



Fosse Green Energy

EN010154

9.33 Applicant's Response to the
Examining Authority's Request for
Further Information Under Rule 17

Planning Act 2008 (as amended)

Regulation 8(1)(k)

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Fosse Green Energy Development Consent Order 202[]

9.33 Applicant's Response to the Examining Authority's Request for Further Information Under Rule 17

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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 Examining Authority's Applicant's Response to the Examining Authority's Rule 17 Letter **[PD-028]** dated 19 May 2026.
- 1.1.2 Table 2-1 below sets out the Applicant's response.

2. Applicant's Response to the Examining Authority's Rule 17 Letter [PD-028]

Table 2-1: Applicant's Response to the Examining Authority's Rule 17 Letter [PD-028]

Theme	Any further information requested by ExA under Rule 17 of the Examination Procedure Rules	Applicant Response
1. Overplanting	<p>The Examining Authority (ExA) notes that various interested parties in their submissions, for example the Cliff Villages Solar Action Group [REP5-040], Mr Heard [REP5-047 and REP5A-066] and Barry Smith [REP4-033] have expressed the view that the proposed scale of overplanting exceeds what would be necessary to meet a maximum generating output of 240 megawatts (MW) alternating current (ac) (the export limit that has been secured under the terms of the extant grid connection offer [APP-200]) at the end of the anticipated 30 year lifetime for installed solar panels. In that regard it has been submitted "<i>The Applicant proposes an initial overplanting ratio of 1.6, but a ratio of 1.17–1.20 is sufficient to meet Year-30 performance. Mixing STC and NOCT data is methodologically invalid. ...</i>" ([section 9 in the summary included in [REP4-031]).</p> <p>Allowing for panel performance degradation, it appears to the ExA that Table 5-2 in the Solar Technology Technical Guide (STTG) [REP3-036] seeks to demonstrate if standard test conditions (STC) are used as the measure for solar panel performance that yields an overplanting ratio that should be expressed in STC terms. However, if nominal operating cell temperature (NOCT) is used as the measure of performance that results in a different overplanting ratio that should be expressed in NOCT terms.</p> <p>For the proposed development, based on 'candidate' solar panels rated at 670 watts peak (Wp) (paragraph 3.3.6 in [APP-028]) an initial STC overplanting ratio of the order of 1.6 has been calculated by the applicant as being required to achieve a maximum output of 240MW(ac) by the end of each 30 year period of operation. However, if NOTC is used as the measure of panel performance then the effective panel rating would be approximately 502wp, equating to an initial overplanting ratio of around 1.2 required to achieve a maximum output of 240MW(ac) by the end of each 30 year period of operation.</p> <p>Whilst STC and NOCT are distinctive measures of performance, if one or the other of those performance measures is used to determine an overplanting ratio for a solar farm in the same location a matching number of solar panels would need to be installed to achieve the same level of generating output in MW(ac) for any given year of operation. Accordingly, if the ExA's understanding of section 5.3 of the STTG (including Table 5-2) [REP3-036] is correct, whether STC or NOCT is used as the means of expressing the overplanting ratio for the proposed development, the number of solar panels to be installed would remain the same.</p> <p>The applicant is requested to clarify:</p>	<p>a) The ExA is correct in its statement that the same number of solar panels would be required in both the STC and NOCT scenarios to achieve the maximum output of 240MW(ac) at the end of the anticipated 30-year lifetime for installed solar panels. The analysis of overplanting has consistently used the illustrative Proposed Development design, with a consistent number and type of solar panels and only varied the modelled irradiance and weather conditions to compute the STC and NOCT overplanting ratios. The NOCT overplanting ratio is lower due to the lower irradiance levels under NOCT conditions rather than any material difference in type or number of solar panels in the scenario.</p> <p>b) Not applicable as the ExA is correct with regard to query a.</p>

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	<p>a) Whether the ExA's understanding of section 5.3 of the STTG, outlined above, is correct or incorrect.</p> <p>b) If the ExA's understanding of section 5.3 of the STTG is incorrect, explain why that is the case and provide any fully worked calculations, as necessary, to assist with the understanding of section 5.3 of the STTG.</p>	
<p>2. Assessment of cumulative traffic effects</p>	<p>Mr Gallagher has raised a concern about the robustness of the cumulative assessment for traffic and transport at various points during the examination. Mr Gallagher's view is that a worst-case cumulative assessment has not been presented in the submitted environmental statement (ES). Mr Gallagher's concerns are summarised in [REP5A-063].</p> <p>Chapter 13 of the ES [REP3-010] explains why certain developments have been excluded from the cumulative assessment. That mainly relates to the anticipated construction periods, with those not overlapping with the expected construction period for the proposed development being screened out. Some of the schemes referred to in the cumulative assessment section in Chapter 13 of the ES have anticipated construction periods close to that expected for the proposed development. That is, construction starting in 2031, with a peak of construction activity in 2032, and becoming operational by 2033. For example:</p> <ul style="list-style-type: none"> • Springwell: Construction beginning in 2027 and peaking in 2028, becoming operational by 2032. • The proposed battery energy storage system (BESS) south of Hill Rise to the west of Coleby (subject to planning application 25/0533/FUL), with construction anticipated to begin in 2028 and becoming operational by 2032. <p>For the above mentioned BESS, North Kesteven District Council (NKDC) has identified [REP5A-046] that the earliest expected committee date for the determination of application 25/0533/FUL would be 1 September 2026, which is almost a year later than anticipated in Chapter 13 of the ES. Mr Gallagher in [REP3-083] has highlighted that in the Grid Connection Statement it is stated "<i>The applicant intends to negotiate an advancement in the connection queue post consent</i>" [paragraph 2.1.2 in APP-200]. In other words, there are factors which could change the anticipated delivery timetables for both the proposed development and other nearby consented or proposed developments.</p> <p>Furthermore, while it may be the case that only one scheme would be able to undertake connection works at the proposed Navenby substation at any one time [REP4-018], as noted by Mr Gallagher in [REP5A-063], it does not follow that the absence of temporal overlap at the point of connection to the substation means that there would be no temporal overlap in the wider construction programmes.</p>	<p>Although the cumulative assessment methodology and conclusions have been agreed with both National Highways and LCC (as the Local Highway Authority), the Applicant has updated Chapter 13: Traffic and Transport of the ES with the information requested in a) and c) and has submitted this to the Examination at Deadline 6.</p> <p>Table 13-44 sets out the cumulative traffic flows of the Proposed Development in combination with the Springwell Solar Farm (ID 63). It should be noted that, as set out in paragraph 13.10.38 of the updated Chapter 13: Traffic and Transport of the ES, consideration of the Proposed Development in combination with the Springwell Solar Farm does not give rise to any new, or different, likely significant effects, whereby the conclusions of the assessment remain valid.</p> <p>Regarding item b) of the ExA's request, as set out in paragraph 13.10.44 of the updated Chapter 13: Traffic and Transport of the ES, the cumulative flows associated with Springwell Solar Farm (ID 63) have not been included in the summary table (now Table 13-46), since there is no geographic overlap between these flows and the other assessed cumulative schemes. Accordingly, the worst-case cumulative impacts on the relevant affected receptors are as per those shown in Table 13-44, whereby the cumulative impact falls below the 30% threshold defined by Rule 1 of the <i>Institute of Environmental Management and Assessment (IEMA) Guidelines (2023) Environmental Assessment of Traffic and Movement</i>, as defined in Table 13-10, and as such further consideration of the cumulative scheme is not required.</p>

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	<p>Consequently, the ExA requests the applicant provides:</p> <p>a) a table showing the proposed development and Springwell cumulative peak traffic flows (two-way) in the same format as Tables 13-40 to 13-44 in Chapter 13 of the ES</p> <p>b) an update to Table 13-45 in Chapter 13 of the ES to include Springwell</p> <p>c) any relevant commentary</p>	
3. Certified Documents	<p>The ExA queried the reference to “design commitments” in paragraph 2(a) of Requirement 6 through ExQ1 DCO.1.19 [PD-011]. While acknowledging that “design commitments” is defined in Article 2(1) of the draft development consent order (dDCO) [REP5A-006] and is included as a document to be certified in Schedule 12, there is no document with that name. “Design commitments” have been included in Appendix A in the “Design Approach Document” [APP-186].</p> <p>In the interests of clarity, the ExA requests that the definition for “design commitments” in Article 2(1) is amended to make it clear precisely where the “design commitments” can be found, namely within Appendix A of the “Design Approach Document”, the latter being the document title that should be quoted for document EN010154/APP/7.3 listed in Schedule 12, thus replacing “design commitments”.</p>	<p>In order to address this point, the Design Commitments (which have previously been submitted as Appendix A to the Design Approach Document [APP-186]) have been extracted from the Design Approach Document. The Design Commitments have been submitted to the Examination at Deadline 6 as a standalone document with its own unique reference and Schedule 12 to the draft DCO [REP5A-006] will be amended to reflect this. This amendment will be reflected in the final iteration of the draft DCO to be submitted to the Examination at Deadline 7 (9 June 2026).</p> <p>An updated Design Approach Document has also been submitted at this Deadline, with Appendix A having been replaced by text noting that the Appendix is no longer used, and that any references in the Design Approach Document to Appendix A or the Design Commitments are to be taken to refer to the standalone Design Commitments [EN010154/EXAM/9.35].</p>
4. Ecological Advisory Group	<p>Lincolnshire County Council (LCC) in responding to the ExA's third written questions (ExQ3) [REP5A-043] has commented that the outline Landscape and Ecological Management Plan for Springwell sets out the terms of reference for an ecological steering group. The applicant considers that the Framework Landscape and Ecological Management Plan (FLEMP) [REP5A-022] already sets out information akin to a draft set of Terms of Reference [REP5A-037].</p> <p>While the FLEMP does provide some information relating to the function of the EAG, it is not as comprehensive as that suggested in LCC's response to ExQ3. For example, it does not include any information on when it would become operational, how long it would be in place for, how frequently it would meet, and how it would be funded. Nor does it make an explicit reference to its role with respect to biodiversity net gain (BNG) monitoring.</p> <p>Binding BNG levels are stated in Requirement 8 of the dDCO and so would be enforceable. NKDC would have responsibility for ensuring compliance with Requirement 8, including delivery of the stated levels of BNG. Yet in responding to ExQ3, NKDC has commented that it considers that the FLEMP lacks clarity around BNG monitoring [REP5A-046].</p> <p>The applicant considers that substantial positive weight should be given to the ecological enhancement measures (paragraph 7.3.6 of [AS-098]). The Council's ability to monitor the</p>	<p>The Applicant acknowledges both LCC and NKDC's responses and has provided draft Terms of Reference (ToR) in relation to the Ecological Advisory Group (EAG) within the Framework LEMP which has been submitted to the Examination at Deadline 6.</p> <p>The draft EAG ToR provided in the updated Framework LEMP defines:</p> <ul style="list-style-type: none"> • the remit of the EAG; • the membership of the EAG; • the conditions for the EAG's establishment and disbandment; • the frequency with which it would meet; and • the required reporting during operation.

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	<p>delivery of the proposed ecological enhancements throughout the life of the proposed development would therefore be important.</p> <p>Having regard to the above, including the approach taken in relation to Springwell, the ExA reiterates its request that draft terms of reference for the EAG be added to the FLEMP and that in the interests of consistency the provisions of the FLEMP should be more reflective of the equivalent Springwell management plan.</p>	
<p>5. Stepping Out Network</p>	<p>As explained in [REP4-018], the applicant is proposing deviations to stretches of Thorpe on the Hill and Morton and Tunman Wood Stepping Out routes. NKDC identifies that to ensure the Stepping Out walks continue to be available within the site, on revised routes in some locations, it would be necessary to re-map, publish and way-mark those routes [REP5-030]. NKDC has asked that the applicant considers funding the alterations to those Stepping Out walks so that they follow the proposed routes. The applicant refers to the community benefit fund as a potential source of funding (page 129 in [REP4-018] and page 18 of [REP5A-038]).</p> <p>Given the affected Stepping Out routes are established recreational facilities, the ExA considers the making of changes to the promotional materials for the affected routes would be necessary and the proposed development's undertaker should be responsible for effecting those changes, including their funding, and this is something that should be secured on the face of any made DCO.</p>	<p>NKDC provided the Applicant with information regarding the level of funding required for the updating of promotional material, and signage of the Stepping Out routes affected by the Proposed Development's permissive path network, on 27 May 2026. This funding comprises:</p> <ul style="list-style-type: none"> - Funding to alter the existing Stepping Out Walks (Thorpe on the Hill, and Morton & Tunman Wood) so that they align with the new routes which will be agreed - £2,269.16 - Funding to make paths from Witham St Hughs across to Aubourn into a new Stepping Out Walk – partially within (and partially outside) the Order Limits - £3,269.16 <p>The Draft DCO will be submitted to the Examination at Deadline 7 to include a new Article committing to this funding .</p>
<p>6. Battery Energy Storage System Separation Distances</p>	<p>In responding to ExQ3 PE.3.05 [REP5A-037], it is stated that in a situation where a fire occurs during winds blowing towards the northeast, the acute exposure guideline level – 1 (AEGL-1) criteria is achieved within 200 metres (m) for the 3 kilograms of hydrogen fluoride scenario. For all other downwind directions an offset of 150m would provide the same level of protection. The response notes that for the distributed BESS scenario, the offset to residential structures to the northeast would be more than 200m and in all other directions more than 150m.</p> <p>Paragraph 2.3.5 of the Framework Battery Safety Management Plan (FBSMP) [REP3-030] sets out that the distributed BESS enclosures would be sited a minimum of 150m from offsite residential structures. Given the stated distance needed to achieve the AEGL-1 criteria to the northeast, clarify whether the distance of 150m stated in paragraph 2.3.5 of the FBSMP would be appropriate or whether it should be 200m.</p>	<p>The Applicant notes that the minimum separation distance between distributed BESS and residential structures (to building façade) has been increased to 200m. This commitment is secured within the Framework BSMP which has been updated and submitted to the Examination at Deadline 6 and within the Design Commitments, which has been submitted to the Examination at Deadline 6 as a standalone document [EN010154/EXAM/9.35].</p>
<p>7. Biodiversity Net Gain (BNG) Metric</p>	<p>In asking ExQ3 ENC.3.03 [PD-021], the ExA sought views on whether potential future updates to the statutory biodiversity metric should be addressed in the FLEMP, the BNG Report and/or Requirement 8 of the dDCO. Having regard to the approach taken to this matter in the Springwell DCO [REP5A-039], in the interests of consistency the ExA considers that the wording of Requirement 8(2), insofar as it relates to the proposed BNG delivery targets, should be amended to refer to the version of the BNG metric relied on, in line with the wording of the equivalent Springwell requirement.</p>	<p>The Applicant has amended the wording of Requirement 8(2) of Schedule 2 to the draft DCO accordingly. The amendments which have been made are set out below and will be reflected in the final iteration of the draft DCO to be submitted to the Examination at Deadline 7 (9 June 2026).</p> <p><i>“The landscape and ecological management plan must be substantially in accordance with the framework landscape and ecological management plan and for that part of the authorised development to which it relates must include details of how the plan</i></p>

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		<p><i>proposals will contribute to the achievement of a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development based on the metric used to calculate those percentages specified in the Biodiversity Net Gain Report, being the Department for Environment, Food and Rural Affairs' Statutory Biodiversity Metric (Version 1.0.4).</i></p> <p>It should be noted that, as set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. ENC.3.03), the Applicant does not consider it appropriate for the BNG calculations in the future to be based on a future revised Metric given that subsequent iterations of the Metric and the implications as to how BNG may be calculated are unknown at this stage. As such, the Applicant does not propose to include wording within Requirement 8 to reference an alternative biodiversity metric being utilised should Version 1.0.4 be withdrawn or replaced. The Applicant considers that the approach taken is proportionate, appropriate and robust, and sufficiently secures a significant level of net gain for the Proposed Development.</p>