

By email to:

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Date: 02 June 2026

Dear Sir/Madam,

**Application by Fosse Green Energy Park Limited for an Order Granting Development Consent for the Fosse Green Energy Park Project.
Deadline 6 Submissions for Lincolnshire County Council (LCC)**

LCC comments on Deadline 5A documents

Please see the below comments from LCC on Deadline 5A documents submitted into the Fosse Green examination. Where no further comments have been made in relation to a particular topic or document, LCC's position as stated at previous deadlines stands. LCC's comments on landscape and visual matters, provided by AAH consultants have been provided as an appendix to this document.

Draft Development Consent Order [REP5A-007]

LCC notes and welcomes the uplift in the fees as set out in Schedule 15 (5)(2).

It is noted that substantial changes have been made to Schedule 15 at this late stage in the examination, with limited time for review and alterations. There does not appear to be an explanation for these changes within the Explanatory Memorandum [REP5A-009]. LCC notes the comments within the Schedule of Changes to the dDCO [REP5A-031] which states that the Schedule 15 alterations are in response to the ExA's proposed changes within PD-022. However, LCC notes that the Schedule 15 alterations depart significantly from the ExA's suggested wording and wish to make the following comments regarding these proposed alterations.

The timescale for the discharge of requirements has been set out within Schedule 15 paragraph 2, which states a determination period of 10 weeks wherein the discharging authority must

determine the discharge of requirement application. Clarity arising from the inclusion of the word 'working' (in terms of 'working day') is welcomed.

With regard to the changes within paragraph 2(5), LCC takes no issue with the applicant's amendment stating that required consultees are provided with copies of the submitted application at the time of submission to the discharging authority. However, LCC do not agree that the applicant should be stipulating the timescales for responding to the discharging authority, as currently drafted within 5(a) and 5(b), cross-referenced to 3(7)(a) and 3(7)(b). The timescales for responding to the discharging authority should be determined by the discharging authority within the constraints of the DCO as set out within 2(1) and 3(2). LCC considers that this will allow the discharging authority to maintain control of the timescales for responses from Required Consultees, which will be based upon receipt of a valid application (including any appropriate fee) within the bounds of the DCO. LCC would therefore suggest the deletion of the remaining text from the sentence starting '*As part of the notification to....*' and the sub-sections (a) and (b).

With respect to paragraph 3(3), LCC would suggest that the period for the relevant planning authority to notify the undertaker in writing specifying any further information the relevant planning authority considers necessary or requested by the requirement consultee should revert back to the original 25 working days rather than 20. This would allow a modest additional period to account for the consultation with the requirement consultee(s) to take place. With regard to paragraph 3(6), LCC find this paragraph to be unnecessarily complicated and difficult to understand. From LCC's interpretation of 3(6), our understanding is that this paragraph relates to further information being sought from the applicant for a second time. As drafted, following receipt of the second round of additional information, the discharging authority would only have 5 working days to consult with required consultees and then notify the developer of any further information required. If this has been interpreted correctly, then LCC consider this to be an unrealistic and unworkable timescale for a planning authority to consult, review documentation and respond fully.

As such LCC is of the opinion that any further information requests should be dealt with under the timescales set out within 3(2), whether this be the first, second or subsequent requests. This would be consistent with the approach taken in other made DCOs within Lincolnshire. As currently drafted, there is a risk that the discharging authority may find themselves having insufficient information to determine an application and unable to request further information due to the tight 5-day timescale, potentially leading to a refusal of the discharge application. As stated above, with regard to paragraph 3(7), LCC is of the opinion that timescales for consultees to respond to the discharging authority should be established and communicated by the discharging authority, not the applicant.

Paragraph 3(7)(a) states that '*a requirement consultee is required to notify the relevant planning authority in writing specifying any reasonable further information it considers necessary in order to comment on the **application within 15 working days of receipt of the application pursuant to paragraph 2(5)***' As currently worded it would appear as though receipt would be determined from when the applicant provided a copy of the application to the required consultee. LCC would however define receipt of the application as when all relevant documentation and fees

have been received by the local authority discharging the requirement; these dates may differ and as such this highlights the importance of clear comment deadlines for Requirement Consultees to be provided by the discharging authority rather than the applicant.

With reference to 3(7)(d) and 3(7)(e), LCC would request the removal of these two sub-paragraphs. 3(7)(d) appears to unduly restrict the receipt of comments from a required consultee outside of the 15 working day period. As above, LCC consider timelines for response to the discharging authority should be established by the discharging authority. The discharging authority must determine the application within 10 weeks of receipt, therefore limiting timescales within the DCO for required consultees to respond is considered unnecessarily restrictive.

Biodiversity Net Gain Report [REP5-015]

LCC welcomes the updates made in REP5-015 and confirms that most of the outstanding issues relating to BNG have now been resolved. This includes the correct application of Strategic Significance and the Trading Rules now being met.

At a meeting between the Councils and the Applicant on 06 May 2026, the Councils confirmed that the only outstanding issue in relation to BNG calculations relates to the use of an assumed baseline condition on two parcels of land proposed for partial enhancement. Given that the actual condition is currently unknown the Councils suggested that it would be preferable to treat the areas concerned as 'retained' post-development rather than 'enhanced'. The Applicant agreed that as the habitat involved on these parcels of land was of low-distinctiveness and the areas involved were small and would therefore not make a significant difference to the final BNG calculations, the metric will be updated to fit with the Council's suggestion.

Framework Landscape and Ecological Management Plan [REP5A-023]

With reference to paragraph 7.1.9, LCC previously stated its opinion that the membership of the proposed Ecological Advisory Group should include representatives of the Host Local Authorities alongside representatives of the Applicant's team and that a draft Terms of Reference for the Group should be included in the LEMP (REP4-020). LCC has provided additional comments on this issue in response to REP5-025.

Permitted Preliminary Works Environmental Management Plan [REP5A-035]

The Council has reviewed (REP5-026) and considers that the document includes a generally appropriate set of mitigation and good practice measures for proposed preliminary works.

The Council considers that a mechanism for agreeing the scope of pre-commencement ecological surveys with relevant consultees should be included.

Applicant's Responses to the Examining Authority's Third Written Questions [REP5A-037]

PE.3.07 - The Council acknowledge the applicant's methodology for identifying the travel to work area. However, as stated in previous responses, a 60-minute drive time within Lincolnshire is a shorter distance than for other areas, such as those utilised for the quoted studies. The Council would also consider that South East England is not comparable to

Lincolnshire. While the studies and comparisons provide a starting point, a Lincolnshire specific element would be beneficial. The Lincolnshire highway network is made up of predominantly single carriageway roads with a slower average travel speed, and a high proportion of slow-moving freight and farm traffic. The 60-minute travel time is nearer to 35-40 miles, especially during the AM and PM peaks. This smaller travel to work area will impact the amount of overnight accommodation for the temporary workforce and thus compound our concerns regarding capacity which we have set out multiple times, including at the hearing sessions.

As the Council's concerns regarding capacity of overnight accommodation remain, for this proposal, but also cumulatively with other projects, especially should there be any overlap in construction periods, this matter is one where the Council believe that we will have to agree to disagree with the applicant.

Applicant's Response to Deadline 5 Submissions [REP5A-038]

Archaeology

Applicant's Response to LCC comments for Deadline 4 begins: *'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).'*

LCC have stated a number of times that the provision of an Archaeological Clerk of Works is essential, as in our Local Impact Report:

'Post-consent trenching leaves a high degree of risk pushed into the post-consent phase with the potential for archaeological works to impact the work programme and budget. It is essential therefore that archaeological work including field evaluation as well as mitigation phases can be dealt with by future commitments through the documentation including approved WSIs and the production of an agreed Archaeological Management Plan with an Archaeological Clerk of Works for the lifetime of the scheme.'

The Applicant's Response other comment for this section is that *'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.'*

Evaluation trenching has yet to be undertaken across much of the redline boundary as we await details on the nature, depth and extent of development works to ensure that the evaluation fieldwork is adequate and fit for purpose. Significant previously undiscovered archaeology has been found across all of the solar NSIPs in Lincolnshire, not surprising given their landscape scale.

This is why we included evaluation in our Deadline 4 response:

'We therefore strongly recommend that as details become known the information is shared with the archaeological consultant to inform what further evaluation and/or mitigation works may be required to deal with these developmental impacts.'

Ecology

LCC notes and disagrees with the Applicant's response to the Council's Deadline 4 submission (REP4-020) in relation to the membership of the proposed Ecological Advisory Group. The Council maintains its opinion that in order to be effective in providing independent scrutiny of the monitoring work being undertaken by the Applicant, the membership of the group should include representatives of the host Local Authorities.

At 7.1.9 of (REP-5-017) the Applicant proposes that "*The monitoring reports for surveys during operation will be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any changes to management set out in the approved detailed LEMP.*" The Council considers that this proposal is inadequate and that a mechanism which ensures regular two-way communication between the Applicant and the host Local Authorities is required to ensure that the ecological mitigation is delivered effectively and that enhancement works deliver the maximum possible benefits.

Waste

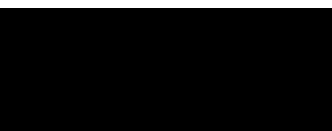
Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – LCC consider it appropriate to agree to disagree regarding this point. Whilst the applicant cites the view from a previous Recommendation on East Yorkshire Solar Farm, LCC still hold the view that the cumulative quantity of waste PV panels from this and other NSIP-scale projects mean that suitable recycling capacity is not guaranteed to appear.

Interrelationships Report [REP4-019] - Whilst the applicants explanation makes sense (that they have covered cumulative waste impacts elsewhere), it's unfortunate that the applicant decided to exclude waste matters from this report as it would have provided a helpful 'one-stop-shop' of the scheme's relationship with other projects, of which waste management is a major element.

Other Matters

Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – Grid Connection – LCC notes the applicants response with regard to preliminary works taking place prior to consent being granted for Navenby substation and the measures contained within the PPWEMP [REP5-026] 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.* LCC welcome this inclusion. However, LCC is of the opinion that, even if the land were restored in the event that development does not proceed, the preliminary works and subsequent reinstatement would still result in environmental harm that would not occur if no works had taken place at all.

Yours faithfully,



Head of Planning

Appendix 1 – AAH comments, landscape and visual matters.

Technical Memorandum 9 (AAH TM09)

Lincolnshire County Council and North Kesteven District Council, Fosse Green Energy: Deadline 5A document review

Introduction

AAH Consultants, on behalf of Lincolnshire County Council (**LCC**) and North Kesteven District Council (**NKDC**), have reviewed the Deadline 5A document responses. These include:

- REP5A-005 – Hedgerow Plan (Revision 4)
- REP5A-007 - Draft Development Consent Order
- REP5A-008 - Explanatory Memorandum
- REP5A-012 – Public Rights of Way Plan (Revision2)
- REP5A-013 – Proposed Permissive Paths (Revision 4)
- REP5A-015 - Proposed Development Parameters
- REP5A-017 - Framework Construction Environmental Management Plan
- REP5A-019 - Framework Soil Management Plan
- REP5A-021 - Framework Public Rights of Way Management Plan
- REP5A-023 - Framework Landscape and Ecological Management Plan (Revision 8)
- REP5A-025 - Framework Construction Traffic Management Plan
- REP5A-031 - Schedule of Changes to the Draft Development Consent Order
- REP5A-035 - Permitted Preliminary Works Environmental Management Plan
- REP5A-036 - Applicant's Response to the Examining Authority's Proposed Schedule of Changes to the Draft Development Consent Order
- REP5A-037- Applicant's Responses to the Examining Authority's Third Written Questions
- REP5A-038 - Applicant's Response to Deadline 5 Submissions

Fosse Green Energy, which is proposed on 1,368 hectares of land within the administrative area of North Kesteven District Council, located approximately 9km south and south west of Lincoln City Centre, for the development of PV panels, substation, BESS, cable connection corridor, and associated infrastructure.

The Fosse Green Energy (Reference: EN010154) Application documents that have been accessed and reviewed are available on the Planning Inspectorate Website at:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010154/documents>

AAH comments on the Deadline 5A documents are as follows:

REP5A -005, 007, 008, 012, 013

Reviewed – no further comment

REP5A-015 - Proposed Development Parameters

P6 – PV modules possibly ‘blue’ in colour

P9 – BESS units in ‘muted’ colour

P11 – BESS containers in ‘muted’ colour

P12 – fencing and containers in ‘muted’ colour

Further clarification of colour proposed for development structures is required. It should be made clear if the same colour is proposed for all components or not. LCC would suggest neutral colours are given preference – black or dark grey. White, green and blue should be avoided.

REP5A -017, 019, 021

Reviewed – no further comment

REP5A-023 - Framework Landscape and Ecological Management Plan (Revision 8)

It is noted that additional explanations have been added to the LEMP that make the commitment to longer term replacement planting in response to plant failures more explicit. This is welcomed.

5.3.3 – ‘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.’

P197.1.12 – ‘Results from post-construction monitoring will feed into the management plan and, if required, management may be amended accordingly based on this monitoring. For example, replacement planting and / or changes top planting species where planting has failed to establish.’ P43

However, it would be helpful if some examples of ‘external factors’ were provided e.g. flooding, drought, disease etc. to aid understanding of this commitment.

5.3.6 - There is mention of ‘non-native’ species possibly used ‘in the face of climate change’ but there are no non-native species listed in Table 1 - P20. It is also not clear if these non-natives would be used as temporary shelter crops, and then removed, or if the intention would be to retain them.

It is noted in paragraph 5.3.8 that species will be selected for their ‘climate resilience’ but details of species and varieties with proven drought tolerance are not provided.

Paragraphs 5.3.12, 5.3.28, 5.3.38, 5.3.74 all describe Long Term management - but there is no mention of ongoing replacement planting (if it is required).

Paragraph 5.3.27 Establishment Maintenance – describes replacement planting ‘with matching species of same size’. This doesn’t allow for an assessment of the reasons for failure and the modification of species to suit.

REP5A -025, 031, 035, 036

Reviewed – no further comment

REP5A-037- Applicant's Responses to the Examining Authority's Third Written Questions

LV.3.01 - P34 – ‘The Applicant acknowledges that the landscape views are relevant to the experience of users of Stepping Out Walks but considers views not to be the specific reason for people choosing these routes.’ LCC would disagree with this assertion and would suggest that the surrounding landscape is a reason that people would use the ‘Stepping out’ Walks. Appreciation of the landscape has mental health benefits and people choose to walk these local routes, sometimes on a daily basis, to improve their mental wellbeing. The importance of the ‘Stepping Out’ walks and other local PROW to the community have been understated in the assessment.

REP5A-038 - Applicant's Response to Deadline 5 Submissions

Applicant's Response to Deadline 3 and 3A Submissions [REP4-018] – p6 – LCC maintain that the impact of the development on the ‘Stepping Out Walks’ remains open to professional judgement and LCC believe this has been understated in the assessment.

Comments on ExQ2 responses – LV.2.03 – p 11- LCC maintain solar panels are unlikely to be perceived as rural or agricultural. The impact of Solar panels at an NSIP scale is untested. Sequential cumulative impacts have not been adequately considered. Viewpoint distance, angle and seasonality have not been adequately factored into the assessment of visual effects.

Comments on ExQ2 responses – LV.2.05 – P12 – LCC maintains Landscape and Visual effects of the development are significant and are a valid reason for consent to be withheld. Establishment Maintenance still suggests ‘matching’ species are used for replacement planting. Long Term maintenance still fails to mention replacement planting if required. There is no change to the Establishment period as requested to match the Assessment which considers the impact of new planting at 15 years.

Additional Points – Landscape & Visual – P58 – LCC maintains that sequential cumulative effects have not been adequately considered in the assessment.

Draft DCO Amendments – Landscape and Ecological Mitigation (Phasing Control) p69 – LCC note Thurlby Parish concerns about ‘replacement of failures.’ LCC have requested amendments to the LEMP to ensure the Applicant’s commitment to replacement planting is more explicit and long term (see above).

MLA

27th May 2026

AAH Landscape