123 of the NPPF says that ‘planning policies and decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason’. CPRE’S</p>	<p>Baseline sound surveys along the PRow could only establish indicative sound levels in the area, akin to the surveys already undertaken, as levels would vary spatially, temporarily and with meteorological conditions. More pertinently such information would not alter the transient and relatively low level of noise exposure along PRow which drive the conclusion that this is not a significant impact on health and quality of life.</p>

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		<p>report "Give Peace a Chance, Has Planning Policy contributed to Rural Tranquillity? (CPRE 2015) found that most planning authorities had a tranquillity policy in AONB management plans or National Park Local Plans – designated landscapes with higher protection and generally higher levels of tranquillity. Whilst it is acknowledged that the proposed development is not within such a designated area, the WHO Guidelines does not specify that the "parkland or conservation areas" only relate to those areas protected by such designations.</p>	
Anne Heard	<p>Comments on REP3A-025 Applicant's response to Deadline 2 Submissions – Visitor Economy Impact</p>	<p>Table 2.2 Visitor Economy Impact pages 85 to 90</p> <p>4.1.1 The Applicant has not cited the "evidence" on which it relies to assert that walking activity is primarily influenced by route availability, safety and connectivity. The aim of the 2016 study by N J Davies "Who walks, where and why? Practitioners' observations and perspectives on recreational walkers at UK tourist destinations" Annals of Leisure Research (accessed online 7.4.26) was to understand the characteristics, preferences and motivation of people who walk in tourist spaces. Twenty three interviews were undertaken with practitioners who had long-standing and continued exposure to the needs and wants of walkers. The interviews reflected that the motivation for recreational walking was health and wellbeing, relaxation, the escape from the everyday, discovery of surroundings, history, culture and the visual experience. In terms of location preference, sensory factors were widely important to choices. Seasonal variations in the visual appearance of landscapes are also significant elements of location preference: "So, it's a closeness to nature and how that changes through the seasons".</p> <p>4.1.2 In a study by the same author, N Davies 2016 "Investigating route-choice by recreational walkers in the English Lake District" University of Lancashire, 518 respondents were interviewed at various locations in the Lake District over a year. The survey asked about factors in the choice of route and 86.7% of the respondents rated scenery as 4 or 5 out of 5 (with 5 being the highest). These studies show that the visual experience of recreational walking is therefore a major factor in route choice.</p> <p>4.1.3 The Applicant concludes that likely significant adverse effects on the visitor economy are not anticipated. The impact on tourism was considered as part of the Springwell DCO. At paragraph 11.4.5 of the ExA Recommendation Report dated 8 January 2026 it was noted that the applicant had made the point that a relatively small proportion of the Stepping Out network would be affected (only 5 trails are within or adjacent to the order limits).</p> <p>4.1.4 In addition to the Stepping Out Walks impacted by Springwell, three further Stepping Out walks will be impacted by the proposed development, namely Thorpe on the Hill and Tunman Wood, Bassingham circular and Morton and Tunman Wood. At what point will the threshold be met for the adverse cumulative</p>	<p>4.1.1 - 4.1.2 – The Applicant acknowledges the studies cited and does not dispute that visual and experiential factors can influence walking preferences; however, the assessment draws on established EIA practice which recognises that route availability, connectivity and safety are primary determinants of route use at a network level. While scenery is an important factor, the evidence presented does not demonstrate that changes to landscape character would result in a measurable reduction in use of routes within the study area or give rise to a likely significant effect.</p> <p>4.1.3 - 4.1.4 – Chapter 12: Socio Economics and Land Use of the ES [AS-016] considers cumulative effects. In line with the methodology presented in Chapter 5: EIA Methodology of the ES [APP-030] (ref. Section 5.8), effects to PRoW during construction are not considered within the cumulative assessment as the Proposed Development would not make a meaningful contribution to any cumulative effect which may occur from other developments in the area.</p> <p>4.1.5 – The assessment does not rely solely on operational data from large-scale solar schemes. In line with standard EIA practice, it also draws on professional judgement, available literature and experience from comparable infrastructure projects. The absence of extensive operational precedent does not invalidate the assessment; rather, a proportionate and evidence-based approach has been applied to determine that likely significant effects on the visitor economy are not anticipated.</p>

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		<p>visual impacts as well as the impact from construction and operational noise along the footpaths to affect visitor draw to the area?</p> <p>4.1.5 The Applicant bases it's conclusion that there will be no likely significant adverse effects on the visitor economy on inter alia experience from comparable solar developments. As the only comparable solar development is Cleve Hill which has been in operation for less than a year, on what experience of large scale solar developments has the Applicant based it's assessment?</p>	
Anne Heard	<p>Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – Loss of Agricultural Land</p>	<p>Permanent loss of agricultural land- page 70</p> <p>5.1.2 I refer to my comments in paragraph 1.11 above. Given the decision made this month by the Secretary of State in the Springwell DCO, presumably the Applicant will now accept that it is not just the 4.6 ha of planting and habitat creation that will be permanently lost but also the areas of hardstanding including the centralised and distributed BESS, the access tracks, the substation and the solar compounds including the swales around these (as the Applicant has now confirmed that these will be impermeably lined).</p> <p>5.1.3 The Applicant has sought to distance itself from the rationale in its own DCO application for Mallard Pass and has put forward varying explanations for the difference in approach between that case and the Fosse Green application to the question of permanent sealing.</p> <p>5.1.4 The Applicant now says in Mallard Pass it was assumed that the hard infrastructure was permanent in the ES and that the soil assessment was not revisited when the Applicant introduced a time limit of 60 years. These comments do not reflect the facts. In REP3-028 (at a point in the examination process when there was not proposed to be a time limited consent) the Applicant anticipated that the development would be decommissioned at some point. Paragraph 2.1.1 of the original Outline Decommissioning Environmental Management Plan (tracked version at REP7-20) sets out that it had assumed an operational life of 40 years to assess decommissioning. At paragraph 2.1.2 the oDEMP says that on decommissioning all the solar infrastructure was to be removed. The Applicant is therefore not correct to say that the hard infrastructure was assumed to be left in situ permanently. It is also not correct to say that the soil assessment was not revisited when the Applicant subsequently amended the application to a time limited consent for 60 years. The ExA requested the Applicant to provide a chapter by chapter assessment of the potential changes to the conclusions in the ES in the light of the introduction of a 60 year lifespan rather than the 40 years modelled in the ES (page 7 of REP7-036). The Applicant submitted this assessment at REP7-038. In relation to Chapter 12 Land and Soils, the Applicant stated at paragraph 1.1.32 that "the ES (Chapter 12 APP-042) assesses the effects on agricultural land and soils on the basis that the solar farm will be removed on decommissioning and the land returned to the same condition as is now". Paragraph 1.1.33 "The time period for this to happen was not specified, so</p>	<p>The Applicant has responded to these points above.</p> <p>The Applicant reiterates that Mallard Pass originally sought no time limit for the operational lifetime of its development in its application. Although there may have been suggestion of a 40-year operational lifetime, and decommissioning would have been undertaken at some point, this does not change the fact that the original application did not include a time limit.</p>

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		<p>the capping of the operation phase at 60 years does not change this assessment”.</p> <p>5.1.6 The Applicant has sought to explain why it has taken a different approach to the issue of permanent sealing of land in the Mallard Pass DCO application from that in relation to the proposed development. These reasons do not stand up to scrutiny. Both Mallard Pass and Fosse Green are 60 year consents and in both cases, the intention was/is to remove all infrastructure on decommissioning. The Mallard Pass ES considered the impact on soils on that basis and the conclusion was that given the length of time that the soils underneath the hard infrastructure were sealed over, these areas were considered as permanently sealed.</p>	
Anne Heard	<p>Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – Traffic and Transport</p>	<p>Traffic and Transport page 72 Link 11 Butts Lane/South Hykeham Road, Haddington-Road Safety Assessment Sensitivity</p> <p>6.1.1 Having looked further at the Applicant's Road Safety assessment of the L11 link as set out in Table 13-38, I question whether the sensitivity is correctly assessment as Low. Paragraph 13.7.55 of Chapter 13 states that the criteria used for the assessment (I assume this refers to the Sensitivity assessment) in Table 13-38 are the same as used to evaluate Severance and Pedestrian Delay set out at Table 13-7. Turning to Table 13-7, the criteria for High/Medium sensitivity appears to apply to L11 rather than Low sensitivity as assessed by the Applicant, as it is a residential street with properties on both sides of the road, Well House and Bridge Farmhouse are both Grade II Listed Buildings that front onto Butts Lane/ South Hykeham Road and cycle and pedestrian routes are on-road.</p> <p>Magnitude of Effect</p> <p>6.1.2 In paragraph 13.4.44 of Chapter 13 the Applicant states with regard to Road Safety and the magnitude of effect that a review of the baseline characteristics including the collision rate and any collision clusters will be used to assess whether the additional construction traffic from the proposed development would be likely to have a detrimental impact on road safety. This paragraph is taken from paragraphs 3.42 and 3.43 of the IEMA Guidelines. However, the IEMA Guidelines acknowledge the limited benefits of this traditional assessment of road safety and advocate a Safe System approach which includes modelling a baseline road safety level and the effects of additional development traffic using tools such as iRAP Star Ratings protocols. The iRAP Star Rating provides a standardised method for assessing road safety risk based on infrastructure features, independent of crash history. Roads are coded for more than 50 attributes that influence the likelihood and severity of crashes. The 50 attributes include the sharpness of bends, lane width, speed limit, heavy vehicle proportion, pedestrian facilities such as footpaths and speed calming features.</p>	<p>Currently, there is no specific requirement to carry out iRAP assessments of the highway network for a development such as this. The approach adopted, to review the safety record of links and junctions and compare the accident rate to national averages, is the typical means of assessment adopted for other similar schemes. Furthermore, this approach to the assessment of the effects of the Proposed Development was set out initially in the ES Scoping Report and subsequently included in the Preliminary Environmental Information Report, both of which were submitted to LCC (the local highway authority) for comment, and no requirement for an alternative methodology was requested.</p> <p>The assessment of the effects on L11 was based on traffic flow data from 2023, being the latest data available at the time of the assessment. In 2019, 2021, 2022 and 2023 the proportion of HGVs remained fairly static at between 3.8% and 4.1%, representing a marginal degree of variation. The percentage was higher in 2020 though this may be subject to atypical conditions associated with changes in behaviour during the Covid-19 pandemic. However, notwithstanding this, as the HGV percentage impact assessed was 52% and only one collision has been reported on this section of road in the last five years, a slightly higher percentage impact would not materially affect the assessment result.</p> <p>With respect to Clay Lane, ThuN 5/1 (shown in AS-020) is the PRoW which was described in a previous response as running parallel and adjacent to Clay Lane. Though it does not run directly next to Clay Lane, it does run parallel to it within 200m.</p> <p>With regard to the Sensitivity of Clay Lane, the criteria cited by the interested party as a reason to upgrade the sensitivity of Clay Lane to 'Medium' for Severance, Pedestrian Delay, Non-motorised User Amenity and Fear and Intimidation only apply to PRoW. This is stated in Table 13-7, where the assessment criteria have been split depending on the type of receptor (i.e. Road Links and Junctions vs. Walk/Cycle Links including PRoW). Since Clay Lane is</p>

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		<p>6.1.3 The Applicant's comment that the IEMA guideline does not take account of matters such as road alignment is not therefore correct. This is specifically one of the 50 attributes that the iRAP Star Rating, advocated by the IEMA, takes into account. The Applicant has relied solely on collision rates to inform its assessment of the magnitude of effect for Road Safety and should instead apply the iRAP protocol or similar to make such assessment. Baseline Traffic Flows</p> <p>6.1.4 The Applicant has acknowledged that the proposed development will result in an increase of 10% or above in HGV flows at the L11 link and therefore, in accordance with IEMA guidelines, the receptor should be analysed on a case by case basis to assess the magnitude of effect for Road Safety (paragraph 13.7.55 of Chapter 13 refers). However, the Applicant has understated the impact of the increased number of HGVs at L11. This, in turn, will affect the determination of the magnitude of impact, particularly if the Applicant accepts that it should apply the iRAP Star rating protocol or similar.</p> <p>6.1.5 Table 13-4 of Chapter 13 sets out that the 2023 DfT traffic survey was used for baseline traffic flows at L11. Figure 13-3 Traffic Survey Locations (AS-071) identifies that the traffic survey count location for L11 was DfT 808542. The DfT website has the traffic counts for location 808542 which shows that whilst the overall annual daily traffic flows for that location have generally increased since 2020, the number of HGVs at that location has declined:- <i>(Tables not reproduced in the Applicant's response but available in [REP5-045]).</i></p> <p>6.1.6 The Applicant has set out baseline traffic flows at Table 13-13 using the 2023 DfT traffic flow count for L11. This shows 5001 vehicles at L11 over a 24 hour daily period, of which 197 were HGVs representing 3.9% of the total vehicles. Assessing the percentage HGVs to total vehicles figures for DfT traffic counts at L11 since 2020 the percentages are as follows:- 2020 6.2% 2021 4.2% 2022 4.0% 2023 3.9% 2024 2.9%</p> <p>6.1.7 In order to calculate the future baseline traffic flows, traffic growth has been calculated using National Road Traffic Forecast growth factors (paragraph 13.5.43 of Chapter 13 refers). For an average day, a growth factor of 1.0589 (as set out in Table 13-19) has been applied to provide future baseline traffic flows for L11 as shown in Table 13-20. This gives a total of 5296 vehicles at L11 over a 24 hour period, of which 209 are HGVs, representing 3.9% of the total vehicles. The Applicant has not considered local factors in assessing future baseline HGV traffic flows at L11. Based on the DfT count data for this location, the trend over the last 5 years of recorded data is that the numbers of HGVs and the proportion of HGVs to overall traffic numbers has declined. There appears to be no justification therefore to assume that the number of HGVs and their proportion to overall traffic will increase.</p> <p>6.1.8 The result of this overinflation of future baseline HGV numbers at L11 is to reduce the impact of the numbers of HGVs from the proposed development at</p>	<p>a Road Link, it has been assessed using the sensitivity criteria for Road Links and Junctions. As per these criteria, it has been classified as having a Very Low sensitivity since it has no sensitive users (as defined in Table 13-7 of Chapter 13: Traffic and Transport of the ES [REP3-010]) present, has no residential or workplace frontages along the section used by construction traffic and no off-road cycle route. The PRow assessment criteria are not relevant to the assessment of Clay Lane as it is not a PRow.</p> <p>With regard to the Magnitude of Effect on Clay Lane, as stated in paragraph 13.7.45 of Chapter 13: Traffic and Transport of the ES [REP3-010], the magnitude on this link has been downgraded due to very low total traffic flows in the base AM and PM Development Peak periods. These low baseline flows can be seen in Appendix 13-D: Receptor Traffic Flow Tables [APP-166]. The magnitude has thus not been adjusted by way of an application of a blanket rule, but has been considered on an individual basis.</p>

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		<p>L11. Appendix 13-D Receptor Traffic Flows shows that over a 24 hour daily period at L11 there will be 288 construction vehicles of which 109 are HGV.</p> <p>6.1.9 Comparing the additional 109 HGV arising from the proposed development with the Applicant's future baseline figure of 209 HGV at L11, amounts to an increase of 52% in HGV. However, if the future baseline number of HGV at L11 is less than assumed (as the trend indicates), the increase of 109 HGV will result in a higher percentage of change from the future baseline figure. In turn, this will impact the determination of the magnitude of effect for Road Safety.</p> <p>Clay Lane, Bassingham Sensitivity</p> <p>6.1.10 The Applicant remains of the view that the sensitivity of the Clay Lane, Bassingham for Severance, Pedestrian Delay, Non-motorised User Amenity and Fear and Intimidation as set out in Table 13-28 of Chapter 13 should remain as Very Low, based on the criteria as set out in Table 13-7. I do not understand the Applicant's point that Clay Lane "is not a PRoW, but has a PRoW running parallel and adjacent to it". This is Clay Lane:- <i>(Images not reproduced in the Applicant's response but available in [REP5-045]).</i></p> <p>6.1.11 There is no PRoW "running parallel and adjacent to it". Clay Lane is a public highway open to all traffic including pedestrians, there is no separate footpath. Turning to the criteria which the Applicant has used to base the "Very Low" assessment of sensitivity as set 13 out in Table 13-7 of Chapter 13, below is an extract from Table 13-7 of the relevant sensitivity values/criteria:- <i>(Tables not reproduced in the Applicant's response but available in [REP5-045]).</i></p> <p>With regard to the walk/cycle links, the difference between medium and very low sensitivity assessment is whether the routes are on-road (medium sensitivity) or off-road (very low sensitivity). It is clear that the walk/cycle routes on Clay Lane are ON-ROAD and according to the Applicant's own criteria, the sensitivity should be Medium, not Very Low as the Applicant asserts.</p> <p>Magnitude of Effect</p> <p>6.1.12 The Applicant has justified the downgrading of the initial High magnitude score for Clay Lane in Table 13-36 by its application of the "movement" rule as explained in paragraph 13.4.23 which the Applicant says is an exercise in caution that the IEMA guidelines advise when considering very low baseline flows. An "exercise in caution" should not equate to the application of a blanket rule across the board, each case should be considered individually.</p> <p>6.1.13 To put these facts and figures into the context of the likely experience that the residents of Haddington will endure for the two year construction period, a resident of Graveney, a village close to the Cleve Hill solar development says (pers. comm.): "The road through the village is a rural road and the continuous HGV movements made it look as if a bomb had hit it. The verges were decimated, loads of mud,</p>	

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		<p>hollows, potholes. We had regular roadworks because of the gas and water leaks. These were rare before the development started but they became a regular occurrence – the developer said it had nothing to do with them, but we were getting regular convoys of up to six HGVs on a small rural road. We had steady streams of concrete mixer lorries.”</p>	
Anne Heard	<p>Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – Bats page 75</p>	<p>Bats page 75</p> <p>7.1.1 In paragraph 8.12.29 of Chapter 8 Ecology, the Applicant states that there is “limited scientific literature available on the impact of bats from solar farms” and cites three research papers. In my submission at REP1-106 I set out at length a number of academic papers that specifically relate to the impact of artificial lighting, noise and habitat fragmentation on bats. I do not understand why the Applicant has decided that this research is either not relevant or it is not appropriate to consider it.</p> <p>7.1.2 The Applicant has not explained why “compliance issues or failure of mitigation strategies on the Gwent Levels is not directly relevant to the proposed development”. In paragraph 4.7 of my REP1-106 submission I refer to the Llanwern Solar farm development on the Gwent Levels which was granted planning permission in 2018. The reports to Newport City Council under planning reference 24/0293 comprised a Year 3 Ecological Monitoring and Review Report dated January 2024. The aim of the report was to establish the effectiveness of the measures undertaken to avoid, mitigate or compensate for impacts to biodiversity. In paragraph 5.1.5 the report states that “the number of bat species recorded at each location has not shown a trend with time but the number of passes has greatly decreased in the array areas in the post-construction years compared to the baseline survey”. The report concluded that in the short-term post-construction bat abundance has been affected by the new solar arrays. The adverse impact of the solar development on bats was as a result of the failure of the mitigation strategies rather than an issue of compliance.</p> <p>7.1.3 Comparing elements of the Llanwern solar development with the proposed development indicates that the mitigation strategies being proposed by the Applicant will be just as ineffective but the scale of the adverse impact on bats will be greater given the amount of land take and the length of disruption from construction:- <i>(Tables not reproduced in the Applicant's response but available in [REP5-045]).</i></p> <p>7.1.4 The Applicant considers that the planting of new hedgerows will outweigh the loss of 1.98 km of hedgerows as a result of the construction of the proposed development. The Applicant has not considered the impact that the loss of 1.98 km of foraging and commuting routes will have on species such as bats in the intervening 10-15 years until the new hedgerows reach maturity.</p> <p>7.1.5 The Applicant states that it has not identified a bat assemblage of national importance. Table 2 of Appendix 8-I (APP-141) includes the scoring mechanism</p>	<p>7.1.1 – The Applicant has cited relevant papers in the assessment in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019]. There were some limitations in comparing the Tinsley study (Tinsley, E., Froidevaux, J.S.P., Zsebök, S., Szabadi, K.L. and Jones, G. (2023) Renewable energies and biodiversity: Impact of ground-mounted solar photovoltaic sites on bat activity. Journal of Applied Ecology, 2023;00:1–11) to the Proposed Development, as explained in Chapter 8: Ecology and Nature Conservation of the ES [REP1-019] (ref. paragraph 8.12.30). However, advice in that study to ensure solar energy does not negatively impact biodiversity includes planting insect-friendly vegetation to encourage foraging, providing wildlife corridors to connect the solar site with surrounding habitats and creating alternative habitats to mitigate for lost foraging space. These principles have all been adopted within the Framework LEMP [REP5-017]. With regards to artificial lighting (in REP1-106, section 4.3.1 Artificial lighting) this is not relevant as the Proposed Development will not be lit at night (other than some low level PIR security lighting for security) and that would not light boundary features such as hedges or habitats outside the Order Limits. The examples given in REP1-106 in relation to potential noise impacts are either non-UK species of bat, or different types of development (e.g. roads and natural gas). The pallid bat (<i>Antrozous pallidus</i>) example is a species of bat that ranges from western Canada to central Mexico and this genus is not represented by any UK species. Noise has not been identified as an issue for the Proposed Development with only localised areas, in relation to the BESS, that would be located away from the areas within the Order Limits / boundary habitats used by bats, and at these boundary habitats the noise levels would be below the suggested threshold of 50-55dB where noise may start to affect some bat species. In terms of habitat fragmentation, only limited and temporary short-term habitat fragmentation is predicted as hedgerow loss will be compensated for with significant areas of new hedgerow planting and hedgerow enhancement, and other landscape scale enhancements, as set out in the Framework LEMP [REP5-017].</p> <p>7.1.2 – This single study, noting its limitations (e.g. there was an incomplete baseline dataset as noted in their report) is not comparable to the Proposed Development. The Llanwern Solar farm development is within a significantly different habitat type comprising grassland and a network of drains, where baseline bat activity might be expected to be higher (due to invertebrate prey</p>

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		<p>for the presence of different species of bats within the DCO and wider study area. The overall bat assemblage score is stated to be 24 out of 26. This equates to 92.3% which meets the threshold for National Importance.</p>	<p>being higher in grasslands and wetlands) and then potentially reduced where replaced by solar panels. This is unlikely to be the same for the Proposed Development, which has large intensively managed arable fields with limited wetlands, with resulting low bat activity within the fields that will be replaced by solar panels and grassland. The use of the bat boxes noted in the Llanwern Solar farm report is a separate item to use of the site by foraging and commuting bats. No conclusions can be made from the use of one box only as very few bat boxes were installed and take up of bat boxes may take years, particularly as no roosts were lost and the roosting resource remains similar to the baseline.</p> <p>7.1.3 – The mitigation proposed in the Framework LEMP [REP5-017] for the Proposed Development is not comparable to Llanwern solar development, which is a much smaller site within a significantly different habitat type, as described above. The large-scale change from intensively managed arable (with reduced invertebrate prey) to grassland and solar PV, new species-rich and permanent grassland, new hedgerows, enhancement of existing hedges, and pond restoration (as set out in the Framework LEMP [REP5-017]) will provide a net benefit to foraging and commuting bats.</p> <p>7.1.4 – The Applicant considers that the creation of approximately 20km of new native hedges, enhancement of approximately 50km of existing hedges and other habitat creation (e.g. species rich and permanent grassland) compensates for the loss of approximately 2km of hedgerows. Hedgerow loss is assessed as a temporary / short-term loss as hedgerows will be planted as early as possible in the pre-construction/construction phase and will likely be established by Year 5, and likely to function as a habitat resource and commuting routes before this date. New planting of hedgerows, alongside tree planting and natural regeneration of woodland, will benefit bat species by providing additional foraging and commuting corridors and potential roosting habitat. The conversion of arable farmland to grassland habitats will also increase the overall abundance of invertebrate prey. This is in line with the expectations of national and local planning policies pertaining to the natural environment and biodiversity. Monitoring of the Proposed Development will be carried out to assess overall bat activity compared to the baseline, as set out in paragraph 7.1.9 of the Framework LEMP [REP5-017].</p> <p>7.1.5 – The method in Appendix 8-I: Bats of the ES [AS-088] (ref. paragraph 3.3.20) and assessment guidance referred to in that paragraph has been followed. This guidance and Table 2 in Appendix 8-I: Bats of the ES [AS-088] states that the Conservation Importance for individual species is used in the assessment and not the overall bat assemblage score. This results in an assessment of District to County Importance depending on the individual species. The Applicant has therefore followed the correct assessment method.</p>

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Anne Heard	Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – Land Restoration	<p>Restoration of solar farms to productive farmland page 77</p> <p>8.1.1 The Applicant has strayed from the original point raised in this thread of submissions at ExA Q1 FS.1.09. The Applicant was asked to provide examples of where, at the conclusion of the operation of a solar farm, there has been restoration of the affected farmland to its original ALC classification. At REP2-029 (page 73) the Applicant accepts that it knows of no such examples but cites Triton Knoll as a project where soil has been successfully reinstated, which the Applicant considers to be relevant to the proposed development. In my response at REP3A-037 paragraph 9, I conclude that for the reasons set out in my submission, whilst the Triton Knoll project might be analogous to the cable laying along the cable corridor of the proposed development, it bears no relation to the work proposed on the principal site at construction, operation or decommissioning and is therefore of no relevance to the ExA's question.</p> <p>8.1.2 The Applicant repeatedly cites the Lancaster University and Welsh ADAS reports so it is not helpful to repeat my comments on these research papers and others in relation to impacts on soil (paragraphs 9.2.3, 9.2.4 and 12.2 (impacts of water-runoff) of REP3A-037 16 and paragraphs 2.5.4 to 2.5.12 of REP1-106). As the Applicant acknowledges, there is no empirical evidence of soils being returned to their former ALC grading after 60 years of operation of a solar farm. The Applicant relies on the implementation of its Framework Soil Management Plan to deliver "positive soil outcomes", but another "key message" from the research is that despite soil management plans, soils may not recover for many years or at all following decommissioning.</p>	<p>The Applicant does not have access to monitoring reports by other solar developers or cable installers, nor do any exist following 60 years of solar farm operation in the UK (because solar is a relatively new industry), but the Applicant considers the Triton Knoll example to be relevant because it involves disturbance of soil, soil handling, and reinstatement of the land.</p> <p>The Applicant is not aware of a key message from the research being that, despite soil management plans, soils may not recover for many years or at all following decommissioning. As noted above and at previous deadlines, the Applicant accepts that it is difficult to return Very High sensitivity (Grades 1 and 2) soils to their current value within 1 year following decommissioning, if these have had hard surfacing such as concrete pads or crushed stone surfacing; however, there is no land of Grades 1 or 2 within the Order Limits of the Proposed Development. The Welsh Government / ADAS research that the IP refers to concludes "A soil resources and management plan is key" to avoiding degradation of soils. The Applicant has prepared a Framework Soil Management Plan [REP4-010] for this reason, which has been also updated for Deadline 5A to commit to "The agricultural land soil resource within the Principal Site will be returned to the landowners in its current state following decommissioning of the Proposed Development and reinstatement of the land".</p>
Anne Heard	Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – FSMP	<p>Framework Soil Management Plan page 78 and 79</p> <p>9.1.1 The Applicant says that Section 6 of the FSMP (REP3-022) refers to the operational phase, although this is not clear as Section 6 is entitled Post Construction Allocation. Paragraphs 6.1 to 6.7 of that section refer to the various options for using the stripped soil for use on the site but these activities will take place during the construction and not the operational phase, eg use for structural fill or creation of landscaping.</p> <p>9.1.2 The only reference in Section 6 of the FSMP to any activities during the operational phase are set out in paragraph 6.9 Soil Maintenance (aftercare requirements). This very brief paragraph refers to the establishment of maintenance regimes within green spaces and a programme of monitoring soil conditions but lacks any parameters for soil protection measures:- -to avoid compaction, eg restricting vehicles to designated tracks - to control erosion eg measures to ensure continuous ground cover to prevent erosion - to alleviate compacted areas eg provision of a Remediation Action Plan - to preserve soil resources eg ensuring topsoil is not removed or contaminated - to manage soil disturbance during eg cable repairs - to manage vegetation without causing compaction eg strategies for sheep grazing or mowing</p>	<p>The FSMP has been updated at Deadline 5A so that it is clear that sections 5 and 6 refer to all stages of the Proposed Development. The Applicant is especially aware that repowering works may form part of the operational stage and therefore measures within these sections are relevant. The updated document provides clarity that these measures also apply to decommissioning.</p> <p>The Applicant has previously committed to returning the land within the Principal Site to the landowners in its current condition following decommissioning and reinstatement, however for the sake of clarity has added reference to this as Paragraph 7.1.5 of the updated FSMP submitted at Deadline 5A.</p>

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		<p>9.1.3 The Applicant states that mitigation in relation to soils during decommissioning is in Table 7 of the Framework Decommissioning Environmental Plan (REP3-020). Table 7 states that the FSMP “details the threats to soil resource during the decommissioning phase”. However, the revised FSMP still does not include any detail about decommissioning.</p> <p>9.1.4 At paragraph 11.2 of REP3A-037, I questioned why, if the Applicant is so confident that the current ALC grades of the soils within the principal site can be restored on decommissioning, there should be no reason why the commitment in the FSMP to restore the soils within the cable corridor cannot be extended to the soils within the principal site on decommissioning. Other than reiterating its assessment of the impact of the proposed development on soils, the question remains unanswered.</p>	
Anne Heard	<p>Comments on REP4-018 Applicant's response to Deadline 3 and 3A submissions – Water Runoff</p>	<p>Water run-off page 79 The Expert Assessment The Flood Risk Assessment (APP227) in the Cleve Hill solar ES stated:- Paragraph 130- As a result of the installation of PV panels, there will be an increase of 41.62% in run-off rates. Paragraph 132 Once rainfall has fallen off a PV panel, the water will be able to spread and flow along the ground under the PV panels. Paragraph 142 The area under the drip lines will be seeded with a suitable grass mix, to prevent rilling and an increase in surface water runoff rates. Paragraph 146 The effects associated with runoff from the PV array are assessed as negligible.</p> <p>The Reality <i>(Images not reproduced in the Applicant's response but available in [REP5-045]).</i> Flooding around the solar PV panels at Cleve Hill 2 March 2026 (Photograph courtesy of Stop Oversized Solar) <i>(Images not reproduced in the Applicant's response but available in [REP5-045]).</i> Flooding around the solar PV panels at Cleve Hill 2 March 2026 (Photograph courtesy of Stop Oversized Solar)</p>	<p>The Applicant is unable to comment on the effectiveness of the flood mitigation implemented on other schemes. The Applicant maintains that the Flood Risk Assessment [REP3-012] and drainage strategy, as presented in the Framework Surface Water Drainage Strategy [REP3-014] for the Proposed Development are appropriate. This has been acknowledged by the Environment Agency within the Statement of Common Ground with the Environment Agency [REP3A-009], whereby the Environment Agency agrees with the presented assessment results, including likely significant effects anticipated (ref. 4.6.8). The Environment Agency goes on to note (ref. 4.6.9) that “<i>prior engagement with the Applicant in relation to the consideration of climate change and quantifying the impact of solar panel support frames on flood risk has been positive and the Applicant has presented the information expected. The flood mitigation measures proposed are acceptable.</i>”</p> <p>The provision of a detailed Surface Water Drainage Scheme, to be substantially in accordance with the Framework Surface Water Drainage Strategy [REP3-014], is secured under Requirement 10 of Schedule 2 to the draft DCO [REP3A-004]. By virtue of the same Requirement, the details of the Surface Water Drainage Scheme must be submitted to and approved by the lead local flood authority and relevant planning authority in consultation with Anglian Water and the Environment Agency. The approved scheme must be implemented as approved.</p>
Anne Heard	Drafting error in REP3-028	<p>11.0 The Framework Landscape and Ecological Management Plan (REP3-028) contains drafting errors. Paragraphs 5.3.57 and 5.3.58 as drafted do not make any sense:- “5.3.57 Measures for modified grassland (moderate condition) will focus on a regime of: 5.3.58 Sheep grazing (if undertaken) at a stocking density and time periods which favour sward diversity within the modified grassland (moderate condition).</p>	<p>The Framework LEMP has been updated (submitted to the Examination at Deadline 5A) to correct the drafting error at paragraph 5.3.58, which should have been the start of the bulleted list of regime measures.</p>

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		<p>a. Visual inspections during the growing season. b. Control of undesirable species (e.g. arable weeds) and injurious weeds to prevent colonisation and domination of the grassland using spot treatment of herbicide. c. The results of annual monitoring surveys will be used to adjust the management regime to maximise biodiversity.”</p>	
Anne Heard	Comments on REP4-006/REP4-007	<p>12.0 The revised Indicative Fixed South Facing Site Layout Plan (REP4-006) and the revised Indicative Single Axis Tracker Site Layout Plan (REP4-007) show the permissive paths during the operation of the proposed development. Both plans show a permissive path with a green dotted line along Clay Lane, Bassingham between the points marked A and B:- <i>(Images not reproduced in the Applicant's response but available in [REP5-045]).</i> As I have already pointed out in paragraph 3.3.2 of my submission REP2-061, Clay Lane is a public highway over which there are existing rights of way for pedestrians. The Applicant should therefore amend these plans accordingly to remove this length of “permissive path”.</p>	<p>The Applicant notes that Figure 3-2A Indicative Fixed South Facing Site Layout Plan [REP5-006] and Figure 3-2B Indicative Single Axis Tracker Site Layout Plan [REP5-007] are indicative plans and refers the IP to the Streets, Rights of Way and Access Plans [REP5-004] (ref. Sheet 9), which is a detailed, secured plan. Sheet 9 shows that the proposed permissive path adjoins the western edge of Clay Lane.</p>
Philip Heard	REP3A-025 Response Deadline Submissions Anonymity to 2 –	<p>B1. It is noted that the Applicant does not use names of any individuals providing evidence in support of the Applicant's case (eg no names stated in the Statement of Competence (APP-120)) yet is more than happy to quote names of IPs. Why the difference?</p>	<p>The Applicant has followed a standard approach within Appendix 1-C: Statement of Competence of the ES [APP-120], whereby the document lists out the experience of each respective EIA technical lead in line with European Union Directive 2014/52/EU (requiring that developers ensure that the ES is prepared by ‘competent experts’) and Regulation 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. IP names are published by the ExA within the Examination Document Library, where the Applicant has used IP names within responses to date where it deems appropriate. The Applicant is not revealing any personal information regarding IPs that is not already in the public domain via the Examination Document Library. It is noted that PINS undertakes an exercise in redacting any personal information that it considers not appropriate to publish.</p>
Philip Heard	REP3A-025 Response Deadline Submissions AILs to 2 –	<p>Abnormal Indivisible Loads B2. At Page 19, the Applicant's response to National Highways (NH) regarding Abnormal Indivisible Loads (AIL) REP1-033 paragraph 2.3.2 & APP-038 para 13.7.65 states no AILs will be required for component replacement during operation. This was reiterated by the Applicant at ISH4 (Session 1, time 24.08+). APP-199 Para 5.7.1 states “A 46.6m length vehicle to deliver the transformer to the Principal Site” REP1-033 Table 2 gives a design life of transformers at 30-40 years. Does a transformer require transporting by an AIL? Is the design life of a transformer 30 to 40 years? Is the Applicant's statement that no AILs will be required during the operation phase to transport replacement transformers therefore correct? Given the statement at ISH4 (24.38, 24.49), this requires explanation.</p>	<p>The Applicant's past statements regarding no AILs being anticipated during operation are correct. The larger Substation transformer will be transported to the site by AIL during the construction phase, but this is not expected to require replacement during the lifespan of the development. Where replacement of the singular transformers on the site is required during the operational phase of the Proposed Development, these will be transported to/from the site by normal HGV. Accordingly, no AILs are expected to be required during operation.</p>

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Philip Heard	REP3A-025 Response to Deadline 2 Submissions – Replacement of Solar PV Panels	<p>Replacement of Solar PV Panels</p> <p>B4. At page 49, it is stated, “The Applicant is confident that using a panel with a 30-year warranty will not present any risk to the site.” REP2-030 (page 42), states “During the operational phase of the Proposed Development, any disruption resulting from replacement or repairs would be minimal It is anticipated that maintenance and servicing would include the inspection and, if required, renewal and removal, reconstruction, refurbishment or replacement of faulty or broken equipment, but not the removal, reconstruction or replacement of the whole of Work No. 1 at the same time. Maintenance activity would be phased and would therefore be considerably less intensive than during construction.” Given this assurance of minimal disruption, over what time period around the 30 year point, will solar PV replacements occur? The ExA has requested (DCO. 2.01) a breakdown by year of the solar PV replacement programme; the Applicant needs to supply this.</p>	<p>Solar PV replacement will be phased across the Proposed Development in order to reduce disruption, with the repowering phase around the 30-year point (as set out in Table C-2 of Annex C of the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045]) likely to comprise the replacement of approximately 20% of the panels per year (depending on exact quantities per area of replacement) between Years 29 and 33 (i.e. over a 5 year period).</p> <p>It should be noted, as set out in paragraph 2.3.3 of the Framework OEMP [REP5-013], every 12 months from the date of final commissioning and before undertaking the maintenance for the year ahead, the Applicant will submit a planned maintenance schedule for the year ahead to the relevant planning authorities, excluding unforeseen emergencies that require maintenance throughout the year. Such unforeseen emergencies are considered to include maintenance activities that are needed to be undertaken urgently for health, safety or environmental reasons in response to an event or circumstance which happens unexpectedly. As part of the maintenance schedule, the Applicant will also inform the relevant planning authority when a component is no longer operational and requires final decommissioning.</p>
Philip Heard	REP3A-025 Response to Deadline 2 Submissions – Greenhouse Gas Emissions	<p>Greenhouse Gas Emissions</p> <p>B5. At page 48, regarding GHG emissions from solar PV panels, the Applicant states “.. the Respondent's query uses number of panels to scale, however MW capacity is likely to be the most representative functional unit and was used in Chapter 6.” Given that neither Springwell nor the Proposed Development have selected panels it is difficult to precisely compare the 2 proposals. If MW capacity were used, Springwell is 800MW compared to 240MW for the Proposed Development. Hence, if Springwell data (1,009,233 tCO₂e from manufacture of solar PV panels (Planning Inspectorate Springwell Solar Farm APP-048 6.1 Environmental statement Volume 1 Chapter 8: Climate Table 8.11)) is applied to Fosse Green, the estimated GHG emissions would be 302,769 tCO₂e not the 110,110 tCO₂e quoted by the Applicant. Clearly, with nothing decided in terms of panel selection this is not an exact science. However, this is a massive discrepancy between two proposed solar developments, both supposedly following ‘industry best practice’. Hence, the Rochdale Envelope approach should be applied using the worst case data ie, similar to that used by the Springwell applicant.</p> <p>B6. Regarding carbon intensity, it is noted that the UK Government 2030 target is less than 50 gCO₂e/kWh based on energy generation. In order to generate energy, the facilities need to be manufactured and built in the first place. Therefore, whether included in the target or not, there is a GHG emission penalty. The Applicant argues that only operational emissions should be used, which is the solar industries interpretation of ‘energy generation’. As the Applicant refers to the Government's Clean Power Action Plan, the benchmark against fossil fuels</p>	<p>Without sight of the emission factor source or calculation used in Springwell, it is not possible to assume that the emission factor and approach for calculating emissions from solar panels used for that development is technically and geographically representative for the Proposed Development. For this reason the assessment has used publicly available data from representative solar panel manufacturers. Department for Energy Security and Net Zero electricity factors do not currently include the embodied carbon of building infrastructure.</p> <p>It is not reasonable at this stage to benchmark the Proposed Development against other renewable sources of electricity as there is a need for increase in electricity supply to achieve the UK's net zero goals as set out in CC.2.03 of the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045]. The Proposed Development contributes to the increasing supply of low carbon electricity to the grid in order to electrify other sectors such as heating, transport and industry.</p> <p>The clean action power refers to Digest of UK Energy Statistics (DUKES) (2024) when stating the 50gCO₂e/kWh target. Looking at Note 6 of the DUKES statistics it sets out that ‘Data relates only to generator emissions in the operational phase and does not include emissions related to the fuel supply chain or maintenance activities.’ Therefore, it is reasonable to interpret that maintenance activities such as replacement and construction are not included in achieving the 50g target and renewable sources are effectively near zero carbon.</p>

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		<p>is only 50% up to 2050 (17 years of operation for the Proposed Development) and zero thereafter. Hence the Applicant's GHG savings claim is grossly inflated.</p> <p>B7. At some point the Government will benchmark renewable technologies against each other. This will clearly need to be lifetime carbon intensities as all renewables, including nuclear, have low operational carbon intensity. The Proposed Development produces significantly higher lifetime carbon emissions than other clean energies such as wind and nuclear.</p> <p>B8. Operational GHG emissions are 477,466 tCO₂e (APP- 031 Table 6-10), yet the Applicant states they are near zero as the Applicant is now suggesting that the Clean Power Action Plan is referring to 'operational combustion emissions' and, I assume is now discounting GHG emissions from any component replacement. On page 49 the Applicant states "The 3 Clean Power Action Plan target focusses on DESNZ figures for carbon intensity of electricity which do not include construction of embodiment carbon,....." Could the Applicant point out where in the Clean Power Action Plan this is stated. This is a different statement to the target being 'based on energy generation'. Certainly component replacement, notably solar PV panels and batteries, must be included otherwise energy generation, and energy storage would cease well short of 60 years.</p>	
Philip Heard	<p>REP3A-025 Response to Deadline 2 Submissions – Inappropriate Fossil Fuel Emission Comparison</p>	<p>Inappropriate Fossil Fuel Emission Comparison</p> <p>B9. At page 50 it is stated, "The Planning Inspectorate has approved the use of CCGT as a baseline comparison in granting consent for Morecombe Offshore Windfarm." The Applicant refers to paragraphs 4.10 and 4.11 of the Morecombe Secretary of State Decision Letter. Neither of these paragraphs specifically mention CCGT. Whilst 'displacing nonrenewable generation' is mentioned, this can only occur when there is non-renewable generation available to be displaced. As stated above, this non-renewable generation will, according to Government targets, be 50% of the grid for the first 17 years of the Proposed Development (up to 2050); thereafter there will be zero displacement of non-renewables. The Applicant is still ignoring those occasions when the Secretary of State has decided, for a number of solar NSIPs, that a CCGT comparison is inappropriate. Moreover, the Applicant has not even used a CCGT comparison but a greater emission comparison, Open Cycle Gas Turbine (APP-031 para 6.4.77); this is even more polluting than a CCGT and is therefore an even more inappropriate emission comparison. B10. Moreover, at paragraph 4.15 of the Springwell Decision Letter, the Secretary of State reaffirmed his view that "comparison to a CCGT baseline is not an appropriate reference point ..."</p>	<p>The Applicant does not use CCGT or OCGT as a baseline at any stage in the assessment.</p> <p>CCGT is not used as a baseline in the assessment set out in Chapter 6: Climate Change of the ES [REP3-006]. In paragraph 6.4.73 of Chapter 6: Climate Change of the ES [REP3-006] the savings are calculated based upon the current energy mix, and in response to the Examining Authority the Applicant has provided an indicative figure of savings against the grid energy mix in 2033 upon construction (ref. CC.03 of REP3-045). The Applicant previously stated in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] that it considered the current energy mix to be a better comparator than the 2033 energy mix. The reason for this is that the forecast 2033 energy mix relies on the Proposed Development and others like it (or behind it) in the planning system being consented and built. These projects are not guaranteed. The UK has a substantial energy need, as demonstrated by the Statement of Need [APP-184] and, should insufficient renewables projects come forward to deliver the UK energy demand, it could in theory lead to other forms of energy generation being proposed to deliver this energy. This might include a series of small gas fired power plants, which do not currently require carbon capture technology (carbon capture readiness only applies to facilities that exceed 5MW). Indeed, at the time the application for the Proposed Development was submitted in July 2025, the equivalent 240MWe gas fired power station (i.e., the same capacity as the Proposed Development) would not have needed to be carbon capture ready and would have therefore resulted in substantial GHG emissions (and a greater GHG saving than the 3,302,906 tCO₂e reported in the</p>

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			<p>ES which was based on the 2025 energy mix, a substantial part of which is already renewables). Furthermore, any CCR gas fired power stations will still rely on the actual carbon capture network being built, and may therefore emit substantial GHG emissions for the first years or decades of operation whilst this network is being consented and built. The Applicant therefore considers the 2025 energy mix to be a more reasonable comparator than the 2033 energy mix, given the Proposed Development – and other similar projects in the planning process - form part of this future baseline.</p> <p>OCGT is only used as an indicative saving for the battery energy storage system (BESS), as set out in paragraph 6.4.77 of Chapter 6: Climate Change of the ES [REP3-006]. In paragraph 6.4.78 of Chapter 6: Climate Change of the ES [REP3-006] it is explicitly stated that these savings are not factored into the overall GHG assessment and provide an indication of the additional carbon savings from the BESS.</p>
Philip Heard	REP3A-025 Response to Deadline 2 Submissions – Incorrect Load Factor (Efficiency) Calculation	<p>Incorrect Load Factor (Efficiency) Calculation? B13. At page 52, the Applicant states “A yield of 916 kWh/kWp/year was used to generate the electricity generation figures of 19,438,499 MWh; this correlates to a load factor of 10%.” Could the Applicant please show the calculation. My calculation is: Maximum possible output to the grid across 60 years is: 240MW x 24 x 365 x 60 = 126,144,000 MWh 240MW x 24 x 15 (leap years) = 86,400 MWh 126,144,000 + 86,400 = 126,230,400 MWh 19,438,499 divided by 126,230,400 = 15.4 load factor This calculation is based upon the grid connection capacity of 240MW which the Applicant alleges is confirmed with NGET. Could the Applicant please explain why the above calculation resulting in a load factor of 15.4% is incorrect?</p>	Please refer to Table 2-4, item 3, which provides a fully worked calculation demonstrating how the generating output of 19,438,499MWh has been derived.
Philip Heard	REP3A-025 Response to Deadline 2 Submissions – Funding for Decommissioning	<p>Funding for Decommissioning B14. At page 54, the Applicant states “As noted above, the Funding Statement [REP2-009] provides clarity that the cost estimate for the Proposed Development includes decommissioning costs.” It provides no clarity at all. Initially the Applicant stated the Funding Statement did include decommissioning costs; then the Applicant acknowledged it did not; then the Applicant merely inserted the word ‘decommissioning’ into the Funding Statement with no uplift in the capital estimate of the Proposed Development (My REP2- 063, Para 5.0 refers). In addition, the Applicant has not answered how it will stand by its COMMITMENT TO SET ASIDE MONEY FOR DECOMMISSIONING THE PROPOSED DEVELOPMENT? (Chapter 12, page 12-17 (APP-037)). Note, to repeat earlier comments, this statement refers to the Applicant, not any subsequent developer or undertaker. Could the Applicant please confirm or otherwise this commitment.</p>	<p>As previously noted in the Applicant’s Response to Deadline 4 Submissions [REP5-025], the Applicant updated the Funding Statement [REP2-009] at Deadline 2 to respond to GC.1.15 of the Examining Authority’s First Written Questions [PD011]. As set out at paragraph 1.1.8, the Funding Statement [REP2-009] was updated to clarify that the cost estimate includes decommissioning costs. However, this update was not strictly required given the purpose of the Funding Statement is to demonstrate how an order that contains the authorisation of compulsory acquisition of land or rights in land (as the draft DCO) is to be funded, in compliance with Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.</p> <p>It should be noted that the Applicant’s amendments at Deadline 2 align with the amendments made to the equivalent document by the applicant for the Springwell Solar Farm (Planning Inspectorate Reference: EN010149) in response to a similar question. The Examining Authority for the Springwell Solar Farm posed Q2.15.1 [EN010149 Examination Library Reference: PD-010],</p>

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			<p>which covers the same point raised by the ExA for the Proposed Development in GC.1.15 [PD-011].</p> <p>The amendments made by the Springwell Solar Farm Applicant can be seen in the Compulsory Acquisition Information Funding Statement (Tracked) Revision 3, available in the Springwell Solar Farm Examination Library [EN010149 Examination Library Reference – REP4-007].</p> <p>Paragraph 4.12 of the Secretary of State's (for Energy Security and Net Zero) decision letter in relation to the Springwell Solar Farm, states "...the revised funding statement suitably demonstrates that the Applicant is able to fund the decommissioning of the Proposed Development..." Given that the revisions to the Applicant's Funding Statement [REP2-009] align with those made by the Springwell Solar Farm applicant to the equivalent document in response to a similar question, the Applicant considers its previous updates to be sufficient.</p> <p>The Applicant's position remains that it is not necessary to provide any form of financial security for the decommissioning of the Proposed Development, by way of a sinking fund, a decommissioning bond or otherwise. In the interests of brevity, the Applicant has not sought to replicate its previous responses on this point, but an explanation of the reasoning for the Applicant's position can be found in various documents including the Applicant's Response to Written Representations [REP2-030], the Applicant's Response to Local Impact Reports [REP2-031], the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045], the Applicant's Response to Deadline 2 Submissions [REP3A-025], and the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018].</p> <p>In addition to the extensive reasoning set out by the Applicant in the above referenced submissions, the Applicant notes the position taken by the Secretary of State in paragraph 4.12 of the Springwell Solar Farm decision letter that the imposition of a requirement for a decommissioning bond is not necessary or appropriate.</p>
Philip Heard	REP3A-025 Response to Deadline 2 Submissions – Property Prices	Property Prices B16. Page 60 states "The Applicant is confident that local property prices will not be affected by the Proposed Development..." Although the Applicant states that house prices is not a material planning consideration, it was the Applicant that made the point that property prices would not be affected by the proposed development. The Applicant has ignored the 2021 reference I mentioned, 'Wind Turbines, Solar Farms and House Prices' by Martijn I Drees and Hans R A Koster. B17. The following documents were published within the last 3 years: Solar Q: "Threat to Property Values by Solar Farms in the UK". (3.1% loss in surrounding	The Applicant's position on the potential effect on house prices remains as previously stated in the Applicant's Response to Deadline 2 Submissions [REP3A-025] . The Applicant summarised the University of Birmingham research into the effects of solar farms on UK house prices in this submission and explained why the criteria the study concluded leads to an average 5.4% reduction in house prices does not apply to the Proposed Development.

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		<p>areas). David J Rogers (Abode Group/National Planning Infrastructure) "The Effect of Botley West Solar Farm on Local House Values". (Average £14,115 loss per property within 1.5km. Average £30,000 loss within 0.1 km). Express Conveyancing "Do Renewable Energy Projects Affect UK House Prices?". (Negative impact on home values near solar farms.) Yahoo News UK "Do solar farms really hurt nearby house prices?" (Solar farms drive down house prices.) "On the basis of the metrics considered by the relevant research, as noted above, the Applicant is confident that local property prices will not be affected by the Proposed Development." The Applicant has not provided any metrics to support this conclusion, indeed, the University of Birmingham paper quotes a context resulting in a 5.4% reduction in relative prices.</p>	<p>National Planning Practice Guidance advises that, in general, planning is concerned with land use in the public interest. As a result of this, the protection of purely private interests such as the impact of a development on the value of neighbouring property could not be considered as a material planning consideration and is not a matter for assessment under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p>
Philip Heard	<p>REP3A-025 Response to Deadline 2 Submissions – Potential Ground Contamination</p>	<p>Potential Ground Contamination B18. On page 61, the Applicant states, with regard to ground contamination, that the solar PV cells will be PFAS (forever chemicals) free. The Applicant does not mention heavy chemicals such as lead, cadmium etc; what measures are being taken to prevent storm damage to solar panels such as occurred to the solar panels at Porth Wen in Anglesey by Storm Darragh in 2024 and at Camblesworth solar farm more recently?</p>	<p>The Applicant notes that a contributing factor to the storm damage at Porth Wen solar farm was its location, being an exposed coastal area which is vulnerable to strong winds.</p> <p>Measures taken to mitigate potential storm damage to solar panels include regular inspection and maintenance of panels where required. As set out in WAT-O5 of the Framework OEMP [REP5-013], regular inspections and maintenance of all equipment will be undertaken in order to ensure the prompt identification of any leaks or damage. This will ensure that the structural integrity of the panels will be regularly observed. Any panels which require maintenance / replacement will be removed before there is any leakage of chemicals from the sealed units. Any leaks will be dealt with in a way that is compliant with the prevailing environmental legislation. The detailed OEMP(s) will include a regular schedule for visual inspection of the panels and all other solar infrastructure. An Emergency Response Plan (ERP), as set out in Section 2.8 of the Framework OEMP [REP5-013], will also be implemented. The ERP will be developed in consultation with the relevant local authority emergency planning officer, emergency services including the local fire service, as well as the Environment Agency in relation to responding to flood warnings and events. The ERP will detail the procedures for responding to incidents and emergencies on site, and any reporting procedures.</p> <p>Furthermore, contamination risk depends heavily on how runoff is managed, whereby measures to manage potential contamination run off (e.g. implementation and management of surface water drainage systems) are set out in the Framework OEMP [REP5-013] (e.g. WAT-O1) and the Framework SWDS [REP3-014].</p>

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Philip Heard	REP3A-025 Response Deadline Submissions Unplanned Emission Assessment to 2 –	<p>Unplanned Emission Assessment B19.</p> <p>On page 67, regarding BESS safety, the Applicant refers to APP-176 'Unplanned Emissions Assessment'. It is difficult to understand how a meaningful unplanned emissions assessment can have been carried out when very little detail regarding BESS design is even at the planning stage. A reasonable worst case scenario would model propagation beyond a single container; why is the Applicant refusing to undertake this crucial piece of safety evidence?</p>	<p>It is not considered necessary for all detailed BESS specifications to be fixed at DCO application stage, nor is this a standard approach, provided the assessment is based on robust maximum parameters.</p> <p>The Unplanned Emissions Assessment [APP-176] assesses the impact of airborne chemicals and gases produced in the event of a BESS fire and shows that the dilution of gases and the distance from the BESS is sufficient to avoid any exceedances of airborne gas safety levels. It considers the very unlikely scenario of propagation beyond a single container.</p> <p>As explained within Section 4 of the Unplanned Emissions Assessment [APP-176], in the unlikely event that a fire was to break out in a single module, it is very unlikely, given the control measures, that the fire would spread to the rest of the modules in a cabinet, or from a single cabinet to a larger BESS container. Even if all the systems should fail, and a large-scale fire break out within a cabinet, then the modelling has demonstrated that the dispersing plume would dilute sufficiently for resultant hydrogen fluoride concentration at the closest receptors, to be below UKHSA's adopted AEGL-1 criteria value.</p>
Philip Heard	REP3A-025 Response Deadline Submissions PRow to 2 –	<p>Public Right of Ways (PRow)</p> <p>B20. At page 71, the Applicant states "A PRow is a highway (Highways Act 1980) and is not a noise receptor in national policy ..."</p> <p>B21. UK national policy does not explicitly define Public Rights of Way (PRow) as noise-sensitive receptors. However, the NPPF, Noise Policy Statement for England (NPSE) and Planning Practice Guidance (PPG: Noise) require decision-makers to consider the effects of noise on health, quality of life and amenity, including the protection of areas valued for recreation and tranquillity. Within this framework, PRow may reasonably be treated as amenity receptors where noise has the potential to affect users' enjoyment of the route or the perceived tranquillity of the surrounding environment. This approach is consistent with established EIA practice for infrastructure projects, where PRow are routinely included in receptor baselines where they are proximate to construction or operational noise sources. Accordingly, PRow within the study area should have been assessed as non-residential, amenity-based receptors, reflecting their recreational function and the policy requirement to safeguard the acoustic environment experienced by users.</p> <p>B22. Mallard Pass, promoted by the same Applicant, explicitly considered PRow as receptors — not in the Noise chapter itself, but in the project's Amenity & Recreation assessment, which forms part of the Environmental Statement. Mallard Pass APP-058 Appendix 6.5: Landscape and Visual – Amenity and Recreation Assessment, refers. This appendix identifies PRow as receptors and assesses effects on their amenity, which includes noise, tranquillity, and disturbance. Why has the Applicant changed this worst case approach?</p>	<p>The reasons for not explicitly including PRow as noise sensitive receptors, including how this aligns with policy, are provided in paragraphs 11.4.17 to 11.4.20 of Chapter 11: Noise and Vibration of the ES [APP-036]. It should also be noted (as stated in this Chapter) that this approach was agreed with NKDC. While it is accepted that PRow have been included as noise sensitive receptors in other assessments, these assessments are typically qualitative, concluding that, given the transient nature of their usage, significant adverse effects on health and quality of life are not anticipated and that reasonable steps to mitigate noise on PRow are covered in the environmental management plans. This aligns with the text provided in the methodology section of Chapter 11: Noise and Vibration of the ES [APP-036]. The Applicant maintains that the ES for the Proposed Development is robust and proportionate, appropriately considering the potential likely significant effects that could arise as a result of the Proposed Development.</p>

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Philip Heard	REP3A-025 Response Deadline Submissions – Tourism	<p>Tourism</p> <p>B23. The IP explains he is a resident of Bassingham with 40 years experience in tourism including 20 years as a leading tourism consultant in the UK. Would the ExA please note that the Applicant, who is very quick to use the phrase “in our professional judgement”, has dismissed the experience and expertise of the IP (Page 85+). The Statement of Competence (APP-120) shows the ‘Socio-Economics and Land Use’ expert as having 17 years experience. The listed experience from the Applicant’s expert is from 4 solar DCOs, none of these have even commenced construction, so the expert’s experience derives from considering a theoretical impact of solar development on tourism. The expert appears to have no experience in the tourism and the visitor economy; given that no names are quoted in APP-120, it is not possible to verify the competence of the Applicant’s experts through platforms such as LinkedIn.</p> <p>B24. The Applicant has dismissed the professional comments from the IP who clearly has greater professional experience to draw on than the Applicant’s expert in relation to the tourism and visitor economy. Page 88 states “There is no evidence from comparable solar schemes that views of renewable energy infrastructure typically lead to measurable reductions in use of local recreational assets” Equally, there is no evidence to support the Applicant’s claim that there will be no adverse affect. Only Cleve Hill has commenced operations (recently) with no data either for or against the Applicant’s argument. No other developments of this scale are operational and very few have even commenced construction. Therefore the ‘no evidence from comparable solar schemes’ is only correct because there is nothing to compare with!</p> <p>B25. At page 89, the Applicant states “.... The evidence indicates that walking activity is primarily influenced by route availability, safety and connectivity...” What evidence? It does not require ‘professional judgement’ to challenge this statement; is the Applicant really saying that visual and audio impact are not of primary consideration? IT IS THE REASON PEOPLE GO WALKING IN THE FIRST PLACE. The impact of fields of glass accompanied by a constant humming will drive walkers away from the current tranquillity of the countryside</p>	<p>The Applicant does not dismiss the experience and expertise of the IP, but rather reiterates that Chapter 12 Socio Economics and Land Use of the ES [AS-016] has been prepared by competent EIA practitioners and assesses tourism and recreation using established methodology, concluding no significant effects. The absence of operational solar generation comparators of scale does not invalidate this approach, which appropriately draws on available evidence and professional judgement.</p> <p>The assessment does not suggest that visual and experiential factors are irrelevant. However, access, connectivity and availability of routes are primary drivers of use, and these are retained and enhanced through the proposed permissive path network. As such, the conclusions of Chapter 12: Socio-Economics and Land Use of the ES [AS-016] are valid.</p>
Philip Heard	Applicant’s Responses to ExQ1 Responses	<p>C1. DCO. 1.04 (page 98) Regarding ‘maintenance’ the Applicant refers to the draft DCO (REP2-005), “this article does not authorise the carrying out of any works which are likely to give rise to any materially different effects that have not been assessed in the environmental statement.” The Applicant then states “Therefore, the power to maintain is already sufficiently limited in this way, and no further requirement is necessary.” The construction phase, which included the installation of the totality of the solar panels, was assessed in the environmental statement. Therefore, the wording in the draft DCO does NOT prevent the replacement of 99% of solar PV panels under ‘maintenance’ as that would not “give rise to any materially different effects that have not been assessed in the environmental statement”. Hence, the draft DCO should include a restriction on the level of unplanned component replacement.</p>	<p>The Applicant maintains its position that it is not necessary to include a requirement regarding panel replacement.</p> <p>The ExA and SoS considered this issue in relation to Springwell Solar Farm (Planning Inspectorate Reference: EN010149). The SoS Decision Letter considered “...the possibility of including a requirement to the Order restricting the replacement of solar panels to 5%, as assumed in the ES”. The letter concludes “In agreement with the ExA, the Secretary of State is satisfied that Article 5(3) and Schedule 16 of the Order would ensure that the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the ES would not be undertaken, and considers that this gives the LPAs sufficient control, including in relation to any</p>

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			<p><i>cumulative effects [ER 4.4.15], and therefore considers that a specific requirement restricting panel replacement is not required.</i></p> <p>With regards to the assessment of maintenance activities in the ES, it should be noted that Chapter 13: Traffic and Transport of the ES [REP3-010] (along with the other relevant assessments of the ES) assess maintenance as part of the operational phase of the Proposed Development, and not the construction phase assessment as noted in the IP's comment. As set out in Chapter 13: Traffic and Transport of the ES [REP3-010] (ref. paragraph 13.7.65), the basis of this assessment of maintenance activities is: "Site-wide equipment replacement activities are expected to generate in the order of 20 HGVs (or 40 two-way HGV movements) per day and in the order of 20 staff car trips (40 two-way movements) per day. It is not anticipated that any AILs will be required. This is much lower than the vehicle trips generated during the peak construction phase, representing approximately 40% of the HGV activity and approximately 10% of car/LGV movements generated during the peak construction of the Proposed Development." Maintenance works are restricted as per Article 5 of the Draft DCO [REP3A-004], which states "This article does not authorise the carrying out of any works which are likely to give rise to any materially new or materially different effects that have not been assessed in the environmental statement." As such, the extent of activities associated with maintenance works during the operation of the Proposed Development with regards to their resultant effects, as set out in the ES, are restricted by the Draft DCO [REP3A-004].</p>
Philip Heard	Applicant's Responses to ExQ1 Responses	<p>C2. DCO. 1.29 (pages 104, 105) "The Applicant has received notification from NESO that it has been prioritised for a Gate 2 connection..." The TEC Register states, "This file will be updated twice weekly on Tuesdays and Fridays. The Transmission Entry Capacity (TEC) Registers will include an additional column called "Gate" from 21st November 2025 indicating whether agreements are classified as Gate 1 or 2. This column will be populated once agreements have been countersigned." If the Applicant had 'secured' a Gate 2 connection, given a twice weekly update, it would now be showing in the TEC Register. As the Applicant has stated the TEC register will not reflect this until Q4 2026, and statements such as "awaiting confirmation of a confirmation' the Applicant should provide the written evidence to the ExA regarding a SECURED grid connection, prior to any DCO approval. In the absence of written evidence proving a Gate 2 status for the solar generation, this must be strong grounds for a delay of the examination process until the Applicant provides such proof. This cannot be left unresolved before any DCO approval. Indeed, in response to an IP in REP4-018 requesting written proof of the Gate 1 & 2 Connection agreements, the Applicant merely refers to its own statement at ISH1. Given the reluctance of the Applicant to produce written proof, it is assumed that the Applicant has a verbal agreement with NESO at best; is this correct?</p>	<p>The Applicant understands that the TEC register currently identifies the energy projects with a Gate 1 offer (which essentially means there is no connection offer at this stage) or, where it is already consented, being constructed, or built and ready (and the developer has signed the offer), it shows a Gate 2 offer. The Proposed Development does not fall into any of these categories.</p> <p>To clarify, energy projects that do not fall into the above categories have received a Gate 2 notification, advising if they are Phase 1 or Phase 2 projects – i.e., whether a connection offer is available for the period 2030-2035 or 2035 onwards. The Proposed Development received a Gate 2 Phase 2 notification, which means that the connection offer will follow in accordance with NESO timescales outlined on the NESO website (for transmission scale projects, between early-September 2026 and mid-January 2027). It is at this stage the Applicant will be given an offer to review and sign, and the TEC register would be updated. NESO's process has clarified that the Proposed Development will definitely receive a connection offer to connect between 2030-2035 (the precise date will be within the offer) but the Applicant acknowledges this information is not in the public domain for stakeholders to interrogate.</p>

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			<p>The Applicant notes that during the Issue Specific Hearings, the Examining Authority stated that Interested Parties could contact NESO for further information if they wished to do so.</p>
Philip Heard	Applicant's Responses to ExQ1 Responses	<p>C3. GC. 1.14 (page 163) In response to NGET's statement "..... in the event that the proposed Navenby substation did not receive planning permission or was not built is a matter for the Applicant to clarify", the Applicant merely repeats the previous statement "..... it would fall to NGET to find an alternative point of connection for the Proposed Development." Clearly NGET do not agree with the Applicant. What is clear is that there is no alternative point of connection to the proposed Navenby substation. Therefore, if the substation were not to be approved/built, a new DCO application would be needed; this is a clear reason in support of LCC and NKDC's request for a 8 DCO clause preventing any work commencing prior to approval of the substation. Indeed, at REP4-018 page 9 the Applicant states that the Technical Note for the Substation (REP3-046) clarifies the situation in the event the substation does not go ahead; where in the Technical Note can this clarification be found? REP3-046 paragraph 2.1.2 states (quoting NPS EN-1 Paragraph 4.11.7) "... it is open to operators without a grid connection to make a DCO application and provide information in the application to demonstrate that there is no obvious reason why a network connection would not be possible." As the Applicant has failed to provide any evidence of an alternative point of connection should planning permission for the substation not be approved, the Applicant is not complying with NPS EN-1. REP3-046 paragraph 3.6.8 states "Multiple customers, including the Applicant, approached NGET requesting connections in the vicinity of Navenby." Yet the Planning Statement (APP-185), Site Selection Report paragraph ES2, states "..... the Applicant was offered and subsequently secured a point of connection at the proposed National Grid substation near Navenby" So did the Applicant approach NGET as stated above or did NGET 'offer a secured point of connection'? If the Applicant 'approached NGET' then a key argument in the Site Selection is incorrect.</p>	<p>The Applicant disagrees that NGET does not agree on this point – the Applicant understands that NGET's statement, noting that it is a matter "<i>for the Applicant to clarify</i>", is simply referring to fact that it is for the Applicant to explain the implications for the Proposed Development should the proposed National Grid substation near Navenby not be consented and/or constructed, given that the focus of this question from the ExA is the "<i>implication for the Proposed Development</i>" (as per GC.1.14). The Applicant notes that it has set out its position in GC.1.14 in the Applicant's Response to the Examining Authority's First Written Questions [REP2-029], and maintains this position.</p> <p>The Applicant's position remains that there is no requirement for the addition of a Grampian condition restricting the commencement of the Proposed Development until the proposed Navenby substation has been granted planning permission. The Applicant has set out its reasoning for this in various documents including the Applicant's Response to Written Representations [REP2-030], the Applicant's Response to Local Impact Reports [REP2-031], the Applicant's Response to Post Hearing Summaries [REP2-032], and the Applicant's Response to Deadline 2 Submissions [REP3A-025]. The Applicant also notes (as stated in the Applicant's Response to Deadline 4 Submissions [REP5-025]) that the Secretary of State did not deem it necessary to impose a requirement restricting the commencement of the Springwell Solar Farm in highly similar circumstances. This is set out at paragraph 4.14 of the Secretary of State for Energy Security and Net Zero decision letter in relation to the Springwell Solar Farm (Planning Inspectorate Reference: EN010149).</p> <p>The Applicant has set out in paragraph 2.1.8 of the Technical Note for the proposed National Grid substation near Navenby [REP3-046] that NGET has a legal obligation to provide the Proposed Development and other energy generators with a connection to the National Electricity Transmission System (NETS). It should also be noted that under NGET's Licence (standard licence condition D4A) NGET is required to undertake all reasonable steps to obtain the required consents for the proposed Navenby substation.</p> <p>The Planning Statement [AS-098] sets out the site selection process in paragraph 6.3.67, explaining that this was driven by the availability of deliverable land and site suitability in accordance with the requirements of policy. Following a formal application to National Grid for a connection into the 400kV Overhead Line at Whisby, National Grid informed the Applicant that this point of connection</p>

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			<p>was not available and instead the Applicant was offered and subsequently secured a point of connection at the proposed National Grid substation near Navenby. Having secured land with willing landowners, and in recognition of the need to consider reasonable alternatives, the Applicant sought to assess the site against other potential alternative sites to ensure it was the most suitable taking into account operational requirements, national and local planning policy and planning and environmental constraints.</p> <p>The Technical Note for the proposed National Grid substation near Navenby [REP3-046] sets out in paragraph 3.6.8 that multiple customers, including the Applicant, approached NGET requesting connections in the vicinity of Navenby. NGET has developed the Navenby proposals in response to these requests. The Applicant understands that NGET's proposals will have considered the needs of all customers while seeking to develop as efficient and environmentally sustainable solution as possible. Where offers have been provided to and accepted by customers, NGET has a duty to fulfil its responsibilities to provide those customers with a connection at Navenby or develop and deliver suitable alternative proposals. Applicants, including NGET as the applicant for the proposed Navenby substation, must also ensure that their submissions comply with Environmental Impact Assessment regulations, including addressing indirect, secondary, and cumulative effects.</p> <p>This is also discussed in the Grid Connection Statement [APP-200] paragraph 3.4.1, which states that following grid connection applications by several energy generators, including Springwell Solar and Fosse Green Energy, National Grid concluded that it would not be possible to connect all applications to existing regional substations and that a network upgrade would be required, in the form of the proposed Navenby Substation. NGET confirmed that the proposed substation is not due to Fosse Green Energy alone, but the wider demand for connection in the area.</p>
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Gate 2 Connection Offer	<p>Gate 2 Connection Offer?</p> <p>D1. At page 6 the Applicant quotes NESO, "The final notifications process has started for all customers and NESO is working in priority order to send offers to customers. Only after customers have signed their offers, will NESO update any relevant registers ..." Given that the Applicant has stated on a number of occasions, without showing proof, it has SECURED a Gate 2 for the solar element of the Proposed Development, could the Applicant explain exactly where it is in the process?</p>	<p>NESO has published its process and timelines. This is also summarised on the Energy Networks Association website. The Proposed Development has received a Gate 2 Phase 2 notification, which means that NESO has confirmed the Proposed Development will be able to connect to the national transmission system between 2030-2035. The connection offer will follow in accordance with NESO timescales outlined on the NESO website (for transmission scale projects, between early-September 2026 and mid-January 2027). It is at this stage when receiving the connection offer that the Applicant will be given the precise month and year of the connection, and an offer to review and sign. The Applicant understands it is at this stage it becomes public information.</p>

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			<p>The Applicant also notes that during the Issue Specific Hearings, the Examining Authority stated that Interested Parties could contact NESO for further information if they wished to do so.</p>
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Load Factor	<p>Load Factor D2. At page 7 the Applicant States “The predicted load factor is as a result of the overplanting ratio This has been used as the basis of the DCO Application.” Could the Applicant please explain where in the DCO Application the predicted load factor is stated. Load factor is a ratio of actual output compared to the theoretical maximum possible. Load factor should be compared to the grid average. The grid average for solar is less than 10% yet the Applicant's figures are above 15%. Overplanting does not increase the load factor to the grid; on the rare occasions the solar arrays generate in excess of 240MW that additional capacity is stored in the BESS (but only for a few hours at most), and that capacity (not above 240MW) fed into to grid. Load factor is not a result of overplanting, not efficiency of the solar panels, it is due to the UK climate and the resultant hours of sun intensity. D3. It is noted that the Applicant has not commented regarding the IP's suggestion that the Applicant has used a load factor of 15.4% in the estimated total generation figure of 9 19,438,499MWh. Yet in REP3A-025 (page 52), the Applicant states, “A yield of 916 kWh/kWp/year was used to generate the electricity generation figures of 19,438,499 MWh; this correlates to a load factor of 10%.” This total generation figure incorrectly inflates the perceived benefit of the Proposed Development.</p>	<p>Please refer to Table 2-4, item 3, which provides a fully worked calculation demonstrating how the generating output of 19,438,499MWh has been derived.</p>
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Overplanting Ratio	<p>Overplanting Ratio D4. Regarding overplanting (page 8), it is worth noting the ExA asked the Applicant to justify an overplanting ratio of 1.6 at GC. 1.04. The ExA then asked the Applicant to provide clarity in an updated Technical Guide (REP3-036); this document does not provide any clarity, rather it justifies that the overplanting ratio can be reduced to 1.2 and still meet the required output of the Proposed Development. My Deadline 4 submission (REP4-031 B1 Page 5+) refers. This would allow Thorpe on the Hill Parish Council's suggestion to removal 10 fields of solar PV arrays to be undertaken (REP 4 018 Pages 23 and 24 refers) with no requirement for further redesign.</p>	<p>The Applicant considers that the overplanting ratio of 1.6 has been sufficiently justified in previous submissions including the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] (ref. GC.1.04) and within the Solar Technology Technical Guide [REP3-036] which was updated (see Section 5.3) specifically at the request of the Examining Authority to further explain and justify the 1.6 overplanting ratio.</p>
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – BESS Safety	<p>BESS Safety D5. At page 9 the Applicant states “BESS developments are subject to a comprehensive framework including industry standards and guidance “ Standards and guidance are not legislation. It is fully accepted that all developments such as this are subject to general legislation such as the Health & Safety at Work Act. Can the Applicant state where is specific UK legislation regarding BESS as suggested by the statement “this does not imply an absence of regulatory control”? D6. The Applicant repeats that a BESS fire is unlikely but, given the potential consequences, fails to plan for a realistic worst case event. Indeed, the use of</p>	<p>Where the Applicant has stated that “this does not imply an absence of regulatory control”, this reflects the application of the wider industry standards and guidance rather than reliance on BESS-specific primary legislation. For example, there are Health and Safety regulations that the BESS will need to be designed to adhere with. The Applicant acknowledges that the design principles are guided by industry-guidance rather than regulatory legislation and the Applicant adheres with this in the Framework Battery Safety Management Plan [REP3-030]. The Rochdale Envelope approach has been adopted for environmental assessment, as set out in Chapter 5: Environmental Impact Assessment</p>

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		<p>such phrases as “These fires would not have occurred if the principles and commitments in the Framework BSMP for Proposed Development had been applied” demonstrates an overconfident approach to safety. What is clear is that, despite referring to it, the Applicant has not adopted the Rochdale Envelope worst case approach which would have modelled a fire and thermal runaway event based upon propagation beyond a single container as has happened in many real world events.</p>	<p>Methodology of the ES [APP-030]. The BESS is designed so that in the event one cell overheats/catches fire, there is sufficient distance between the cells to mitigate the risk of this spreading (to keep a fire isolated to a single cell (to the extent which it is possible to control this)). This layout has been developed in consultation with the Lincolnshire Fire and Rescue Service (LFRS) and has taken account of guidance from the NFCC. Communication with the LFRS will continue through the detailed design and construction stages. It should be noted that there have been only two operational fires for utility scale BESS fires in the UK to date, both of which were built prior to the current NFCC safety guidance, meaning that the battery type and design which caused these fires no longer adhere with the NFCC guidelines, and therefore will not be used within the BESS of the Proposed Development.</p> <p>It should also be noted that LFRS has developed its own standing advice for BESS (which is based on national guidance) and has a program for monitoring and risk assessment which will be necessary to implement once the BESS is operational. To enable LFRS to implement this program, the Applicant has included protective provisions (PPs) for the protection of Lincolnshire Fire and Rescue as Part 3 of Schedule 14 to the draft DCO [REP3A-004]. These PPs provide a financial contribution and have been agreed with LFRS. The PPs also align with precedent included in similar DCOs made in the LFRS area including The Gate Burton Energy Park Order 2024, The West Burton Solar Project Order 2025, The Tillbridge Solar Order 2025 and The Springwell Solar Farm Order 2026.</p>
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – BPA Aviation Fuel Pipeline Modelling	<p>BPA Aviation Fuel Pipeline Modelling</p> <p>D7. At page 13, in response to PRAX, the Applicant states “The results of this soil testing have shown that the original modelling used a more conservative worst-case assumption which will therefore have overestimated the potential impact of the AC current on the PRAX pipeline.” A “more conservative worst case”; how is it possible to have degrees of ‘worst case’? A worst case is a worst case. Is the Applicant’s updated modelling now going to reduce the safety margin in order to try to produce something more acceptable to PRAX? Given the consequences of a rupture of the pipeline so close to the village of Navenby this approach to the modelling is extremely concerning.</p>	<p>During modelling a specialist will consider whether to model a reasonable worst-case scenario or an unrealistic worst-case scenario (i.e. a scenario that wouldn't feasibly arise, but is tested in order to demonstrate that in reality the findings would not be worse than this ‘unrealistic’ scenario). Typically, the former is used. However, in the case of the AC interference modelling assessment, the Applicant selected an unrealistic worst-case scenario for soil resistivity, based on a review of soil types for the land from ALC sampling and UK wide soil types. This was done in the expectation that BPA would then agree soil testing was not needed. As reported, BPA still requested the soil monitoring which the Applicant subsequently carried out which demonstrated the soil resistivity is much higher than modelled (as anticipated). In other words, it is likely that the model overestimates the impact of the AC interference on the Finaline pipeline.</p> <p>The Applicant's updated AC interference modelling report was submitted to the Examination at Deadline 5 [REP5-027]. The unrealistic worst case assumption on soil resistivity has been retained, despite the soil monitoring confirming it would overestimate the impact of the Proposed Development, in order to demonstrate that the reality of effects will not be greater than those established under this unrealistic worst case assumption.</p>

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Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Peak Traffic	Peak Traffic D8. At page 73, the Applicant states “There are no movements in the AM & PM hours....” Is this another error? Does the Applicant mean “.... AM & PM peak hours”? Even if this statement is referring to peak hours, APP-166 suggests otherwise. Could the Applicant please clarify	The IP's comment refers to HGVs during the network peak hours. The two vehicles included in the HGV table are shuttle buses, since shuttle buses are considered HGVs as part of the assessment.
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – BESS Export/Import	BESS Export/Import D9. At page 82 APP-031 para 6.4.76 states “As the lifetime generation figure of the BESS is significantly less than that of the Proposed Development, it is reasonable to assume that the battery will only store and discharge energy generated by the Proposed Development.” Then the Applicant states, “the BESS will support the operation of the co-located solar array by storing generation when it is not need and exporting it to the grid when it is needed, and by providing a grid balancing function using electricity from the Proposed Development or from the wider grid if that grid balancing function could not be achieved when required using only electricity from the Proposed Development.” Therefore, the Applicant initially states the BESS will only export to the grid, then states it will both export and import to/from the grid. Page 82 states “The Applicant has been consistent that the BESS will have the ability to directly import from the grid ..” The ability of the BESS to import/export is not being questioned. The conflicting statements from the Applicant, “the battery will only store and discharge energy generated by the Proposed Development” and “exporting it to the grid when it is needed, and by providing a grid balancing function using electricity from the Proposed Development or from the wider grid” are being questioned. Which is the case?	The Applicant does not consider the statements referred to by the IP to be inconsistent. The BESS would have the ability to import electricity both from the Proposed Development and directly from the wider grid in order to provide grid balancing function. Paragraph 6.4.76 of Chapter 6: Climate Change of the ES [REP3-006] was not intended to indicate that the BESS would only ever store and discharge electricity generated by the Proposed Development. Rather, that paragraph forms part of the carbon assessment and explains that the majority of electricity stored and discharged by the BESS over its operational lifetime is reasonably expected to originate from the Proposed Development. Paragraph 6.4.76 of Chapter 6: Climate Change of the ES [REP3-006] provides a comparison of the operational carbon intensity of the Proposed Development's potential grid balancing capability against open cycle gas turbines (OCGT) (which currently perform the fast response grid balancing function of the grid) and is not a commitment that the BESS will not perform a grid balancing function.
Philip Heard	Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Screening by Planting	Screening by Planting D10. At page 87 it is stated “The Applicant did not intend to suggest the new planting will entirely screen the proposal in year 1 and acknowledges a typo in REP2-030.” ‘Entirely screen’? What planting is going to provide any screening within 12 months? Regarding the typo, the wording in REP2-030 was “There are no significant medium- or long-term visual effects anticipated on residents of Witham St Hughs as, by Year 1 (and by extension at Year 15) of operation, the proposed landscaping would have matured such that views of solar PV infrastructure within the Principal Site would be screened.” Where is the typo? The wording ‘as, by Year 1 (and by extension at Year 15) of operation....’ is clear and it is difficult to see how a mere typo could change the meaning.	The Applicant is not implying that any proposed planting is going to provide meaningful screening of views within 12 months. As is set out in ES Appendix 10-F Visual Assessment [APP-153], the reduction in effect on residents of Witham St Hughs from construction to year 1 of operation can be attributed to the embedded offset between the edge of the settlement and proposed infrastructure within the Principal Site, together with the existing vegetation in the intervening areas. The absence of construction activity such as operating machinery is also a contributing factor in the assessment of effects at year 1 as this is typically considered to have a greater detracting influence in comparison to solar PV arrays and Solar Stations. The drafting error within the Applicant's Response to Written Representations [REP2-030] (reference: page 22), as quoted by Phillip Heard, arises by the implication that the absence of significant visual effects on residents of Witham St Hughs at Year 1 and Year 15 is for the same reason, i.e. that the proposed landscaping within the Order Limits would have established and matured such

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			<p>that it would provide screening in views from Witham St Hughs. The Applicant stands by the judgement that there would be no significant visual effects on residents of Witham St Hughs at Year 1 and Year 15 but accepts that the respective reasons for this would be different at each stage, as outlined above.</p>
Philip Heard	<p>Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Maintenance Schedules</p>	<p>Maintenance Schedules D11. Regarding DCO. 2.01 (page 103), the ExA asked the Applicant to “submit an indicative set of maintenance schedules for each of operational years 25 to 40.” The Applicant states “The Applicant has prepared an indicative maintenance schedule which includes an indicative maintenance checklist, anticipated replacement rates of the components of the solar farm and a separate estimate for the ‘repowering period’ of years 29 – 33. This was submitted at Deadline 3 as Appendix C [REP3-045]” Once again, the Applicant has failed to answer the question. The ExA asked for ‘maintenance schedules for EACH of operational years 25 to 40’; the Applicant has produced a table for the ‘repowering period’ of years 29 – 33, but not an indicative maintenance schedule for each year. This is required to assess the impact on a yearly basis not merely across a 5 year period. It is also noted that Appendix C, Table C2, 4 th Column, lists whether there is a HGV requirement for the replacement; considering how many HGV comments there are, it is remarkable there is no comment regarding any requirement for a HGV for replacement of MV Transformers. As stated above (comments regarding Page 19 of REP3A-025), the Applicant states no AILs will be required post construction. How does the Applicant intend to transport the replacement transformers?</p>	<p>The Applicant considers that its response to DCO.2.01 (including the information provided in Appendix C) in the Applicant’s Response to the Examining Authority’s Second Written Questions [REP3-045] appropriately answers the ExA’s question. In DCO.2.01, the ExA states (Applicant emphasis underlined): “<i>the applicant should submit an indicative set of maintenance schedules for each of operational years 25 to 40. (For any years when it is anticipated the maintenance activities for any of operational years between 25 to 40 would be very similar the applicant should highlight those instances rather than submit detailed schedules for those years.)</i>” As requested by the ExA, the Applicant has prepared an indicative maintenance schedule which includes an indicative scheduled maintenance checklist, anticipated replacement rates of the components of the Proposed Development and a separate estimate for the “repowering period” of years 29-33 within Appendix C of the Applicant’s Response to the Examining Authority’s Second Written Questions [REP3-045]. This schedule groups together years where maintenance activities are likely to be similar based on the typical design life of components and anticipated replacement rates.</p> <p>Regarding the HGV trips associated with potential replacement of MV Transformers, please refer to the ‘Notes including HGV trips required’ column of Table C-2 in Appendix C of the Applicant’s Response to the Examining Authority’s Second Written Questions [REP3-045], This notes “Combined with central inverter replacement” – i.e. HGV trips associated with any MV Transformer replacement are captured in the ‘MV Inverters / Central Inverters’ row of Table C-2.</p> <p>As noted above, singular transformers which require replacement during the operational phase of the Proposed Development will be transported to/from the site by normal HGV. Accordingly, no AILs are expected to be required during operation.</p>
Philip Heard	<p>Applicant's Response to Deadline 3 and 3A Submissions (REP4-018) – Permanent Sealing of Land</p>	<p>Permanent Sealing of Land D12. The Applicant, at REP3A-025 page 54, refers to “the IEMA guidance ‘A New Perspective on Land and soil in Environmental Impact Assessment’. It is noted the “Applicant considers it prudent to follow current good industry practice and expectations on this matter rather than aligning with an assessment carried out in 2022 for Mallard Pass.” The IEMA guidance was published in February 2022. So, given that the IEMA guidance was current at the time of the Mallard Pass</p>	<p>The Applicant has described the methodology used by Mallard Pass (Planning Inspectorate Reference: EN010127) in the Applicant's Response to Deadline 4 Submissions [REP5-025]. The Applicant acknowledges that Mallard Pass assumed some components would be permanent. This is because, as stated at paragraph 12.4.16 of the Mallard Pass application (Chapter 12 of the ES; Mallard Pass Examination Library reference: [APP-042]), “For the purposes of this assessment, in light of a time limit not being proposed for the consent these areas are considered as though they are permanently sealed”. It was later, during</p>

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		<p>environmental assessment, based on what other evidence has the Applicant changed its stance and clearly departed from a Rochdale Envelope worst case approach?</p> <p>D13. At Page 62 (REP4-018), the Applicant states “Chapter 12, Socio Economic and Land Use [AS-012] explains that the installation of solar PV cannot lead to a significant effect on soils.” AS-012 is ‘Historic Environment’. Does the Applicant mean APP-037? Where in the documentation is this phrase stated?</p> <p>D14. Referring to AS-012, which it is assumed should be APP-037, the Applicant states “This use of land is temporary as it would be returned to use for farming either upon decommissioning (Principal Site) or upon completion of construction (cable corridor). Yet the Planning Statement (APP-185) Paragraph 4.4.2 states following decommissioning “...the landowners would choose how the land is to be used and managed.” At the time of decommissioning there will be an ‘existing grid connection’ so it is highly likely another energy project will replace this one. Hence, there is no guarantee that the land will return to farming after 60 years, therefore the Rochdale Envelope worst case approach requires the land to be considered permanently lost. D15. At page 150, in response to FS. 2.2.02, the Applicant states “The Applicant responded on this point previously Noting that some developers will have a contractual agreement to leave onsite substations in place for the local distribution company to take ownership after removal of the solar farm or for tracks to remain for landowners’ use.” The Applicant may have responded on this point previously, but not adequately. Which developers have a contractual agreement? To be clear, by far the majority of solar NSIPs adopt the cautious assumption that land beneath BESS, substations, access tracks etc will be permanently sealed. This line has been supported by the Secretary of State. By example: Mallard Pass – Regarding Mallard Pass the Applicant states “A time limit of 60 years was introduced by the Applicant during Examination stage; the soil assessment was not revisited however, since it already presented a worst-case scenario.” Why is the same Applicant not adopting the same worst case scenario for Fosse Green”? The Mallard Pass Applicant, advised that the 60 year time limit did not alter the conclusions in Chapter 12 of the ES (paragraph 3.7.96 of the Recommendation Report refers). Table 12-4 of Chapter 12 Land Use and Soils (APP-042) states that the areas of access tracks and solar stations on the site amounts to 8 ha. Paragraph 12.4.16 acknowledged that these areas will be treated as permanently sealed over. It was accepted in paragraph 12.4.20 that even though the Odemp required the solar station and tracks to be restored to agricultural use at the end of the operational phase, “it is assumed that restoration may not be back to comparable quality, at least initially, following decommissioning”. The onsite substation containing 6.4 ha (Table 12-5 refers) was also considered as permanently sealed over for the same reasons as the access tracks and solar stations. Of the 14.4ha of agricultural land affected by</p>	<p>Examination that the Applicant for Mallard Pass committed to a 60 year operational lifetime.</p> <p>The Applicant has applied a Rochdale Envelope worst case approach in its Environmental Impact Assessment process.</p> <p>The Examination Library Reference for the latest version of Chapter 12, Socio Economics and Land Use of the ES is AS-016. The Applicant apologises for referring to a different examination reference.</p> <p>With regards to the land use following decommissioning, the Applicant reasonably assumes the land would return to arable farming. However, the reason for stating that the landowners would choose how the land is to be used and managed was to highlight that the Applicant cannot control what the landowner does at that point in time, for example if they wish to plant a woodland, leave it fallow, use it for horses or sheep, etc. This does not mean the Proposed Development is causing the land to be permanently lost from arable farming.</p> <p>With regards to the point on permanent sealing, this has been addressed in the Applicant’s Response to Deadline 4 Submissions [REP5-025] and summarised in previous responses in this document. The Applicant does not consider that the Proposed Development will result in permanent loss (except for areas of planting) and has explained why other schemes have incurred this.</p> <p>The Applicant does not agree that, of the approved solar NSIPs, no Secretary of State decision, no Examining Authority recommendation report, and no Environmental Statement has ever formally stated that land will not be permanently sealed. The Applicant’s soil specialist has been involved in approximately a third of the consented solar NSIPs and has taken a consistent approach across these projects. The reasons for other projects having areas permanently lost has been explained in the Applicant’s Response to Deadline 4 Submissions [REP5-025] and, in summary, is due either to not initially seeking a time limited application, having infrastructure that would not be decommissioned, or having Very High sensitivity soils onsite affected by the projects and it being unclear whether these can be reinstated to the existing quality (there are no soils of this highest category within the Order limits for the Proposed Development). With regard to the recent decision on the Springwell Solar Farm, the Applicant has summarised this earlier in this document, and like some of these other solar NSIPs referred to, Springwell Solar Farm has the highest value Grades 1 and 2 soils affected by infrastructure, which the SoS considered might not be reasonably reinstated to the current value by the end of decommissioning and hence would be more appropriately assessed as permanently lost.</p>

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		<p>the substation, access tracks and solar stations, 4.2ha was BMV land (Table 1 of the ExA Recommendation Report refers).</p> <p>Heckington Fen – this was a 40 year time limited consent. Paragraph 16.6.30 Chapter 16 Land Use and Agriculture (APP-069) states “only those areas of land proposed for the fixed equipment and substations, should be treated as sealed-over or irreversibly lost. The final Construction Management plans can require those areas to be restored to agricultural use at the end of the operational phase, but a cautious approach is taken in this ES and it is assumed that restoration may not be back to comparable quality, at least initially, following decommissioning”. Paragraph 3.6.42 of the ExA report noted that of the 20.2ha of agricultural land proposed for the tracks, solar stations and substation, less than 3 ha would be BMV land. Paragraph 4.52 of the Secretary of State’s decision Letter acknowledges that the permanent loss of 2.8ha of BMV is a harm of the proposed development.</p> <p>Gate Burton – this was a 60 year time limited consent. Paragraphs 12.8.8 of Chapter 12 Socio Economics and Land Use (REP4-010) stated that “the Solar Energy and Solar Park contains 73.6 ha of BMV and 6.8 ha of estimated BMV of which approximately 2 ha will be permanently lost due to the construction of the substation and permanent planting on site... The remainder and vast majority of BMV land affected (12pprox. 73 ha) will be temporary and reversible following decommissioning”. There was a clear distinction made between the temporary loss of agricultural land for the solar arrays during the operational phase of 60 years where the use could revert back to agriculture and the permanent loss of agricultural land for the permanent planting and substation which was not reversible. Paragraph 1.1.2 of the Decommissioning Environmental Management Plan (APP-026) stated that the future of the substation and associated control buildings would be agreed with the LPA prior to commencement of decommissioning. Paragraph 4.174 of the Secretary of State’s decision letter states “The Secretary of State agrees with the ExA that 2 ha of BMV would be permanently lost and around 73ha would be out of arable use for 60 years.”</p> <p>Cottam – this was a 60 year time limited consent. Paragraph 19.9.2 of Chapter 19 Soils and Agriculture (REP-010) states that substation, power storage facilities and temporary tracks will cover 47.9 ha of which 4 ha will be BMV land occupied by temporary tracks. At paragraph 19.9.21 it was proposed that the hardstanding and access tracks would be removed on decommissioning. Paragraph 4.56 of the Secretary of State’s decision letter stated “The Applicant argued that the cumulative agricultural land resource loss would be temporary with actual loss limited to the small extent of the switchgear housings and substations”. Paragraph 2.1.1 of the Outline Decommissioning Statement stated that all above ground structures were to be removed and the land restored to agriculture. Paragraph 4.74 of the decision letter says that the Secretary of State agrees that the proposed development would revert back to agricultural use once the operational time period had expired and that the effects would be temporary and reversible. However, given the distinction made between temporary and</p>	

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		<p>actual loss in paragraph 4.56, it is not clear whether the Secretary of State's conclusions in paragraph 4.74 are solely in the context of the majority of the site which would be covered by solar arrays which he was discussing in the previous paragraphs. It is most likely that the Secretary of State considered the land underneath solar panel would revert back to agricultural usage but land beneath BESS, substations etc would be permanently sealed.</p> <p>Beacon Fen (yet to be decided) – time limited consent 40 years. Paragraph 14.7.3 Chapter 14 Soils and Agricultural Land (APP-065) says that the permanent land take is the footprint of the built development including the BESS, substation, transformer stations, construction compounds and the access tracks and roads, a total of 23.31 ha. A distinction is made between this permanent loss of land and the temporary nature of the loss of agricultural land for the solar arrays where the land can be returned to agriculture after decommissioning (paragraph 14.7.2 refers). Paragraph 1.4.9 of the Outline Decommissioning Plan (APP-078) states that all solar infrastructure will be removed on decommissioning.</p> <p>D16. All of the 5 cases referred to were time limited consents and the intention of all, with the exception of Gate Burton (where the future of the substation was to be decided at the time of decommissioning), was to remove the infrastructure and revert the use of the land to agriculture on decommissioning. In all cases there appears to have made a distinction between the loss of agricultural land during operation which was temporary and reversible on decommissioning and an acknowledgement that there would be a permanent loss of agricultural land for the areas of the substations, BESS etc. In Mallard Pass and Heckington Fen, the applicants acknowledged that even though their intention was to remove the infrastructure, there was doubt as to whether the soils under these areas could be returned to their former ALC quality and adopting a cautious approach, they considered that these areas were permanently lost.</p> <p>D17. The most recent case is the proposed Springwell development. In the Springwell decision letter, Paragraph 4.49, the Secretary of State agreed with the ExA "that sealed over hard standing areas of the Proposed Development should be treated on a precautionary basis as 'permanently lost.'" Note, Springwell was a 40 year time limited development application compared to 60 years for Fosse Green; hence Fosse Green represents an even greater challenge to return land to its previous ALC grading. The Applicant needs to assume a worst case and state the total area beneath substations, access tracks, BESS and all other sealed land, by ALC grading.</p> <p>D18. Of the approved solar NSIPs, no Secretary of State decision, no Examining Authority report, and no Environmental Statement has ever formally stated that land will not be permanently sealed. The only explicit statement in this respect is "no land will be permanently sealed" which appears in the Proposed Fosse Green Solar Development, "apart from the planned orchard, no land will be permanently sealed."</p>	

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Philip Heard	Additional Points – Food Security	<p>Food Security</p> <p>E1. In the Springwell decision Letter, “The Secretary of State agrees that the Applicant should have included the impacts on food production ...” On 20 January 2026, the UK 14 Government published a national security assessment “Global biodiversity loss, ecosystem collapse and national security”. The following are quotes from the assessment:</p> <p>Critical ecosystems that support major global food production areas and impact global climate, water and weather cycles are the most important for UK national security. Severe degradation or collapse of these would highly likely result in water insecurity, severely reduced crop yields, a global reduction in arable land</p> <p>Without significant increases in UK food system and supply chain resilience, it is unlikely the UK would be able to maintain food security if ecosystem collapse drives geopolitical competition for food. The UK relies on imports for a proportion of both food and fertiliser and cannot currently produce enough food to feed its population based on current diets. Countries best placed to adapt are those that invest in ecosystem protection and restoration, and resilient and efficient food systems.</p> <p>The UK is unable to be food self-sufficient at present, based on current diets and prices. Full self sufficiency would require very substantial price increases for consumers, as well as improvements in efficiency, waste reduction and resilience across the food system, including agricultural production, food processing, distribution and consumption. The UK does not have enough land to feed its population and rear livestock: a wholesale change in consumer diets would be required. It would also require greater investment in the agri-food sector so that it is capable of innovating in sustainable food production.</p> <p>E2. Given that the Iran War is putting even greater focus on food security, it is difficult to comprehend that the use of any BMV land can be justified. Indeed, the excessive use of any productive land, such as the unjustified overplanting ratio to ensure maximum power output for approximately 5% of the time, requires greater explanation.</p>	<p>The Applicant has discussed food security at the issue specific hearings and previous deadlines. To summarise, the key document on UK food security is the Defra UK Food Security Report 2024. This considers the Government’s aspirations for Net Zero, of which ground based solar is a key part, and concludes that food production levels can be maintained or even moderately increased alongside the land use change required to meet the UK’s Net Zero targets and commitments.</p> <p>Para 12.7.43 of Chapter 12: Socio-Economics and Land Use of the ES [AS-016] notes the Principal Site constitutes 0.09% of the total farmland in the East Midlands and is therefore unlikely to result in an impact on food production.</p> <p>Verbal evidence from the landowners in 2024 indicates that around 50% of the land within the Principal Site is currently used for the cultivation of non-food crops such as biofuels. In other words, approximately 50% of the Principal Site is used to grow food for the human population.</p> <p>During operation of the Proposed Development, a total of 489ha/1,208acres (or 48%) of the Principal Site can continue to be used for arable farming during the operation of the Proposed Development (181ha/447 acres Managed Arable for Bird Mitigation and 308ha/761 acres of Retained Arable/Grassland), should the landowners so choose. When the Proposed Development is operational the land within the DCO Site therefore has the potential to deliver roughly the same amount of food as it does currently.</p> <p>Given the above context the effect on UK food production is considered to be negligible.</p> <p>In terms of the overplanting ratio and power generation, this has been explained previously in the Solar Technology Technical Guide [REP3-036]. The Applicant has sought to deliver a Proposed Development that minimises impacts on BMV land but has not omitted BMV land altogether. The complete avoidance would result in a smaller scheme, which would not maximise the renewable energy generation of the connection agreement or deliver the well-documented, much needed renewable energy for the UK.</p>
Philip Heard	Additional Points – Landscape & Visual	<p>Landscape & Visual E3. In the Springwell decision Letter, paragraph 4.62 states “The Secretary of State recognises that the cumulative impacts of solar and related developments represent a level of impact which will no doubt be reflected in any future landscape assessment across the region surrounding the Proposed Development, and Lincolnshire more generally,” The Secretary of State appears to note that at some point, from a cumulative perspective, enough will be enough. The Applicant’s cumulative impact assessment must show clear justification for adding to this massive cumulative change to the entire region and beyond.</p>	<p>The Applicant interprets this extract from the Springwell decision letter to mean that a future regional landscape character assessment will need to account for new development that has taken place since the last iteration. Given the strategic nature of these type of studies, they are typically commissioned by the relevant authorities, rather than by applicant teams. In any case, landscape is inherently dynamic and evolving, and therefore these landscape character assessments only ever represent a snapshot in time. Therefore, the extent to which it needs</p>

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			<p>updating is not an appropriate way of measuring landscape impact of a proposed development.</p> <p>The Applicant has undertaken an assessment of cumulative landscape and visual effects as required by the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3), and in doing so has had regard to PINS Advice on Cumulative Effects Assessment. The Applicant's approach to cumulative assessment was supported by LCC as noted in the Landscape Technical Memo 3 (November 2024) contained at Appendix A of LCC's LIR [REP1-053].</p>
Andrew Keeling	Type and Cost of Accommodation Used by Contractors	I do not accept the applicant's contention that FGE construction contractors will use higher quality hotels. From my experience of over 30 years of interviewing the general managers of higher quality hotels across the UK, I have never found that such hotels cater for construction contractors. This is a market that I have found to only ever be accommodated by budget and mid-market hotels. It is misleading to suggest that FGE construction workers might be accommodated in hotels such as the White Hart, Charlotte House and Doubletree by Hilton in Lincoln. The hotel supply that will realistically be available to FGE construction workers is thus lower than suggested by the applicant in the ES.	<p>The assessment set out in Chapter 12: Socio Economics and Land Use of the ES [AS-016] does not rely on specific hotel types or individual establishments, but on overall accommodation capacity within the defined catchment area. In practice, contractors utilise a range of accommodation types, including budget, mid-market and, where available, larger chain hotels, depending on availability and commercial arrangements.</p> <p>As stated in response to Lincolnshire County Council's submission [REP3A-029] within the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] contractors inherently prioritise large hotel chains in urban centres ahead of small independent accommodation services, due to the ability to negotiate block discounts. These locations are inherently better equipped to accommodate fluctuating weekday demand associated with temporary workforces and are accustomed to transient business users. As a result, any potential social cohesion effects are more readily absorbed within these larger urban environments, reducing the likelihood of perceptible or lasting impacts on local communities, particularly when compared with smaller rural settlements.</p> <p>Chapter 12 Socio Economics and Land Use of the ES [AS-016] adopts a conservative, capacity-based approach and demonstrates that sufficient accommodation exists within the study area regardless of the mix of hotel types used. As such, the conclusions on accommodation capacity and the concluded negligible effect remain robust.</p>
Andrew Keeling	Weekly Hotel Demand Patterns and the Lincoln Hotel Market	The applicant discounts my 2017 study of the Lincoln Hotel Market as 'historic', 'qualitative' and 'anecdotal'. While I acknowledge that it is historic, it was based on a robust survey of Lincoln hotel managers and published hotel performance data for Lincoln, to provide an in depth quantitative analysis of hotel performance and demand patterns. My findings show very similar hotel occupancy levels to those reported by the applicant in the ES, indicating that the Lincoln hotel market has changed little since 2017.	<p>While the 2017 study provides useful context, Chapter 12: Socio-Economics and Land Use of the ES [AS-016] is based on up-to-date baseline data and adopts a capacity-based approach consistent with EIA practice.</p> <p>Chapter 12: Socio-Economics and Land Use of the ES [AS-016] does not rely solely on average occupancy figures in isolation, but assesses overall capacity within a defined catchment area and allows for flexibility in how accommodation demand is distributed spatially and temporally. Construction workers are not uniformly present across all days of the week and are typically accommodated</p>

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		<p>The key point that I make in REP3-086 is that the applicant fails to take account of the weekly patterns of demand for hotel accommodation in the 30-minute drive time radius of the FGE site to support their claim that FGE construction workers can be fully accommodated in existing hotels. The applicant only provides monthly hotel room occupancy data, and no figures or room occupancy averages by day of the week. The monthly hotel room occupancy levels that are reported in the ES are above 75% for most months and above 80% for the summer months. In my experience hotel room occupancies at such levels indicate that hotels will be consistently fully booked and turning business away on Tuesday and Wednesday nights, and also frequently on Monday nights and Saturday nights. These are the peak demand nights for hotels. Sunday night occupancies are usually very low, and hotels rarely achieve high occupancies on Thursday and Friday night. In order to achieve an average weekly room occupancy of 75%, hotels will need to be trading at 90-100% occupancy on Monday, Tuesday, Wednesday and Saturday nights.</p> <p>I maintain therefore that the applicant's contention that FGE construction worker demand for hotel accommodation can be met by the area's existing hotel supply without displacement of demand from other markets is fundamentally flawed and should be discounted by the ExA in the assessment of FGE on the area's visitor economy. It will certainly not be a positive benefit from FGE and is more likely to represent a negative impact in terms of the displacement of other visitor markets, such as business visitors and overseas tourists, that use the area's hotels and will generally spend more in the local area.</p>	<p>across a range of locations, reducing the likelihood of concentrated demand coinciding with peak occupancy periods.</p> <p>Furthermore, the assessment is intentionally robust, using precautionary workforce assumptions and catchment areas, which provides confidence that accommodation demand can be managed without giving rise to significant displacement effects. On this basis, the Applicant maintains that the conclusions of negligible and therefore not significant effects on accommodation supply and the visitor economy are appropriate.</p>
Andrew Keeling	The Impact on Non-Serviced Accommodation	<p>The applicant's response to my comments on the potential impact of FGE on the non serviced accommodation businesses in the areas immediately surrounding the FEG site focuses purely on the direct impact of FGE on these businesses in terms of the visual, air quality, noise and transport impacts of FGE on such receptors. The point that I make is that these businesses trade very much on their countryside location, as evidenced by the quotes from their websites and my experience of interviewing similar businesses over many years of working as a tourism consultant. LCC and NKDC clearly conclude that the visual impact of FGE on the landscape and rural character of the area will be significant. The applicant also accepts in the ES that FGE will have an impact on the countryside. It is therefore reasonable to contend that the non-serviced accommodation businesses in the surrounding area that rely heavily on their countryside setting as a key part of their market appeal could well lose business and cease future investment as a result of the degradation of their surrounding countryside that result if FGE goes ahead. I cannot provide evidence to support and quantify this opinion, but would point out that the applicant provides no evidence to support its opinion that '<i>visitor bookings, trading performance, future investment potential or long-term business viability will be unaffected for these businesses</i>'.</p>	<p>Chapter 12: Socio-Economics and Land Use of the ES [AS-016] assesses effects on tourism, recreation and local businesses using established EIA methodology and concludes that effects would not be significant.</p> <p>While it is acknowledged that some accommodation providers may emphasise their rural setting, a change in landscape character does not, in itself, demonstrate a material effect on visitor demand, business performance or viability. Chapter 12: Socio-Economics and Land Use of the ES [AS-016] considers this potential pathway and finds no robust evidence to support a likely significant adverse outcome.</p> <p>The Applicant notes the position regarding Cathedral View Holiday Park, including agreement that there would not be any significant effects on this receptor.</p> <p>As noted by the IP, the concerns raised are primarily based on professional opinion and perceived risk rather than site-specific or quantitative evidence. In contrast, Chapter 12: Socio-Economics and Land Use of the ES [AS-016] adopts a structured and proportionate assessment framework, consistent with standard</p>

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		<p>The applicant only references a discussion with Cathedral View Holiday Park. I have also spoken to this business. From my discussions with the owner, I would agree that it will not be impacted by FGE. Cathedral View Holiday Park is very different to the area's other non serviced accommodation businesses. It comprises purely privately owned holiday homes and has fully sold all of its plots. It does not therefore rely on the short break, leisure and holiday visitors that are choosing other types of non-serviced accommodation to use as a base for enjoying the countryside and visiting the area.</p> <p>There is no evidence that the applicant has spoken directly with any other non-serviced accommodation businesses in the area to gain an understanding of how they think they could be affected by the change to their countryside setting. The applicant provides no evidence to support its contention that 'a change to the surrounding landscape does not, in itself, equate to a significant adverse socio-economic effect or a threat to business viability'. When the area's non-serviced accommodation businesses are so clearly trading on their rural setting and access to countryside, nature and wildlife, the degradation of their surrounding countryside that it is agreed will result from FGE must surely have some negative impact on these businesses. I cannot tell you how significant the impact could be, but I believe that the very threat of a negative impact should be taken into account by the ExA when considering the potential impact of FGE on the Visitor Economy.</p> <p>The applicant dismisses my submission on the impact of FGE on non-serviced accommodation as 'relying on general professional experience and inferred customer behaviour, rather than site specific engagement or quantitative evidence'. My evidence draws on over 30 years of experience of researching and understanding the non-serviced visitor accommodation sector. I do not believe that this can be characterised as 'general' experience. I am an 'expert' in this field. I accept that I have not undertaken any site-specific research or provided any quantitative data to support my opinion, but neither has the applicant. They merely provide a counter opinion, which is not supported by any evidence or professional expertise on the non-serviced accommodation sector. The applicant's contention that similar conclusions on the impacts of the Gate Burton Energy Park and Tillbridge Solar Project on visitor accommodation, including non-serviced accommodation, means nothing without a detailed assessment of the robustness of the evidence and expert opinion that was submitted by the applicants for these projects, and IP responses on this issue. The applicant provides no analysis to support its contention on this matter. I do not believe that it is a valid approach for the applicant to attempt to claim that FGE will not impact non-serviced accommodation in the areas that surround it simply because this was the conclusion for the Gate Burton and Tillbridge projects.</p>	<p>EIA practice, and identifies no evidence of likely significant effects on non-serviced accommodation.</p> <p>Accordingly, the Applicant maintains that the conclusions of Chapter 12: Socio-Economics and Land Use of the ES [AS-016] in relation to the visitor economy and non-serviced accommodation are robust and appropriate.</p>

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		<p>In conclusion, it is clear that neither I nor the applicant can say with certainty how far FGE will impact that area's non-serviced accommodation businesses. However, I believe that even the potential threat to such businesses should be a consideration for the ExA when considering the impact of FGE on the Visitor Economy.</p>	
Andrew Keeling	The Impact on Future Investment in Visitor Accommodation	<p>The applicant dismisses my concerns that FGE may deter future investment in visitor accommodation in the areas immediately surrounding the FGE site on the basis that these concerns are 'speculative and hypothetical'. The applicant acknowledges however that 'rural setting and landscape character can influence investment decisions in visitor accommodation'. I have provided evidence of existing non-serviced accommodation businesses in the area trading very much on their rural location and access to nearby countryside nature and wildlife as their key selling points. The supply of such accommodation has gradually been increasing in the area, and in my professional opinion I believe that there is potential for additional visitor accommodation in the area in the future. LCC and NKDC (and to a lesser extent the applicant) agree that FGE will have a detrimental impact on the landscape and rural character of the surrounding area. It is reasonable to assume therefore that future investment in visitor accommodation that relies on a rural setting to attract customers is likely to be deterred if FGE goes ahead. I maintain that the ES has not demonstrated that such investment will not be deterred by FGE.</p>	<p>The suggestion that the Proposed Development would deter future investment is not supported by evidence.</p> <p>Whilst existing businesses may market their countryside setting, there is no robust evidence demonstrating that the assessed changes to landscape character would materially influence investment decisions or prevent future development. Investment in visitor accommodation is driven by a range of factors, including demand, accessibility and wider market conditions.</p> <p>In the absence of site-specific or quantitative evidence indicating a likely adverse effect, the Applicant maintains that Chapter 12: Socio-Economics and Land Use of the ES [AS-016] has appropriately assessed this issue and that its conclusions remain robust and proportionate.</p>
Andrew Keeling	The Impact on Village Pubs	<p>The applicant dismisses my concerns that FGE will deter walking visitors and walking groups, claiming that 'the effects of FGE on PRow users will be localised, temporary during construction, not significant, and mitigated by the introduction of additional permissive routes'. The applicant provides no evidence to support this opinion. In my career as a tourism consultant, I undertook a number of research projects to understand the key motivations of walking and cycling visitors. This consistently showed that their enjoyment comes from being in the countryside and enjoying the views and nature. It is not just about walking or cycling from A to B, or more commonly A to A in a circular route. The applicant completely fails to understand this. I believe that I have demonstrated in the evidence that I have submitted to the Enquiry that the experience of using the Aubourn to Bassingham Long Walk will be significantly damaged by FGE, to the extent that it will no longer be an enjoyable country walk between the two villages. I hope that the ExA will have reached a similar conclusion from your site visits. I maintain that this is likely to reduce visitor and local resident usage of the route, with a consequent reduction in trade for the village pubs in Aubourn and Bassingham that are frequented by these walking visitors and local walkers. I cannot provide any quantitative evidence to support this opinion or show the extent to which walking visits and the trade they generate for local pubs will reduce if FGE goes ahead. While the applicant claims that FGE will not materially deter walking and cycling visits or materially affect trade for the area's pubs, they do not provide any evidence to support this contention. They merely offer an</p>	<p>The Chapter 12: Socio-Economics and Land Use of the ES [AS-016] considers potential effects on tourism and concludes that these would not be significant. As noted above, whilst some businesses may promote their rural setting, there is no robust evidence to demonstrate that changes to landscape character would materially affect investment decisions or prevent future development of accommodation in the area.</p> <p>Future investment is influenced by a wide range of factors, including market demand, accessibility and wider economic conditions. In the absence of site-specific or quantitative evidence demonstrating a likely adverse effect, the Applicant maintains that Chapter 12: Socio-Economics and Land Use of the ES [AS-016] conclusions remain proportionate, robust and appropriate.</p> <p>Potential effects on all PRowS within 500 m of the DCO Site, including those forming part of Stepping Out Walks, have been assessed in Chapter 12: Socio-Economics and Land Use of the ES [AS-016], with effects during construction, operation and decommissioning found to be negligible and not significant.</p>

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		<p>unevidenced counter opinion to the view that I have expressed based on my knowledge of the walking visitor market, my lived experience as a frequent user of the Aubourn to Bassingham Long Walk and the Royal Oak pub in Aubourn for recreational walking and as an activity that we frequently engage our visitors in.</p>	
Andrew Keeling	Conclusion	<p>On balance, my expert opinion is that the impact of the FGE project on the area's Visitor Economy will be negative. I can't tell you how negative, but I believe that the impact will be negative. I do not believe that the applicant has provided any evidence to support its counter opinion that FGE will have positive benefits and no negative impacts on the area's Visitor Economy. The fact that neither I nor the applicant are able to provide any quantitative evidence to support our opinions does not mean that there will be no threat to the future trading performance of the area's non-serviced accommodation businesses, the potential for future investment in non-serviced accommodation development, and the loss of business for local pubs from walking and cycling visitors. I maintain that there remains a very real threat that FGE will have a negative impact on the area's Visitor Economy and that this threat should be given due weight by the ExA in reaching a conclusion on the potential effects on the Visitor Economy.</p>	<p>The Applicant notes the opinion expressed but does not agree that it provides a sound evidential basis for departing from the conclusions of Chapter 12: Socio-Economics and Land Use of the ES [AS-016]. The assessment has been undertaken in accordance with established EIA methodology and considers tourism, recreation and local businesses, concluding that effects would not be significant.</p> <p>While it is acknowledged that some uncertainty exists, the concluding position stated by the IP is explicitly based on perceived risk rather than demonstrable evidence of likely effects. In EIA terms, the identification of likely significant effects must be based on a reasonable worst-case scenario supported by evidence; the suggestion of a "very real threat" is not sufficient to indicate a likely significant impact.</p> <p>The Applicant has assessed the relevant impact pathways and found no substantive evidence that the Proposed Development would adversely affect visitor behaviour, business performance or investment in the visitor economy. Accordingly, the Applicant maintains that the conclusions within Chapter 12: Socio-Economics and Land Use of the ES [AS-016] remain robust and appropriate.</p>

2.2 Applicant's response to Deadline 5 Submissions

Table 2-2: Applicant's response to Deadline 5 Submissions

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
<p>Thorpe-on-the-Hill Parish Council [REP5-031]</p>	<p>Public Rights of Way</p>	<p>1. Public Rights of Way At Deadline 3 Thorpe on Hill (TOTH) Parish Council's (PC) submission REP3-059 proposed a series of measures to mitigate the impact of the solar arrays on the two Stepping Out routes that exist in the village. The PC continues to stress the value placed on these routes by local residents and visitors to the area. The PC notes the Applicant's response in the recently published document REP4-018, entitled 9.24 Applicant's Response to Deadline 3 and 3a submissions. In their response to this proposal, which was offered in good faith to try and find a workable compromise, the applicant has rejected the scheme and has suggested that work-arounds in the form of new permissive paths provide an equally suitable, and perhaps enhanced alternative. These new permissive paths which the Applicant states will be defined in detail in a deadline 5 submission are clearly unavailable for scrutiny at this point, and therefore it is impossible to offer comments. The PC broadly welcomes the creation of new permissive paths, but considers that those indicated to date are of primary benefit to the temporary residents of Cathedral View Holiday Park, rather than effective replacements for the loss of key parts of the Stepping Out routes. The mitigation proposal stressed the importance of routes and key views. It is also the case that certain sections of the routes are more frequently used than others due to their proximity to the village and these factors were embodied in the mitigation proposals. The applicant also seems to imply that the PC has failed to take account of certain features and yet the PC used the plans APP 007, APP 008, and APP 022 from the applicant in considering and developing the mitigation proposals. An examination of REP3-059 leads to a calculation that approximately 34.5 hectares of solar array would be lost if implemented exactly as proposed. From previously declared figures the total area of solar arrays across the whole scheme equals 460 hectares and therefore 7.5% of generating capacity would be lost. The applicant claims that ant loss of output cannot be accepted by making reference to the generic government policies APP-184. This seems over simplistic, but an alternative approach might be to consider the planting ratio, which has been debated at length, with some IP's challenging the requirement for a ratio of 1.6. If the 7.5% reduction is applied this would suggest that the planting ratio would reduce to 1.48 and it seems reasonable to assume that by some adjustment to these mitigation proposals, or by making adjustments</p>	<p>The Applicant notes that the revised proposed permissive path network is illustrated on the Streets, Rights of Way and Access Plans [REP5-004] and the Landscape Mitigation Plan within the Framework LEMP [REP5-017], submitted to the Examination at Deadline 5.</p> <p>The Applicant does not consider that the proposed permissive paths are of primary benefit to the temporary residents of Cathedral View Holiday Park – the Applicant has sought to establish a permissive path network throughout the DCO Site which maximises community benefits and provides more effective linkages across the site. The proposed permissive path network has iteratively evolved through consultation with a wide-range of stakeholders, as explained in Chapter 4 Alternatives and Design Evolution of the ES [APP-029]. The Applicant has also sought to retain the routes of the existing Stepping Out Walks within the DCO Site where possible, whereby the two minor amendments suggested are proposed for the following reasons:</p> <ol style="list-style-type: none"> an alternative route is proposed for the Morton and Tunman Wood Stepping Out Route which runs south and then east of Field 19 (as illustrated on the Landscape Mitigation Plan, which forms Figure 7.15-1 of the Framework LEMP [REP5-017]) as this is considered more favourable for walkers due to routing through open grassland or arable fields rather than using the existing farm track which will have solar PV array (within Fields 18 and 19) on both sides; and the removal of a small stretch of the Thorpe on the Hill Stepping Out Route which runs south of Field 9 (as illustrated on the Landscape Mitigation Plan, which forms Figure 7.15-1 of the Framework LEMP [REP5-017]) is proposed as this is not considered required to complete the circular walk. Users are able to use PRoW TOTH 6A/1 and the proposed permissive path east of Housham Wood Farm (see Figure 3-3 [REP5-008]) which routes through the open (managed arable) field north of Field 13, or TOTH 6/2, to complete a similar circular walk. <p>The proposed permissive paths to be delivered as part of the Proposed Development (secured by the Landscape Mitigation Plan [REP5-017] and SRoWA Plans [REP5-004]), afford the benefit of the Stepping Out Walks within the Order Limits (noting the two minor proposed amendments set out above) being retained for the operational lifetime of the Proposed Development (i.e. 60 years), in contrast to the ability for a landowner to remove an existing permissive path currently utilised by the Stepping Out Walks at short notice.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
		<p>elsewhere a planting ratio of 1.5 could be achieved which compared to other solar developments seems an acceptable compromise.</p>	<p>As set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. p23/24), the Parish Council's suggested removal of 10 fields of solar PV in the vicinity of Thorpe on the Hill and Morton/Tunman Wood would directly reduce the generating capacity of the Proposed Development. The Applicant does not consider this can be relocated elsewhere onsite without needing to reconsult and potentially resulting in new significant effects. As noted in the Statement of Need [APP-184], there is an urgent need for renewable energy in the UK and the Applicant has sought to maximise the generation potential for the grid connection agreement whilst already balancing considerable environmental and technical constraints.</p> <p>With regards to the overplanting ratio, the justification of a ratio of 1.6 has been set out in detail in previous submissions, e.g. the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] (ref. GC.1.04). Furthermore, the Solar Technology Technical Guide [REP3-036] was updated (see Section 5.3) to further explain and justify the 1.6 overplanting ratio.</p>
<p>Thorpe-on-the-Hill Parish Council [REP5-031]</p>	<p>Community Liaison Group and Community Benefit Fund</p>	<p>2. Community Liaison Group & Community Benefit fund In their response to REP3-058 the applicant simply states that the NKDC policy is not mandatory. No explanation has been provided to justify this reduction or explain the factors that were considered to arrive at the proposed reduced sum. In order not reach the default conclusion that the reduced sum is an arbitrary figure which the applicant feels they can get away with, we respectfully request an explanation so that this can be presented to residents and tax payers.</p>	<p>As stated in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], the Applicant has voluntarily committed to establishing a Community Benefit Fund to provide ongoing support to communities in the vicinity of the Proposed Development.</p> <p>The Applicant does not agree that the proposed contribution is a reduced sum or is arbitrary. As set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], in its response to REP3-058, the proposed community benefit fund provision has been informed by a review of community benefit provisions for comparable large-scale solar and energy NSIPs across England, together with consideration of project-specific factors, including viability and deliverability.</p> <p>The Applicant also reiterates that the Community Benefit Fund is a voluntary initiative and is not a requirement of the Planning Act 2008 nor a material consideration in the determination of the application. While the North Kesteven District Council (NKDC) Large Scale Energy Community Benefit Policy provides an indication of local expectations, and a framework for potential levels of contribution that may be discussed and negotiated locally, it does not prescribe a fixed or mandatory rate. The policy states the intention of the policy is to assist negotiations: "This policy is intended to assist North Kesteven District Council in negotiating a Community Benefit Agreement (CBA) related to a large-scale solar energy development". The £500 per megawatt per annum is used as a reference point and is not a compulsory figure that developers are legally required to meet under policy. However, the Applicant has given due regard to this policy, alongside wider industry practice, in determining an appropriate level of contribution.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
			<p>The Applicant considers that the proposed contribution represents a proportionate and reasonable level of community benefit, having regard to both local expectations and the need to ensure that the Proposed Development remains viable and deliverable. Full details of the approach taken are set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], within the Applicant's response to REP3-058.</p>
<p>Thorpe-on-the-Hill Parish Council [REP5-031]</p>	<p>Construction Hours</p>	<p>3. Population Effects Construction Hours In the PC's Notes from ISH3 Oral submission REP3-057, section 3.3 raised concerns regarding proposed Construction Hours. The applicant appears to have failed to respond to this element of the submission.</p>	<p>With regards to the IP's comment that the Applicant has failed to respond to an element of submission REP3-057, it should be noted that as clarified in its submissions, in order to avoid repetition of topics that have already been responded to in detail, the Applicant's responses at each Examination Deadline focus on responding to new and substantially different comments (e.g. see the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. paragraph 1.1.1)). The comments raised regarding construction hours in REP3-057 have already been appropriately addressed by the Applicant within the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] (ref. p34), and as such were not addressed again.</p> <p>The Applicant notes that in NKDC's Deadline 3 Submission [REP3-051], the Council's Environmental Health Officer confirmed that the proposed working hours are reasonable. NKDC noted in this submission that the restriction of only undertaking less noisy activities whilst working outside of the Council's normal hours is established practice and has been accepted at comparable developments within the District.</p> <p>In addition, the Council recommended a further refinement to controls between the hours of 18:00–19:00. In response, the Applicant has subsequently updated the Framework CEMP [REP5-011], (ref. NV-C1 (r)) to include a clear commitment that activities during this hour will be limited to those unlikely to give rise to disturbance, such as deliveries, unloading, maintenance, and general preparation works. This will not include operation of plant or machinery likely to cause a disturbance to local residents or businesses unless covered by an exemption.</p> <p>More generally, construction noise will be managed in accordance with the Framework CEMP [REP5-011], which sets out standard best practice mitigation measures, including controls on particularly noisy activities, plant, and working methods. These measures are secured as the provision of a detailed CEMP, which must be substantially in accordance with Framework, is secured under Requirement 12 of Schedule 2 to the draft DCO [REP3A-004]. The detailed CEMP must be submitted to and approved by NKDC (as the relevant planning authority), in consultation with other bodies, and construction must be carried out in accordance with the approved CEMP, with compliance ensured by NKDC as the relevant planning authority.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
			<p>These measures demonstrate a proportionate and responsive approach, directly incorporating the Council's recommendations. The controls secured through the CEMP will be enforceable through the DCO requirements, as is standard practice, and will be subject to oversight by the local planning authority. Compliance with the CEMP is a legal requirement, and the Framework CEMP [REP5-011] is secured as a certified document under the article 41 of the DCO.</p> <p>The Applicant therefore considers that the proposed working hours, as refined, are reasonable, appropriately controlled, and enforceable. The specific restriction for the 18:00–19:00 period reflects the Council's recommendation, and construction noise more generally, including during the first hour of the day, will be appropriately managed through the controls secured within the Framework CEMP [REP5-011] to ensure no unacceptable noise effects arise.</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Design Parameters</p>	<p>3.1 Design Parameters and Maximum Envelope Requested Amendment Design Parameters</p> <p>The authorised development must be carried out in accordance with: “the Environmental Parameter Plans (Document Ref 2.3), which define the assessed development envelope” In addition:</p> <ul style="list-style-type: none"> • Solar panels shall not exceed 3.5 metres in height above ground level • Battery Energy Storage System (BESS) units shall not exceed 4.0 metres in height • BESS shall only be located within the areas identified on Parameter Plan - BESS Zones • The total developable area within each land parcel shall not exceed 70% coverage (excluding landscaping buffers) <p>Reason These values reflect the upper limits assessed within the Environmental Statement, and ensure the built scheme cannot exceed assessed impacts. To ensure that the development remains within the assessed maximum parameters, and to prevent unassessed impacts arising from excessive flexibility.</p>	<p>Design details are secured within the design commitments and the Proposed Development Parameters [REP5-009]. Under Requirement 6(3) of the Draft DCO [REP3A-004] the authorised development must be carried out in accordance with the details approved under Requirement 6(1). Requirement 6(2) provides that the details submitted for approval by the relevant planning authority (NKDC) in consultation with Lincolnshire County Council as local highway authority must accord with the design commitments and Proposed Development Parameters. Both the design commitments and the Proposed Development Parameters [REP5-009] are secured documents which are to be certified by the Secretary of State under article 41 of the draft DCO [REP3A-004]. This includes the following design commitments:</p> <ul style="list-style-type: none"> - The maximum height of the highest part of the PV Modules will be 3.5m above ground level (AGL) (existing levels) – see p4 of the Proposed Development Parameters [REP5-009]; - The proposed development will include either a centralised BESS or a distributed BESS (Work No. 2 or Work No. 3) – see p10 of the Proposed Development Parameters [REP5-009]; - The Centralised BESS compound will be within area marked as Work No. 2 on the Works Plans [AS-105] – see p8 of the Proposed Development Parameters [REP5-009]; - Distributed BESS compounds will be within the area marked as Work No. 3 on the Works Plans [AS-105] – see p10 of the Proposed Development Parameters [REP5-009]; and - The batteries will be housed within enclosures, each measuring a maximum of 6.5m x 2.5m (w x d) and up to 3.5m AGL, with a minimum spacing of 0.1m beneath the enclosure and hardstanding – see p8 and 10 of the Proposed Development Parameters [REP5-009]. <p>The developable area, and infrastructure type within each area, is restricted by the Works Plans [AS-105] and the limits of deviation as defined in article 2(1) of</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
			<p>the draft DCO [REP3A-004]. Article 3(2) of the draft DCO [REP3A-004] provides that the numbered works must be situated within the corresponding numbered area shown on the Works Plans [AS-105] and within the limits of deviation.</p> <p>These design parameters have informed the assessment undertaken within the ES, as set out in Chapter 3: The Proposed Development [REP1-016] and Chapter 5: Environmental Impact Assessment Methodology [APP-030].</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Battery Energy Storage System</p>	<p>3.2 Battery Energy Storage System (BESS) Requested Amendment Battery Storage Details No BESS shall be installed until detailed plans have been submitted to and approved, including:</p> <ul style="list-style-type: none"> • Precise location within approved BESS zones • Layout and spacing between units • Finished height (not exceeding 4.0 metres) • Acoustic mitigation measures demonstrating compliance with agreed noise limits at nearest receptors <p>The BESS shall be constructed and operated only in accordance with the approved details. We require a proper plan for the proposed BESS. This should be for a single site, contained in one location. It is important for the Parish to know and understand what is potentially going to be installed and where. Reason The BESS represents one of the most environmentally sensitive components, and must be tightly controlled to align with the assessed noise, fire risk and visual impacts.</p>	<p>The Proposed Development Parameters [REP5-009] already provide clear and proportionate control over the composition, scale and location of the BESS (see response above). This document defines the maximum dimensions of individual battery units, the size of associated compounds, and the areas within which BESS infrastructure may be located. It also establishes that the Proposed Development will comprise either a centralised BESS or a distributed BESS arrangement within those defined parameters. Under Requirement 6 of the Draft DCO [REP3A-004] the detailed design of the Proposed Development must accord with the design commitments and proposed development parameters.</p> <p>The detailed design of the BESS layout, including precise siting, spacing, height and any required mitigation (including noise control), will be developed post-consent and the details will be submitted to the relevant planning authority (NKDC) for approval in consultation with Lincolnshire County Council as local highway authority. Under Requirement 6(3) of the Draft DCO [REP3A-004] the authorised development (including the BESS) must be carried out in accordance with the approved details.</p> <p>In terms of operational noise, Requirement 16 of Schedule 2 to the draft DCO ensures that the necessary mitigation has been incorporated into the Proposed Development to ensure the relevant operational noise rating levels set out in Table 11-21 of Chapter 11: Noise and Vibration of the ES [APP-036] are complied with.</p> <p>With regards to BESS safety, a Framework Battery Safety Management Plan (BSMP) [REP3-030] has been provided, and by virtue of Requirement 7 of Schedule 2 to the draft DCO [REP3A-004], a detailed BSMP, which must be substantially in accordance with the Framework must be submitted to and approved by the relevant planning authority in consultation with Lincolnshire Fire and Rescue and the Environment Agency. The detailed BSMP must be implemented as approved throughout the operational lifetime of the BESS.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Landscape and Ecological Mitigation (Phasing Control)</p>	<p>3.3 Landscape and Ecological Mitigation (Phasing Control) Requested Amendment No phase of the authorised development shall commence until:</p> <ul style="list-style-type: none"> • A detailed Landscape and Ecological Management Plan (LEMP) for that phase has been approved • All structural planting (including boundary hedgerows and screening belts) within that phase has been implemented <p>The LEMP shall include:</p> <ul style="list-style-type: none"> • Planting specifications • Establishment and maintenance regimes • Replacement of failures within 5 years <p>Reason To ensure that mitigation is delivered in advance of, or alongside, development, rather than retrospectively. This ensures that visual screening and ecological mitigation are in place at the time impacts arise, not deferred.</p>	<p>Requirement 8 of the Draft DCO [REP3A-004] requires the submission and approval of a detailed LEMP prior to commencement of the construction of the authorised development. The detailed LEMP will include planting specifications, establishment and maintenance regimes, monitoring, and provisions for the replacement of any planting failures. These are standard components of a LEMP and are already provided for within the Framework LEMP [REP5-017]. Under Requirement 8 of Schedule 2 to the draft DCO [REP3A-004], the detailed LEMP must be substantially in accordance with the Framework LEMP [REP5-017]. This detailed LEMP must be submitted to and approved by the relevant planning authority in consultation with the consultees prescribed under Requirement 8(1) and must be implemented as approved.</p> <p>The Applicant does not consider it necessary or appropriate to require that all structural planting be implemented prior to the commencement of the construction phase of the Proposed Development. Such an approach would be impractical and inconsistent with established construction and environmental management practices. General Principles for Planting are described within Section 5.3 of the Framework LEMP [REP5-017] whereby planting will take place as soon as practicable (so as to not negatively impact upon construction works) in the first available planting season and at a time of year appropriate to the species being planted.</p> <p>The Framework LEMP [REP5-017] already secures the delivery of mitigation planting, with appropriate management, monitoring and replacement measures to ensure successful establishment.</p> <p>The Applicant considers that the existing DCO requirements and Framework LEMP [REP5-017] provide a robust and proportionate mechanism to ensure that mitigation is delivered effectively, and no amendment is required.</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Construction Traffic Management (Route Control)</p>	<p>3.4 Construction Traffic Management (Route Control) Requested Amendment The Construction Traffic Management Plan (CTMP) must include:</p> <ul style="list-style-type: none"> • A defined HGV routing strategy restricting access to the Strategic Road Network via the A46 • A prohibition on HGV movements through Thurlby village and other minor rural roads. • A maximum of 200 two-way HGV movements per day during peak construction • Temporary construction worker parking compounds located outside residential areas • A worker parking strategy preventing on-street parking in local villages • A monitoring regime including: 	<p>The Framework CTMP [REP3-032] sets out the measures to manage construction traffic and staff vehicles within the vicinity of the Proposed Development along the local highway network, in order to limit potential disruptions and implications on the wider transport network.</p> <p>Paragraphs 5.4.14, 5.4.25 and 6.3.1 of the Framework CTMP [REP3-032] provide that HGV routing will follow the routes shown on Figure 13-4: Heavy Goods Vehicle (HGV) Routing [AS-072]. HGV routing is expected to follow the most direct routes to and from the construction access points from the A46 for the Principal Site and to/ from the A15 for the Cable Corridor. This approach avoids HGV movements through surrounding villages as far as practicable. It is noted that LCC (in its capacity as the local highway authority) confirmed within the Local Impact Report [REP1-056] (ref. paragraph 11.14): “The Framework CTMP provides sufficient details at this stage for all proposed access locations.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
		<ul style="list-style-type: none"> o GPS tracking of HGVs o Complaints reporting mechanism o Enforcement procedures in case of route deviation <p>The development must be carried out in accordance with the approved CTMP. Reason To convert general traffic management principles into clear and enforceable controls This converts strategic assumptions into locally enforceable protections, addressing the Parish's specific concerns.</p>	<p><i>It also outlines proposals for site working hours, HGV routes, security, compound parking, wheel washing, delivery management, and traffic monitoring. These elements must be detailed in the final CTMP and be monitored, controlled, and be enforceable to ensure highway safety and that traffic impacts align with the ES assessment."</i></p> <p>As set out in the Framework CTMP [REP3-032], a Traffic Management and Monitoring System (TMMS) will be developed to provide details of the technologies and other means employed to monitor compliance of HGV routing and movements to/ from the DCO Site e.g. Global Positioning System (GPS) and Automatic Number Plate Recognition (ANPR).</p> <p>The provision of a detailed CTMP, which is to be substantially in accordance with the Framework CTMP [REP3-032], is secured under Requirement 14 of Schedule 2 to the draft DCO [REP3A-004]. By virtue of the same requirement, the detailed CTMP must be submitted to and approved by LCC, as the relevant planning authority, in consultation with National Highways and the construction of the Proposed Development must be carried out in accordance with the approved CTMP.</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Construction Workforce Travel Plan</p>	<p>3.5 Construction Workforce Travel Plan Requested Amendment</p> <p>No development shall commence until a Construction Workforce Travel Plan has been approved, including:</p> <ul style="list-style-type: none"> • A centralised worker parking facility • Shuttle bus provision with defined frequency during peak periods • A prohibition on direct worker vehicle access to construction areas <p>The plan shall include monitoring and corrective measures where compliance is not achieved.</p> <p>Reason Ensures that traffic impacts remain within assessed levels, rather than relying on behavioural assumptions.</p>	<p>The Framework CTMP [REP3-032] comprises a combined Framework Construction Traffic Management Plan (CTMP) and Travel Plan, setting out the measures to manage construction traffic and staff vehicles within the vicinity of the Proposed Development along the local highway network, in order to limit potential disruptions and implications on the wider transport network.</p> <p>Production of a detailed CTMP, which is to be substantially in accordance with the Framework CTMP, and the requirement for it to be approved by the relevant authorities before construction commences is secured under Requirement 14 of Schedule 2 to the Draft DCO [REP3A-004].</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Community Benefits (Planning Weight)</p>	<p>3.6 Community Benefits (Planning Weight) Parish Position</p> <p>Any community benefit measures not secured through:</p> <ul style="list-style-type: none"> • A Requirement within the DCO, or • A legally binding Development Consent Obligation should be afforded limited weight in the planning balance. 	<p>As stated in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], the Applicant has voluntarily committed to establishing a Community Benefit Fund to provide ongoing support to communities in the vicinity of the Proposed Development.</p>

Interested Party	Theme	Deadline 4 Submissions	Applicant Response
		<p>Reason This reflects standard Examination practice and ensures a clear distinction between:</p> <ul style="list-style-type: none"> • Secured mitigation • Non-binding aspirations 	<p>As set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], the proposed community benefit fund provision has been informed by a review of community benefit provisions for comparable large-scale solar and energy NSIPs across England, together with consideration of project-specific factors, including viability and deliverability.</p> <p>The provision of a Community Benefit Fund is not a material consideration in the determination of an application for a DCO. It does not form part of the planning balance and therefore does not form part of the application or the assessment of impacts. This approach is consistent with established practice across solar Nationally Significant Infrastructure Projects (NSIPs).</p>
<p>Thurlby Parish Meeting [REP5-032]</p>	<p>Draft DCO Amendments – Monitoring and Compliance</p>	<p>3.7 Monitoring and Compliance Requested Amendment</p> <p>All approved management plans (including CTMP, LEMP, and Travel Plan) must include:</p> <ul style="list-style-type: none"> • Defined monitoring indicators • Reporting to the local planning authority at agreed intervals • A mechanism for remedial action in the event of non-compliance <p>The authorised development must be operated in accordance with these approved measures.</p> <p>Reason Ensures that mitigation is actively implemented and enforced throughout construction and operation.</p>	<p>All Framework Management Plans submitted as part of the DCO application, such as the Framework CTMP [REP3-032] and the Framework LEMP [REP5-017], set out defined monitoring indicators (for example, the monitoring of habitats and species set out in paragraph 7.1.9 of the Framework LEMP [REP5-017]), reporting commitments, and measures for remedial action, as appropriate.</p> <p>Provision of the detailed management plans, which are to be substantially in accordance with the respective Framework management plans, is secured under the Requirements set out in Schedule 2 to the draft DCO [REP3A-004]. These detailed plans must be submitted to and approved by the relevant planning authorities in consultation with the prescribed bodies as secured under the same requirements. The detailed management plans must be implemented as approved, and the Proposed Development must be carried out in accordance with the approved management plans.</p>

2.3 Applicant's response to any further information requested by ExA under Rule 17 of the Examination Procedure Rules

Table 2-3: Applicant's response to any further information requested by ExA under Rule 17 of the Examination Procedure Rules

Interested Party	Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
British Pipeline Agency Limited as agents for Phillips 66 Limited	AC Interference Modelling Data / Timeline	<p>1. AC Interference Modelling Data / Timeline</p> <p>1.1 BPA were provided with updated AC Interference Modelling Report on 15 April 2026 at 16:09. Such data was insufficient as outlined in an email from BPA to AECOM dated 21 April 2026 timed at 13:16.</p> <p>1.2 On 24 April 2026 at 16:24, AECOM provided an updated AC Interference Modelling Report which included indicative crossing drawings. However, such data still remained insufficient in respect of 139363635 v5 3 the exact parameters for the cable and where any transition from trefoil to flat formation is to be carried out.</p> <p>1.3 Following a call with BPA, AECOM did not provide the further revised AC Interference Modelling Report together with a proposed crossing detail / specifications at 11:16 on 27 April 2026 (one day prior to Deadline 5).</p> <p>1.4 P66/BPA are in principle happy with the AC Interference Modelling Report and the therein embedded outline specification at Appendix 'C' and 'D' thereof (together comprising the "P66 outline specification" (enclosed herewith)) but note that the P66 outline specification currently incorrectly refers to the Pipeline as a "gas pipeline" and should be amended.</p> <p>1.5 The P66 outline specification in respect of the Project's interaction with the Pipeline must remain subject to detailed review and approval by P66.</p>	<p>The process of updating the AC Interference Modelling Report was iterative and an updated report was provided on 7 April 2026, following which the Applicant informed BPA (on 8 April 2026) that the report would be further revised with a 90-degree crossing angle. These further revisions were made in light of discussions during an all parties call on 24 March 2026 where BPA confirmed that a 90-degree crossing would likely address concerns regarding AC interference. It was stated that the crossing angle has more influence on the levels of AC interference than the crossing depth and therefore a 90-degree crossing would theoretically eliminate potential interactions. This was reflected in the further updated report provided on 15 April 2026. The Applicant offered BPA a meeting for 17 April 2026 (later that same week), and twice weekly meetings thereafter up to Deadline 5 (28 April). BPA indicated that its earliest availability for a meeting would be 22 April 2026 and a meeting was arranged for that date following which a further revised report was provided on 24 April 2026 in order to address the comments made by BPA during that meeting. These amendments were minor and did not change the outcome of the report.</p> <p>The call referred to in the IP's submission (see point 1.3) took place on the morning of 27 April 2026, during which BPA requested further minor amendments. The Applicant updated the report accordingly and provided it to BPA that same morning.</p> <p>BPA was therefore fully aware of the contents of the report well in advance of Deadline 5 on 28 April 2026 and has provided iterative comments throughout this period. P66/BPA are in principle content with the AC Interference Modelling Report and the parties are continuing to engage to reach agreement on outstanding matters.</p>
British Pipeline Agency Limited as agents for Phillips 66 Limited	Protective Provisions	<p>Protective Provisions</p> <p>2.1 Following draft protective provisions issued by Fieldfisher on 18 March 2026 in accordance with the timetable agreed at CAH2, the Applicant's solicitors provided an amended copy of the draft protective provisions at 13:10 on 22 April 2026.</p> <p>2.2 Fieldfisher subsequently returned the draft protective provisions along with comments on those protective provisions at 16:28 on 24 April 2026.</p> <p>2.3 The Applicant's solicitor returned a further draft of protective provisions with additional amendments on 27 April 2026 at 11:42 requesting a list of any points which are not agreed be provided. Fieldfisher provided the list of points on 27 April 2026 at 14:35.</p>	<p>The Applicant was provided with amended draft protective provisions (PPs) by Fieldfisher on 16 April 2026 following their client's receipt of the updated report. Following the meeting on 22 April 2026, during which design parameters were discussed, the Applicant provided a markup of the draft PPs, with comments, to Fieldfisher. Fieldfisher provided the Applicant with updated draft PPs at 16:28 on Friday 24 April 2026 requesting that these be returned by midday on Monday 27 April. Despite the very short timescale within which a response was required by Fieldfisher, this deadline was met by the Applicant, who provided updated draft PPs with its comments at 11:42 on Monday 27 April 2026.</p>

Interested Party	Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
		<p>2.4 The Applicant's solicitor provided comments on the list of points on 27 April 2026 at 22.23.</p> <p>2.5 In accordance with question DCO.3.08 of ExQ3 [PD-021], we enclose preferred protective provisions in both portable PDF and clean word copy.</p> <p>2.6 While the enclosed draft protective provisions have been approved in principle by P66, they remain strictly subject to further instruction from BPA/P66 in light of the fact that they have had no opportunity to undertake a detailed review.</p> <p>2.7 BPA have communicated to the Applicant that (subject to P66's further comments) the following matters have not been agreed:</p> <p>a) The definition of "P66 outline specification" (This will reference the agreed design and crossing parameters) – this definition now needs to refer to the details as the "P66 outline specifications" by the Secretary of State under article 41 (certification of plans and documents, etc.) for the purposes of this Order.</p> <p>b) The definition of "restricted works" (This is relevant in terms of quantifying what activity will trigger the application of these protective provisions) (c) – Restricted works needs to include any 'interference' with the Pipeline as damage can occur through physical and non-physical (e.g., AC Interference) means.</p> <p>c) The definition of "works" (b)(ix) (This relates to works' information to be provided) – The Applicant seeks the additional drafting in square brackets– "any other [non-physical test based] information reasonably required by P66...". This additional drafting is not included in the precedent Exolum Seal Sands Ltd. And Exolum Riverside Ltd. protective provisions within the Net Zero Teesside DCO ("Exolum / NZT PPs") on which these protective provisions are based. The effect of this wording is to unnecessarily qualify and narrow the scope of information that may be required. The definition of "works details" should 139363635 v5 4 remain sufficiently broad to enable P66 to request all information reasonably required to properly assess the impact of the restricted works on its operations. Introducing a specific limitation by reference to "non-physical test-based information" risks creating distinctions between categories of information.</p> <p>d) Paragraph 3(4) – (This relates to the how the reasonable requirements of P66 in relation to the works are communicated). The Applicant requests that approval to be "notified to the undertaker in writing" rather than "made in writing". Notices would need to follow the formal notice provisions in the Order. Realistically however, works' consents / supervision would be dealt with by engineering teams on the ground and "made in writing" both reflects that reality and is as per the precedent Exolum / NZT PPs.</p> <p>e) Paragraph 3(4) and 3(5) – (This relates to the timing for works' approvals) The Applicant is insisting that there be a provision for a deemed approval. Given the nature of the asset, this is not acceptable (in the same way as if we were dealing with an adopted gas main) and should not be included. The approval process</p>	<p>The Applicant provided an updated markup of the draft PPs with its comments to Fieldfisher on 11 May 2026. The Applicant has incorporated its updated preferred draft PPs into the draft DCO submitted at this deadline. The Applicant has also appended to the covering letter a comparison of the PPs submitted alongside the Applicants version of the SoCG [REP5-019] at Deadline 5, and those incorporated into the draft DCO at this Deadline. With regards to the matters under discussion, the Applicant provides the following updates (using the referencing given by BPA):</p> <p>a) This is agreed subject to the Applicant's amended drafting to align the wording with the rest of the Order</p> <p>b) The definition of "restricted works" is not yet agreed because BPA/P66's wording is ambiguous as to when a restricted work occurs. The Applicant has no objection to a non-exhaustive list of restricted works provided that there is a clearly defined location within which that non-exhaustive list of restricted works may occur. The Applicant has proposed that this is within 15m of the P66 operations (as defined within the PPs). This is in addition to other longer distances which have been agreed for other specific restricted works. Therefore, the Applicant has provided proposed alternative wording this for definition and awaits comments.</p> <p>c) The definition of "works details" is not yet agreed. The Applicant's previously proposed wording (non-physical test based) was intended to make clear that the undertaker will not be required to carry out pipeline pigging and nor will this be carried out at the undertaker's cost. This is because the Applicant understands that pigging should be undertaken regularly by the asset owner, and therefore, P66 would be in possession of the relevant information without a need for pigging to be carried out specifically for the purposes of the Proposed Development. The Applicant notes the comments on its previously proposed wording and has therefore provided proposed alternative wording for this definition and awaits comments.</p> <p>d) The wording of paragraph 3(4) is not yet agreed with regard to the notice needing to be given to the undertaker. P66's position is that written notification does not need to be given because consent will be given by the engineering teams on the ground. However, the Applicant maintains that this provision is reasonable as any consent given on the ground would need to be followed up by formal written notice to avoid any dispute as to what was agreed orally on the ground between the parties.</p> <p>e) The wording of paragraph 3(4) and 3(5) is not yet agreed. The Applicant maintains that provision for deemed approval is necessary and appropriate to ensure that the Proposed Development is not unreasonably delayed.</p> <p>f) The wording of paragraph 4(1)(c) is not yet agreed. The outstanding issue relates to whether load on the National Grid overhead line should be included, and the wording proposed by Fieldfisher does not adequately address this. The Applicant's position is that this should not be included because the</p>

Interested Party	Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
		<p>is intended to ensure that P66 has a proper, effective and safe review of proposed works to assess the impact on its Pipeline and operations before those works can be carried out. There is no deemed approval included in the Exolum / NZT PPs.</p> <p>f) Paragraph 4(1)(c) – (This relates to what damage the Applicant is responsible for) The Applicant confirmed that this can be accepted provided that wording can be agreed to make clear that this does not apply to cumulative effects (Fieldfisher has added wording to deal with this request).</p> <p>g) Paragraph 6(1) – (This relates to recovery of expenses) Legal and professional costs will need to be recovered</p> <p>h) Paragraph 6(1) – (This relates to recovery of expenses) In-house staffing costs incurred by P66 and its agents will need to be recovered (This is in line with the precedented Exolum / NZT PPs).</p> <p>i) Paragraph 6(1)(c) – (This relates to recovery of expenses) It is the Applicant's position that given the proposed method of installation (e.g. trenchless technique) it is not aware that any access rights will be interfered with. If the Applicant carries out its works in such a way as to interfere with Prax's access then further land rights may be needed. It is outside of P66's control how the Applicant will exercise its rights under the Order therefore in the event that new land rights must be obtained by P66, these costs should be recoverable from the Applicant.</p> <p>j) Paragraph 6(1)(f) – (This relates to recovery of expenses) All costs properly incurred by P66 and its agents as a result of the Order and authorised development should be recoverable from the Applicant (currently there is no agreed position on costs)</p> <p>k) Paragraph 6(2) – (This relates to recovery of expenses) The Applicant requests being made aware of all costs before they are incurred. However, there may be emergency situations (e.g., a pipeline breach or emergency repairs) where works (and therefore costs) must as a matter of law be carried out immediately. Also, there may be other costs such as legal advice where prior written notice may not be 139363635 v5 5 able to be given in advance in the circumstances (e.g., damage to the pipeline causes a third party claim). It has however been agreed that where it is reasonable to do so, prior notice will be given.</p> <p>l) Paragraph 6(3) – The Applicant has at the time of submission failed to provide an undertaking to cover BPA's legal costs incurred as agents of Prax to date. BPA's legal costs incurred up to 30 April 2026 should be recovered from the Applicant.</p> <p>m) Paragraph 7(6) – The cap of £50million is not agreed (this position is precedented by the Exolum / NZT PPs)</p>	<p>National Grid overhead line will already have its own consent to operate the overhead line at full capacity, and any increase to this level of capacity would require separate consent. The Proposed Development cannot increase the current (load) in the overhead line any more than what is already consented and permitted. The Applicant has therefore proposed alternative wording and awaits comments on this.</p> <p>g) The wording of paragraph 6(1) is not agreed. Legal and professional costs will not be provided for. The Applicant has, to date, not been provided with sufficient evidence that the legal costs are reasonable, and in fact, from the information provided, these are considered excessive. In light of this, any payment of legal costs (the extent of which is not currently agreed) will need to be dealt with separately, outside of the terms of the PPs.</p> <p>h) The wording of paragraph 6(1) is not agreed. In-house staffing costs will not be provided for. As with the legal costs referred to above, the Applicant has not been provided with a breakdown of any in-house staffing costs incurred to date in order to determine whether these are reasonable. This will need to be dealt with separately outside of the terms of the PPs.</p> <p>i) The wording of paragraph 6(1)(c) is not agreed. The crossing of the P66 operations will be undertaken using trenchless crossing techniques as secured in the Proposed Development Parameters [REP5-009], and there will be no reason for P66 to acquire new land rights as a result of this.</p> <p>j) The wording of paragraph 6(1)(f) is not agreed – this has been removed from the Applicant's preferred draft PPs. This wording is not accepted because it is unreasonably broad in scope. To date, no agreement has been reached on any aspect of costs because the costs incurred by Fieldfisher as legal representatives for BPA as agents for P66 (and previously as agents for Prax) appear to be excessive and insufficient evidence has been provided to allow the Applicant to assess the reasonableness of such costs.</p> <p>k) The wording of paragraph 6(2) is not yet agreed. P66 is seeking the inclusion of the wording "where reasonable in the circumstances" at the beginning of this provision. However, the Applicant considers its preferred wording should be included to enable it to manage the costs incurred and ensure these are at a reasonable level in order to avoid later disputes. The Applicant is willing to include wording such that in an emergency notice does not need to be given, provided that the undertaker is informed within 7 days of the works undertaken and the costs incurred.</p> <p>l) The wording of paragraph 6(3) is not agreed. This has been removed from the Applicant's preferred draft PPs included in the draft DCO. This provision is considered wholly unreasonable. As noted in the Applicant's Deadline 5 Cover Letter [REP5-001], the Applicant's solicitors provided a capped undertaking dated 24 February 2026 the terms of which aligned with agreement reached with statutory undertakers with which the Applicant is negotiating similar protective provisions. That undertaking was subsequently rejected (but not released). It is not appropriate that the Applicant meets all of BPA's costs of participating in the Examination process, especially when</p>

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		<p>n) Paragraph 9 – (This wording relates to the Liquidators) This wording is no longer required due to the transfer of the Pipeline to P66.</p>	<p>the reasonableness of those costs has not been evidenced and the costs are considered to be excessive and more akin to a main DCO party participating on all issues rather than a discrete matter.</p> <p>m)The Applicant maintains that the provision of a liability cap should be included and does not consider it unreasonable. P66 has not provided any justification as to why this cannot be accepted beyond stating that a cap has not previously been included, but this provides no justification for not including one in this case.</p> <p>n) The Applicant notes this. However, P66 proposed retaining wording which was only agreed for inclusion in the draft PPs due to Prax being in liquidation. Therefore, following the sale to P66, the Applicant has removed these provisions in its preferred draft PPs incorporated in the draft DCO submitted at this deadline.</p> <p>The Applicant is continuing to negotiate the PPs and will provide an update to the ExA at Deadline 6.</p>
<p>British Pipeline Agency Limited as agents for Phillips 66 Limited</p>	<p>Statement of Common Ground</p>	<p>3. Statement of Common Ground</p> <p>3.1 On 10 April 2026, Fieldfisher returned the draft statement of common ground to the Applicant's solicitors for review. Thereafter, on 23 April 2026 at 20:00, AECOM returned the draft statement of common ground with further amendments.</p> <p>3.2 In order to assist the Examining Authority, we enclose a statement of common ground in both portable PDF and clean word copy which remains strictly subject to BPA's further technical review and any comment and strictly subject to approval by P66.</p>	<p>The SoCG with P66 includes a log of communications with the timelines which evidences the Applicant's continued attempts to progress matters towards reaching agreement with BPA. The Applicant updated the AC interference modelling report several times during this period in response to P66 team comments before this could be documented in the SoCG which was subsequently shared with BPA.</p> <p>In the interest of consistency and version control (with regards to logging changes made to the SoCG), the Applicant has updated its version of the SoCG which was submitted to the Examination at Deadline 5 [REP5-019] in line with P66's position (as dated 28 April 2026), and shared this updated SoCG with P66's team on 07 May 2026 for further discussion. The Applicant has submitted this updated version of the SoCG with P66 to the Examination at Deadline 5A.</p>

2.4 Applicant's response to the Planning Inspectorate's Rule 17 – Request for further information

Table 2-4: Applicant's response to the Planning Inspectorate's Rule 17 – Request for further information

Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
<p>1. Permitted Preliminary Works Environmental Management Plan (PPWEMP) [REP5-026]</p>	<p>a) Under the first potential impact (ECO-PPW1) referred to in Table 3 (Ecology and Nature Conservation) a list of “General matters” have been identified as mitigation/enhancement measures. Under various of the following potential impacts the phrases “In addition to the best practice measures listed above, ...” or “In addition to the good practice measures listed above, ...” have been used. However, while a list of general mitigation/enhancement matters has been included under item (a) for potential impact ECO-PPW1 neither best practice nor good practice measures have been listed or do they constitute the list of matters general?</p> <p>The wording within Table 3 requires amending so that either lists of best/good practice measures are included or consistent phraseology is used, because currently there is a lack of clarity about what the intended best/good practice measures being referred to would be.</p> <p>b) Section 2.3 covers working hours. Points a and b in paragraph 2.3.1 cover Saturdays. The working hours in the Framework Construction Environmental Management Plan (FCEMP) [REP5-011] and the Framework Operational Environmental Management Plan (FOEMP) [REP5-013] also split Saturday working into 09.00 to 13.00 and 13.00 to 18.00. However, both identify specific exclusions for the morning and afternoon periods. The PPWEMP does not. While all the activities listed in paragraph 2.3.1 of the FCEMP and paragraph 2.10.1 in the FOEMP may not be relevant to the permitted preliminary works, others may be, for example HGV deliveries and works likely to generate substantial levels of noise. The wording of paragraph 2.3.1 in the PPWEMP should be reviewed to consider whether any exclusions should apply to the activities which would take place on Saturdays. If not, an explanation should be provided.</p> <p>c) Section 3.14 covers abortive works. To provide certainty, this section should include a timescale for undertaking any necessary restoration works.</p>	<p>a. The Permitted Preliminary Works Environmental Management Plan (PPW EMP) [REP5-026] has been updated, and submitted to the Examination at Deadline 5A, to clarify where relevant that the ‘general measures’ set out in ECO-PPW1(a) are relevant in the mitigation of a number of other potential impacts (e.g. ECO-PPW3).</p> <p>b. Section 2.3 of the PPW EMP has been updated, and submitted to the Examination at Deadline 5A, to clarify the exclusions for Saturday afternoon works (i.e. no HGV deliveries and no works likely to generate substantial levels of noise).</p> <p>c. Paragraph 3.14.1 of the PPW EMP, to be submitted to the Examination at Deadline 5A, has been updated to clarify that necessary restoration works would be undertaken within 12 months, which is considered an appropriate period of time to effectively undertake restoration works for any abortive PPW, as necessary.</p>
<p>2. Hedgerow Plan</p>	<p>The applicant's Deadline 5 Cover Letter [REP5-001] and the Guide to the Application (Rev 7) [REP5-003] refer to an amended Hedgerow Plan (Rev 4).</p> <p>However, that amended Hedgerow Plan was not included in the Deadline 5 submissions. The amended Hedgerow Plan should be submitted as soon as possible and no later than Deadline 5A (12 May 2026).</p>	<p>The Applicant submitted the updated Hedgerow Plan (Rev 4) to the online portal on 6th May 2026, in advance of Deadline 5A.</p>

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<p>3. Generating output for the proposed development</p>	<p>In responding to your Deadline 3A comments [e-page 54 in REP3A-025] Philip Heard contends [paragraph B13 in REP5-047] that a load factor of 15.4% (rather than the stated 10%) has been applied when calculating the proposed development's 60 year generating output of 19,438,499 megawatt hours (MWh), as referred to in Chapter 6 of the Environmental Statement (ES) (Climate Change) [paragraph 6.4.67 in REP3-006].</p> <p>Table 5-2 (Effective overplanting ratio by year) in section 5.3 of the Solar Technology Technical Guide [REP3-036] indicates that the effective capacity for the proposed development would be 373.55 megawatt peak (MWp) in the first year of generation (when rated using standard test conditions) degrading to 327.75MWp in year 30. It appears to the examining authority (ExA) in calculating the 60 year generating output for the proposed development, if:</p> <ul style="list-style-type: none"> • the effective installed capacity of 373.55MWP for year 1 is used and • multiplied by the number of hours in non-leap years (8,760) and • divided by a load factor of 10% and • multiplied by 60 years <p>the lifetime output would be of the order of 19,634,000MWh.</p> <p>The lifetime output calculated by the ExA is similar to the 19,438,499MWh quoted in Chapter 6 of the ES [REP3-006]. However, if the ExA has calculated the 60 year output figure in similar way to the applicant, then it appears neither calculation has taken account of the degradation in performance that would arise during the 30 year lifetime of each set of installed solar modules, around 15% per 30 year period, as explained in [REP3-036].</p> <p>Accordingly, the applicant is requested to:</p> <p>a) Provide a fully worked calculation demonstrating how the generating output of 19,438,499MWh referred to in Chapter 6 of the ES [REP3-006] has been derived. If the figure of 19,438,499MWh is incorrect for any reason, the applicant should explain why that is the case and it should submit a fully worked corrected version for this calculation.</p> <p>b) Comment on Philip Heard's contention that an incorrect load factor has been applied when calculating the proposed development's generating output.</p>	<p>Chapter 6: Climate Change of the ES [REP3-006] uses a slightly different number to the ExA and the Solar Technology Technical Guide [REP3-036] of 385MWp DC for the fixed south facing configuration, due to the rounding of numbers – this doesn't change the overall conclusions. This is the maximum panel output under perfect laboratory conditions. The capacity of the panels in Chapter 6: Climate Change [REP3-006] is then multiplied by a yield figure (916kWh/kWp/year - see following) to get a figure of 352,660MWh/year. A degradation figure of 2% in the first year is applied and a figure of 0.45% per year thereafter as set out in paragraph 6.4.67 of Chapter 6: Climate Change of the ES [REP3-006]. When cumulatively calculating this energy for each of the 60 years, a total lifetime generation of 19,438,499MWh is reached. This calculation is presented below for 30 years, totalling 9,719,249MWh, which, if doubled (assuming repowering at this point in time), leads to total figure of 19,438,499MWh.</p> <p>Excluding degradation from the calculations, the load factor can be calculated from the yield figure of 916 kWh/kWp/year to be 10.5%, which is greater than the 10% that the ExA assumes. (i.e., Potential generation = 385MW * 8760 = 3,372,600MWh. Anticipated Yield = 385MW * 916 kWh/kWp/year = 352,660MWh/yr. Therefore, 352,660MWh / 3,372,600MWh = 10.5%. It is noted that the IP states the application used a 15.4% load factor, however, as demonstrated, the calculations have been based on 10.5%.</p> <p>In other words, the ExA does not appear to have considered the potential phased repowering at around Year 30 in its calculations, which re-introduces panels that have not incurred any degradation and therefore increases the annual capacity back to Year 1 levels. This is illustrated by the table below.</p> <table border="1" data-bbox="1614 1247 2689 1892"> <thead> <tr> <th>Year</th> <th>Anticipated annual output (MWh)</th> <th>Total Module degradation (%)</th> <th>Actual power output (%)</th> </tr> </thead> <tbody> <tr><td>2033</td><td>345,606.800</td><td>2%</td><td>98.00%</td></tr> <tr><td>2034</td><td>344,051.569</td><td>2.44%</td><td>97.56%</td></tr> <tr><td>2035</td><td>342,503.337</td><td>2.88%</td><td>97.12%</td></tr> <tr><td>2036</td><td>340,962.072</td><td>3.32%</td><td>96.68%</td></tr> <tr><td>2037</td><td>339,427.743</td><td>3.75%</td><td>96.25%</td></tr> <tr><td>2038</td><td>337,900.318</td><td>4.19%</td><td>95.81%</td></tr> <tr><td>2039</td><td>336,379.767</td><td>4.62%</td><td>95.38%</td></tr> <tr><td>2040</td><td>334,866.058</td><td>5.05%</td><td>94.95%</td></tr> <tr><td>2041</td><td>333,359.161</td><td>5.47%</td><td>94.53%</td></tr> <tr><td>2042</td><td>331,859.044</td><td>5.90%</td><td>94.10%</td></tr> <tr><td>2043</td><td>330,365.679</td><td>6.32%</td><td>93.68%</td></tr> <tr><td>2044</td><td>328,879.033</td><td>6.74%</td><td>93.26%</td></tr> <tr><td>2045</td><td>327,399.077</td><td>7.16%</td><td>92.84%</td></tr> </tbody> </table>	Year	Anticipated annual output (MWh)	Total Module degradation (%)	Actual power output (%)	2033	345,606.800	2%	98.00%	2034	344,051.569	2.44%	97.56%	2035	342,503.337	2.88%	97.12%	2036	340,962.072	3.32%	96.68%	2037	339,427.743	3.75%	96.25%	2038	337,900.318	4.19%	95.81%	2039	336,379.767	4.62%	95.38%	2040	334,866.058	5.05%	94.95%	2041	333,359.161	5.47%	94.53%	2042	331,859.044	5.90%	94.10%	2043	330,365.679	6.32%	93.68%	2044	328,879.033	6.74%	93.26%	2045	327,399.077	7.16%	92.84%
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		2046	325,925.782	7.58%	92.42%
		2047	324,459.116	8.00%	92.00%
		2048	322,999.050	8.41%	91.59%
		2049	321,545.554	8.82%	91.18%
		2050	320,098.599	9.23%	90.77%
		2051	318,658.155	9.64%	90.36%
		2052	317,224.193	10.05%	89.95%
		2053	315,796.685	10.45%	89.55%
		2054	314,375.599	10.86%	89.14%
		2055	312,960.909	11.26%	88.74%
		2056	311,552.585	11.66%	88.34%
		2057	310,150.599	12.05%	87.95%
		2058	308,754.921	12.45%	87.55%
		2059	307,365.524	12.84%	87.16%
		2060	305,982.379	13.24%	86.76%
		2061	304,605.458	13.63%	86.37%
		2062	303,234.734	14.01%	85.99%
		Sub-total for 30 years	9,719,249.50	-	-
		Sub-total for next 30 years following repowering	9,719,249.50	-	-
		SUM	19,438,499	-	-