Executive Summary

1.1. This written commentary is submitted in respect of the proposed Fosse Green (FGE) Solar Development.

1.2. It is respectfully submitted that the Applicant continues to fail to demonstrate on the balance of probabilities that the FGE Development complies with relevant policy in terms of NPS EN-1, NPS EN-3 and the National Planning Policy Framework.

1.3. As set out in Section A below, and with specific reference to the Applicants responses at REPSA-038 (their response to Deadline 5 submissions), the Aoplicants case is undermined by the continuing material inconsistencies in its technical and environmental evidence. Furthermore, the Applicant continues to obfuscate on the issue of their grid connection and fails to provide adequate assurance on land use impacts and decommissioning obligations.

1.4. Furthermore, as set out In Section B, the recent Reformed National Pricing (RNP) policy initiative announced by the government has created a radical shift in National Planning Policy which explicitly ends the era of "first come – first served" grid connection. The RNP framework, establishes a system-led approach where enabling grid infrastructure and energy generation must strictly align with the Strategic Spatial Energy Plan (SSEP).

1.5. Accordingly, it is submitted that the Examining Authority (ExA) cannot reasonably conclude that the development accords with the requirements of a robust planning assessment and de minimus must defer any decision on consent for the development until the SSEP has been published and the associated Regional Energy Strategic Plan (RESP) for the East Midlands has been developed. There is a significant risk that any premature consent for FGE could lead to exacerbating an over congested area of Lincolnshire in terms of solar development and the project becoming stranded or a heavily curtailed asset.

Section A Technical and Engineering Matters

This Section provides comment on the Applicant's Response to Deadline 5 Submissions (Revision 1). Page numbers and wording in italics refer to REP5A-038 unless otherwise stated.

Load Factor

A.1 Further to the ExA's Rule 17 query (page 77) to the Applicant regarding justification of a calculation resulting in a circa 10% load factor, there are two issues:

> Issue 1: At REP3-036 Paragraph 5.3.2, the Applicant states that Standard Test Conditions (STC) "*is not representative of typical operating conditions experienced in real solar installations in the UK*." Paragraph 5.3.4 states "*NOCT output rating gives a more accurate estimation of energy production in real-life conditions*." Yet the Applicant has used STC data in the table at page 77 of REP5A-038. Using the Nominal Operating Cell Temperature (NOCT) data in Table 5.2 of REP3-036 results in a lifetime output figure across 60 years of the proposed development approximately 28% less than the 19,438,499MWh claimed by the Applicant; a reduction of 5,461,855MHh.
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> Issue 2: Equally important is the load factor claimed by the Applicant. Quite simply, the load factor is based on the efficiency of the output exported to the grid. Hence, the real load factor as applied to the grid, is a ratio of the life-time exported output of the proposed development and the maximum possible output based upon the grid connection capacity of 240MW. Therefore, doing a reverse calculation using an estimated output of 13,976,644 MWh the load factor is approximately (and realistically) 11.1 %.

At the heart of this debate, the Applicant is trying to use different data sets (STC/NOCT) to justify their excessively high load factor and an over-inflated output benefit.

Grid Connection

A.2. At page 48, the Applicant states that a Gate 2 connection is only shown in the TEC Register when the project is already consented, being constructed, or built and ready (and the developer has signed the offer). None of these conditions have been met.

A.3. The formal definitions of Gate 1 & 2 under NESO's 2025–26 Connections Reform programme, as approved by Ofgem, are:

Gate 1 means a project is not yet ready or strategically aligned and therefore receives only an indicative (non-firm) connection offer.

Gate 2 means a project meets NESO's readiness and strategic alignment criteria and therefore receives a confirmed connection date, point, and queue position.

This Gate 2 definition does not accord with the Applicant's definition. The only document regarding a Gate 2 for the proposed Development appears in the NESO's Existing Agreements Register which is an eligibility list only and does not confer Gate 2 status.

A.4. The use of the term "confirmed' Gate 1 for the BESS" is also a misuse of the definitions approved by the Regulator. It is not clear whether the proposed development will still go ahead if the BESS does not proceed to Gate 2 status.

A.5. Page 48 states regarding the Navenby Substation, "*NGET confirmed that the proposed substation is not due to Fosse Green alone, but the wider demand for connection in the area.*" Thus the proposed development forms part of the justification for the substation. Therefore, the Environmental Impact Assessment for the proposed development should have taken into account a proportion of the environmental impact of the proposed substation resulting from the FGE development; this proportion should assume a reasonable worst-case scenario that not all of the proposed renewable projects planning to connect to the proposed Navenby substation will be approved or built. In essence, the proposed FGE development is claiming all the benefit resulting from the substation connection point without taking into account any of the negative impacts. Precedence for this is the recent ruling in Raeshaw Farms Ltd v Scottish Ministers (Raeshaw Farms Ltd CSIH 10 dated 17 Feb 2026).

Potential Ground Contamination from Storm Damage

A.6 At page 45 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*." However, the link to a coastal location argument is flawed: the development at Camblesworth is inland and suffered storm damage. In addition, the Trent valley of Lincolnshire sits in one of the UK's most active tornado corridors – the East Midlands Belt - where the terrain and converging airflows favour brief spin-ups. In their Framework OEMP the Applicant states that this "*will ensure that the structural integrity on the panels will be regularly observed*." But there is no statement on mitigating the impact of serious storm damage should it occur. With the impact of global warming, there are more and more occasions when we are seeing severe thunderstorms in our area which are often the precursors to a tornado. Given the Met Office's recent analysis of the impact of climate change accelerating, with temperature records being broken not by 0.1C increments but 2C as occurred in May 26, it can be argued that 1 in 100 year events are now much more likely to occur and on a much

more frequent basis. Hence, the key question is, to what storm level will the proposed development be designed to withstand? The design must reflect in terms of rainfall (eg bund size), wind strength and particularly gust speeds the likelihood of major storms affecting the local area on an increasing basis over the life of the development.

Framework Soil Management Plan (FSMP)

A.7. At page 38, referring to the FSMP (REP4-010), the Applicant states that "*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*". The use of the term **will** suggests a guarantee that this will occur. With no proven experience of performing this function over the proposed 60-year life cycle of this development, this statement cannot be given any weight in the examination process. Furthermore, the Applicant offers no guarantee regarding the successful removal of any contamination of the soil (heavy metals from damaged panels, toxic firewater, leeching from temporary battery storage sites etc) as a result of the operation of the site.

Food/Energy Security

A.8. At page 58, the applicant states *"…the key document on UK food security is the DEFRA UK Food Security Report 2024*". A later document from DEFRA dated Jan 2026 is far more relevant and addresses food security risks as underpinning national security in today's more volatile world. The loss of valuable agricultural land due to the proposed development has to be given far more weight in terms of planning balance as a result. In addition, in terms of energy security – a key policy driver – the Applicant continues to ignore detailed commentary provided by a number of Interested Parties on the lack of energy security the development offers. The project may provide peripheral support to clean energy generation targets for the UK but being intermittent in nature (providing its maximum output when electricity demand is at its lowest), sourced almost entirely from China (a potentially hostile state with significant cybersecurity risks associated with their capabilities), only some 10% efficient and therefore requiring alternative power generation sources to provide the baseload when solar generation is unavailable (nighttime and winter), the development does nothing in terms of providing energy security for the UK. Hence, it fails to meet the definition of energy security within NPS EN-1.

Section B. Reformed National Pricing Policy

B1. <u>The Core Objection.</u> This submission formally requests that the ExA defer any final recommendation or decision on the FGE DCO application until the National Energy System Operator (NESO) publishes the formal SSEP blueprint. Proceeding to determine this application in isolation represents extreme strategic economic risk because of a premature decision. It locks in an investor-led, 320MW commercial deployment on productive greenfield land before the government's mandatory, top-down spatial plan has verified whether this specific region is an appropriate location for concentrated solar generation.

B2. <u>Radical Shift in National Planning Policy (The RNP Framework.</u> The Reformed National Pricing (RNP) Delivery Plan explicitly ends the era of "first come, first-served" commercial developer choice for grid connections. The framework establishes a system-led approach where infrastructure and generation must strictly align with the forthcoming SSEP.

- Pre-empting Statutory Mapping: The SSEP is designed to map out exactly where the UK's future generation mix should be hosted to minimize consumer costs, protect local environments and avoid grid congestion.

- The Risk of Regulatory Conflict: If the ExA grants consent to FGE now and the statutory SSEP blueprint subsequently identifies Lincolnshire as an over-congested zone with a strict technology capacity ceiling for solar, this project will become a fundamentally stranded or heavily curtailed asset.

B3. Absolute Dependence on an Unconsented, Unmapped Substation Hub. The FGE application relies entirely on a 10km grid connection corridor to the proposed Navenby Substation. This presents two critical flaws under the new RNP framework:

1. A Connection to Nowhere: The Navenby Substation is an independent, unconsented application being pursued separately by National Grid. Granting a DCO to a 320MW generation asset whose sole point of grid access does not legally or physically exist is procedurally unstable.

2. Violation of RNP Core Objectives: The RNP framework mandates that generation and network infrastructure must be co-designed under the SSEP. Deciding on FGE before the Navenby Substation is assessed against the SSEP's spatial optimization zones directly violates this unified system directive.

B4. Technical Viability and Network Constraint Costs. The RNP Delivery Plan focuses heavily on eliminating regional constraint costs - the billions of pounds paid to generators to switch off when local grid networks are overloaded. Currently forecast to be £8Bn by 2030 and unaffordable in the long-term.

- The Local Reality: The network node into which FGE intends to connect is highly constrained due to nationally significant aviation fuel pipelines in its vicinity.

- Economic Failure Under RNP Levers: The RNP, alongside active Ofgem regulatory shifts, introduces penalising locational Transmission Network Use of System (TNUoS) charges for congested nodes . FGE has failed to provide updated financial or engineering modelling to prove that a 320MW scheme can remain commercially viable under these incoming RNP constraint mechanisms.

Conclusion

Formal Request to the Examining Authority to Prevent a Direct Conflict with Active, Mandatory National Energy Policy. The Examining Authority is requested to:

1. Direct the Applicant to submit a comprehensive "SSEP, RESP and RNP Compliance Statement" demonstrating how the project aligns with the upcoming system-led grid criteria.

2. Defer the Recommendation Window until NESO releases the draft SSEP mapping tool, the RESP and the Centralised Strategic Network Plan ensuring that valuable agricultural land is not permanently sacrificed for a project that may directly violate national energy policy.