



Fosse Green Energy

EN010154

9.32 Applicant's Response to Deadline 5A
Submissions

VOLUME

9

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9.32 Applicant's Response to Deadline 5A 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 5A Submissions made by Interested Parties (IPs) and Non-Interested Parties (non-IPs), submitted to the Examination on 12 May 2026 at Deadline 5A. 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 **[REP1-047]**;
- Applicant's Response to the Examining Authority's First Written Questions **[REP2-029]**;
- Applicant's Response to Written Representations **[REP2-030]**;
- Applicant's Response to Local Impact Reports **[REP2-031]**;
- Applicant's Response to Post Hearing Summaries **[REP2-032]**;
- Applicant's Response to Examining Authority's Second Written Questions **[REP3-045]**;
- Applicant's Response to Deadline 2 Submissions **[REP3A-025]**;
- Applicant's Response to Deadline 3 and 3A Submissions **[REP4-018]**;
- Applicant's Response to Deadline 4 Submissions **[REP5-025]**;
- Applicant's Response to Examining Authority's Third Written Questions **[REP5A-037]**; and
- Applicant's Response to Deadline 5 Submissions **[REP5A-038]**.

1.1.2 It should be noted that some of the Deadline 5A submissions have been re-categorised from the title of their submission within the Fosse Green Energy Examination Library, given that their submission focusses on a different topic or category of response.

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 5A Submissions, and is structured as follows:

- a. Deadline 5A Submissions:
 - i. Table 2-1: Applicant's Response to IP Deadline 5A Submissions;
 - ii. Table 2-2: Applicant's Response to Comments on Deadline 5A Submissions;

- iii. Table 2-3: Applicant's Response to the responses provided by IPs to the ExA's Proposed Schedule of Changes to the dDCO; and
 - iv. Table 2-4: Applicant's Responses to Comments from any party on any submissions and any information received at Deadline 5.
- b. ExQ3 Responses:
- i. Table 3-1: Applicant's Response to the responses provided by Lincolnshire County Council [REP5A-043] to the ExAs Third Written Questions;
 - ii. Table 3-2: Applicant's Response to the responses provided by North Kesteven District Council [REP5A-046] to the ExAs Third Written Questions;
 - iii. Table 3-3: Applicant's Response to the responses provided by the Environment Agency [REP5A-050] to the ExAs Third Written Questions;
 - iv. Table 3-4: Applicant's Response to the responses provided by Historic England [REP5A-051] to the ExAs Third Written Questions;
 - v. Table 3-5: Applicant's Response to the responses provided by National Grid Electricity Transmission plc [REP5A-052] to the ExAs Third Written Questions;
 - vi. Table 3-6: Applicant's Response to the responses provided by National Highways Limited [REP5A-055] to the ExAs Third Written Questions;
 - vii. Table 3-7: Applicant's Response to the responses provided by Natural England [REP5A-056] to the ExAs Third Written Questions;
 - viii. Table 3-8: Applicant's Response to the responses provided by Network Rail Infrastructure Limited [REP5A-057] to the ExAs Third Written Questions; and
 - ix. Table 3-9: Applicant's Response to the responses provided by NatPower UK Limited on behalf of Navenby Energy Limited [REP5A-062] to the ExAs Third Written Questions.
- 1.2.2 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 Response to Deadline 5A Submissions

2.1 Applicant's Response to IP Deadline 5A Submissions

Table 2-1: Applicant's Response to IP Deadline 5A Submissions

IP	Theme	IP Deadline 5A Submission	Applicant Response
<p>NatPower on behalf of Navenby Energy Limited</p>	<p>General update</p>	<p>Following the letter dated 20 March 2026 (your reference REP3-070) (the "Objection Letter"), where the Interested Party set out their objections to the proposed cable route (limited to the cable route and its overlapping with land on which the Interested Party has an interest in), positive discussions have been held with the Applicant.</p> <p>The Interested Party has drafted a co-operation agreement as part of this positive engagement. The Applicant has reviewed this agreement and provided comments.</p> <p>Without prejudicing or fettering future commercial discussions, the Interested Party considers that the Applicant has made meaningful progress in demonstrating that the reasons for the objection to the Application can likely be formally removed before the closing of the Examination on 15 June 2026.</p>	<p>The Applicant is continuing to engage with NatPower and as stated in the Applicant's Response to NatPower's previous submissions (Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules) [REP5-028] it is considered that there is a technical solution which would allow the Proposed Development and NatPower's BESS project to co-exist within the Order Limits of the Proposed Development. The Applicant's indicative plan demonstrating that technical solution is provided at Appendix 2 to that submission, and the Applicant maintains that this provides a viable solution to allow the co-existence of the two projects.</p> <p>The Applicant and NatPower are working in cooperation and as noted in NatPower's submission, discussions are ongoing in respect of a formal cooperation agreement between the parties.</p>

2.2 Applicant's Response to Comments on Deadline 5A Submissions

Table 2-2: Applicant's Response to Comments on Deadline 5A Submissions

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) - General	<p><u>Permitted Preliminary Works Environmental Management Plan (Revision 1)</u> In general, the Permitted Preliminary Works Environmental Management Plan (PPW EMP) should align more closely with the FCEMP [REP5-011 & REP5-12]. We would welcome clarification and amendments in relation to the matters set out below.</p> <p>Given the proximity to the close of the examination, we would request that the applicant engages with us outside the examination on a draft amended PPW EMP prior to submission into the examination at Deadline 6.</p>	The Applicant has continued to engage with the Environment Agency regarding the PPW EMP [REP5A-034] and has agreed the matters set out below. This will be reflected in the Statement of Commonality to be submitted to the Examination at Deadline 7.
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) – Pre-construction Monitoring	<p><u>Pre-construction Monitoring</u> Clarification should be provided on whether the PPW EMP applies during the period when pre-construction monitoring is undertaken.</p>	Pursuant to requirement 6(8) of the draft DCO [REP5A-006], the PPW EMP [REP5A-034] applies to the PPW, which are defined in Article 2(1) of the Draft DCO [REP5A-006] (and paragraph 2.1.1 of the PPW EMP [REP5A-034]). This includes '(a) environmental surveys' and '(f) geotechnical surveys and other investigations for the purpose of assessing ground conditions' – the Applicant understands that the Environment Agency's comment regarding the "pre-construction monitoring" period could relate to that of the PPW environmental surveys and investigations (e.g. ecological surveys, groundwater level monitoring and water quality monitoring), and as such confirms that the PPW EMP applies during this period, as relevant.
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) - Culverts	<p><u>Culverts</u> There is no mention regarding construction of culverts to facilitate access as part of preparatory works. If culverts are planned to be constructed, we would prefer open span bridges. We would welcome clarification on this matter.</p>	<p>The Applicant notes that no new culverts are proposed (as set out in Chapter 3: The Proposed Development [REP1-015] (ref. paragraph 3.4.3(a)(v)). However, in line with the Streets, Rights of Way and Access Plans [REP5A-004], one culvert at access C-015 is noted as potentially being extended, although this is subject to detailed design. Other culvert extensions may be required, although again, this is subject to detailed design. It is assumed that any existing culverts are minor and primarily used for farm access.</p> <p>Potential extensions to culverts (subject to detailed design) to allow for access do not fall within the definition of PPW in Article 2(1) of the Draft DCO [REP5A-006] and paragraph 2.1.1 of the PPW EMP [REP5A-034].</p>
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) – Sharing updates on the PPW EMP	<p><u>Sharing updates on the PPW EMP</u> Given that the PPWEMP is described as a 'live' document, we request that section 1.1.9 be amended to require updates to be shared with the Environment Agency where changes relate to matters within our remit.</p>	The Applicant has updated paragraph 1.1.9 of the PPW EMP accordingly. The updated PPW EMP has been submitted to the Examination at Deadline 6.

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) – Climate Change	<p><u>Section 3.2 Climate Change, Table 1: Climate Change</u></p> <p><i>ID CC-PPW2 - Potential impact: increase in flood risk during construction as a result of Climate Change</i></p> <ul style="list-style-type: none"> Mitigation/enhancement measure item (a) states that "if areas located within Flood Zone 2 (or 3) are to be utilised for the storage of materials, this would be done in accordance with the applicable flood risk activity regulations, if required." It should be noted that where this scenario potentially arises, and a Flood Risk Activity Permit (FRAP) is required, the FRAP would need to be obtained <u>prior</u> to any work requiring the permit commencing. 	<p>The Applicant has updated CC-PPW2 of the PPW EMP accordingly. The updated PPW EMP has been submitted to the Examination at Deadline 6. It should also be noted that, as this same measure applies to the Framework CEMP [REP5A-016], this has also been updated accordingly at CC-C2 and submitted to the Examination at Deadline 6.</p>
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) – Ecology and Nature Conservation	<p><u>Section 3.4 Ecology and Nature Conservation, Table 3: Ecology and Nature Conservation</u></p> <p>Impacts to fish and associated mitigation/enhancement measures are not included. Where intrusive works on watercourses take place, measures need to be in place to ensure fish are protected. This must at a minimum involve pre-checks of the watercourse to ensure fish are not spawning, and that there is no suitable spawning habitat present. As per ID ECO-C4 in the Framework Construction Environmental Management Plan (FCEMP) [REP5-011 & REP5-12], any intrusive works must avoid fish spawning periods both for salmonids and coarse fish.</p> <p><i>ID ECO-PPW6: Impacts to riparian mammals (Water Vole and Otter)</i></p> <ul style="list-style-type: none"> The mitigation/enhancement measures should also specify that works will be halted should evidence of otters or water voles be found, and the Ecological Clerk of Works (ECoW) consulted. <p><i>ID ECO- PPW9: Potential to introduce/spread invasive non-native species (INNS) beyond the DCO Site during PPW</i></p> <ul style="list-style-type: none"> Signal crayfish carry disease and are a biosecurity hazard, if in-channel works are required; works, clothing, equipment and vehicles should be disinfected. If this is not possible, equipment should be cleaned and left to dry for 5 days. In addition, if signal crayfish are encountered during in-channel works, they should be humanely dispatched and ideally disposed of onsite (burial) rather than being taken away to prevent potentially transferring crayfish plague. It is an offence under the Wildlife & Countryside Act 1981 (as amended) to return these animals to the wild if they are removed. This should be reflected in the mitigation/enhancement measures. 	<p>The Applicant notes that the PPW EMP [REP5A-034] only applies to the PPW which are defined in Article 2(1) of the Draft DCO [REP5A-006] and paragraph 2.1.1 of the PPW EMP [REP5A-034]. The PPW will therefore not include intrusive works on watercourses and, as such, the respective mitigation (as set out in the Framework CEMP [REP5A-016]) is not relevant to the PPW EMP.</p> <p>Regarding otters and water voles, the Applicant notes this comment from the Environment Agency and has updated the PPW EMP accordingly at ECO-PPW6 (submitted to the Examination at Deadline 6).</p> <p>Regarding signal crayfish, as noted above, the PPW EMP [REP5A-034] only applies to the PPW which are defined in Article 2(1) of the Draft DCO [REP5A-006] and paragraph 2.1.1 of the PPW EMP [REP5A-034]. The PPW therefore do not include in-channel works and, as such, the respective mitigation (as set out in the Framework CEMP [REP5A-016]) is not relevant to the PPW EMP. The Applicant does, however, note that this measure could be applicable to construction works and, as such, applies to the Framework CEMP. The Framework CEMP has been updated accordingly at ECO-C11 and submitted to the Examination at Deadline 6.</p>
Environment Agency	Permitted Preliminary Works Environmental Management Plan	<p><u>Section 3.10 Ground Conditions, Table 9: Ground Conditions</u></p> <p><i>GC- PPW1: Potential for risks to human health associated with waste generation, land contamination, airborne contamination, and groundwater contamination.</i></p>	<p>The Applicant has updated GC-PPW1 of the PPW EMP accordingly, removing items (e) and (g) and replacing with the Environment Agency's suggested text. The updated PPW EMP has been submitted to the Examination at Deadline 6. The</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
	(PPW EMP) – Ground Conditions	<p><i>The discovery of ground contamination during groundworks. Levelling of the DCO Site including the possible introduction of new fill materials:</i></p> <ul style="list-style-type: none"> • The following text from ID GC-C1 (section 3.11 Ground Conditions, Table 10: Ground Conditions) of the FCEMP [REP5-011 & REP5-12] should be added, as this is key to ensuring the ground investigation is carried out in line with best practice guidance, and ensures consistency with the FCEMP: “Ground investigation works will be undertaken prior to commencing construction. The scope of the ground investigation will be discussed and approved with the LPA and the Environment Agency prior to commencement. This will be in accordance with BS10175:2026 Investigation of Potentially Contaminated Sites: Code of Practice, BS 5930:2015+A1:2020 Code of Practice for Ground Investigations, the Environment Agency’s Land contamination risk management (LCRM) guidance, and any other relevant industry guidance for site investigation works. Results would be reviewed by the appointed Principal Contractor, including any additional investigation or mitigation measures beyond the impact avoidance measures stated here.” • Mitigation/enhancement measure (e) is the plan for encountering unexpected contamination. Unexpected contamination identified during PPW, including ground investigations, can be difficult to manage because contractors are often actively seeking evidence of contamination. However, if contamination is found, we (and/or the LPA) would expect it to be properly investigated, its potential risks assessed, and any necessary remediation carried out. We suggest adopting the following wording, or similar: <p><i>Unsuspected Contamination</i></p> <ol style="list-style-type: none"> 1. If contaminated land, including groundwater, is encountered at any time during the carrying out of the authorised development, and was not previously identified in the Environmental Statement, no further development (unless otherwise agreed in writing by the relevant authorities) shall take place within the defined area of suspected contamination. The contamination must be reported as soon as reasonably practicable to the Local Planning Authority and, where necessary, the Environment Agency. The undertaker must then undertake a risk assessment in consultation with the Local Planning Authority and, where required, the Environment Agency. 2. Where remediation is considered necessary, a written remediation scheme and programme, setting out the measures required to make the land suitable for its intended use, must be submitted to and approved in writing by the Local Planning Authority, following consultation with the Environment Agency. 3. Remediation works must be carried out in accordance with the approved scheme. 	<p>Applicant has also updated the Framework CEMP as requested at GC-C1 and submitted this to the Examination at Deadline 6.</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>4. Upon completion of the approved remediation, a verification report— based on monitoring and data collected during the remediation process and demonstrating that the works have been completed—must be submitted to the Local Planning Authority and the Environment Agency.</p> <ul style="list-style-type: none"> • Mitigation/enhancement measure (g) partly duplicates (e), which creates unnecessary confusion. While this reflects the wording in the FCEMP, we would expect this duplication to be resolved in a final detailed CEMP post-decision. However, it would be prudent to resolve it now in a revision to wording of item GC-C1 in the FCEMP [REP5-011 & REP5-12]. 	
Environment Agency	Permitted Preliminary Works Environmental Management Plan (PPW EMP) – Water Environment	<p><u>Section 3.5 Water Environment, Table 4: Water Environment</u></p> <p>Table 4: Water Environment should reference the Water Management Plan, similar to the FCEMP [REP5-011 & REP5-12] in relation to monitoring requirements, and could also be included under the Management of Site Runoff mitigation/enhancement measures of ID WAT- PPW2 (Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater).</p> <p><i>ID WAT- PPW2: Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater</i></p> <ul style="list-style-type: none"> • Management of Site Runoff mitigation/enhancement measure (f) is missing the additional detailed provided in relation to how wheel washing facilities will be isolated in ID WAT-C3 of FCEMP [REP5-011 & REP5-12]. <p><i>ID WAT- PPW3: Leakage or accidental spillage of materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater</i></p> <ul style="list-style-type: none"> • Management of Spillage risk does not reference the fuel storage requirements and associated regulations, as per ID WAT-C4 (Leakage or accidental spillage of construction materials and potential pollutants used onsite, migrating to nearby surface watercourses or infiltrating to groundwater) of the FCEMP [REP5-011 & REP5-12]. 	The Applicant has updated the PPW EMP accordingly. The updated PPW EMP has been submitted to the Examination at Deadline 6.
National Highways	Comments on submissions at Deadline 5 - CTMP	National Highways maintain its position that it should have an approval role to the Construction traffic Management Plan (CTMP). It is entirely reasonable for different discharging bodies to reach different conclusions where they are considering distinct aspects of the CTMP from different perspectives. For	The Applicant maintains its position that it is not necessary for National Highways (NH) to have an approval role for the CTMP.

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>example, measures which are acceptable at a local level may nevertheless be inadequate in respect of the Strategic Road Network (SRN).</p> <p>In such circumstances, a refusal by one discharging body is not unusual but reflects the normal operation of the discharge process. The applicant would then be required to address the reasons for refusal and resubmit the CTMP accordingly.</p> <p>We note the Applicant's submission that each application should be considered on its own merits and that the justification for including National Highways as a discharging authority must be clearly articulated. National Highways has set out its reasoning for requiring an approval role in respect of the CTMP in previous deadline submissions; however, it is summarised here for completeness. National Highways seeks an approval function in order to avoid the consequences of the deemed approval provisions, whereby an application to discharge the CTMP requirement may be treated as approved if the Local Planning Authority (LPA) fails to determine it within the prescribed tenweek period. As National Highways has no control over the LPA's determination timeframe, there is a material risk that safety critical matters could be discharged by default if National Highways are not afforded the opportunity to be consulted and comment within the time frame.</p> <p>National Highways has a statutory responsibility to safeguard the SRN and must therefore be afforded the opportunity to consider matters of fundamental public safety that may arise in the CTMP. This is of particular relevance for these works having regard to the construction programme for the A46 Newark Bypass scheme being delivered in the area, which remains to be finalised, as well as the requirements for temporary directional signage on the SRN throughout construction and the management of abnormal load movements.</p> <p>It is National Highways view the nature of the technologies proposed does not provide a sound basis for distinguishing this application from the approach adopted in other Development Consent Orders. The relevant consideration in this context is the impact of construction traffic and associated activities on the SRN rather than the underlying technology of the project.</p> <p>In each case, construction phases can give rise to comparable risks, including abnormal load movements, traffic management requirements, and safety-critical interactions with the SRN. Those risks arise irrespective of whether the development relates to solar, wind, or pipeline infrastructure, and therefore justify a consistent approach to approval of the CTMP.</p>	<p>In its response, NH has highlighted that, in the event there are two discharging bodies, there may well be disagreement between the bodies. Whilst the Applicant acknowledges NH's point that a refusal by one discharging body would require the resubmission of the CTMP, the concern remains that this would lead to delay. In revising the CTMP to address the points raised by one discharging body in its refusal, the CTMP may then be deemed unacceptable to the other discharging body leading to a further refusal. This could result in a "back and forth" of alternating refusals by the discharging bodies and would cause unnecessary delay.</p> <p>The Applicant considers that the amendments made to Schedule 15 of the draft DCO [REP5A-006] address NH's concerns surrounding deemed approval provisions. These amendments mean that, as a consultee, NH will receive the detailed CTMP directly from the undertaker at the same time as the relevant planning authority and will then have 15 working days within which to request further information or provide comments. The amended provisions allow NH as a consultee to directly provide comments to the undertaker or directly notify it of any further information required. Therefore, NH will be afforded the opportunity to comment on the detailed CTMP regardless of whether the relevant planning authority responds within the relevant timeframe. It is also considered unlikely that the relevant planning authority would not respond within the relevant timescale without first requesting an extension of time.</p> <p>With regards to "safety critical matters", the Framework CTMP [REF] adequately addresses all matters which relate to safety. Under Requirement 14 of Schedule 2 to the draft DCO [REP5A-006], the detailed CTMP must be substantially in accordance with the Framework CTMP [REF]. Therefore, matters addressed in the Framework CTMP will form the basis for the detailed CTMP and all matters considered critical for safety will be included accordingly. Notwithstanding this, the Applicant does not consider that there are any matters which could have safety critical implications specifically in relation to the SRN.</p> <p>As stated at paragraph 3.1.3 of the Framework CTMP [REF], it is expected that the A46 Newark Bypass will be completed in advance of the earliest anticipated start date for construction of the Proposed Development, being 2031. Therefore, it is unlikely that there will be any overlap. Measures regarding abnormal loads and temporary directional signage are set out in the Framework CTMP and, as above, will therefore be addressed in any detailed CTMP. During the construction phase there will be a single 46.6m length vehicle for the delivery of the transformer to the Principal Site, though this will be a single abnormal load movement as the vehicle would be disassembled prior to leaving the Site. There will also be several 24.6m length vehicles for the transport of cable drums to and from the Cable Corridor. The management of these vehicle movements is adequately addressed within the Framework CTMP [REP5A-024].</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
			<p>In developing the signage strategy as part of the detailed CTMP, as set out at paragraph 6.2.2 of the Framework CTMP [REP5A-024], engagement will be undertaken with NH to determine sign locations and sign face details for approval. This is adequately addressed in the Framework CTMP and will therefore be addressed in the detailed CTMP.</p> <p>The Applicant notes NH's view that the nature of the technology for the Proposed Development does not provide a basis for distinguishing from precedent, however NH has equally not provided a specific reason as to why those precedents should be applied in this case. This is particularly relevant given that there is limited precedent for NH having an approval role in relation to the CTMP.</p> <p>NH has not provided any examples of "safety critical matters", and the Applicant considers that, if matters have safety critical implications, they will have been adequately addressed in the Framework CTMP [REP5A-024].</p>
National Highways	Comments on submissions at Deadline 5 - NH Consultation Zone Plan	<p>National Highways has reviewed the consultation zone plan (Drawing No. EN010154/EXAM/7.15-2 Rev 1) at Appendix B: Figure 7.15-2 of the Framework Landscape and Ecological Management Plan (REP5-017). The consultation zone is now clearly presented on a plan that can be readily referenced. However, additional annotations and mark-up would be helpful to clarify its relationship to the position of the highway boundary and would assist in any future review of the requirement for the LEMP.</p> <p>The originally proposed 15m consultation zone has been revised. However, it remains unclear to National Highways how and why a 5m offset from the highway boundary has now been determined. Further explanation is therefore required to set out the methodology and rationale used to establish this distance.</p> <p>In addition, clarification is requested regarding the basis for the proposed consultation zone adjacent to Plots 23 and 15 (Drawing No. EN010154/EXAM/7.15-2 Rev 1). It is currently unclear why the consultation zone is set back so significantly from the solar sites and does not include the existing hedgerows.</p>	<p>The National Highways Consultation Zone is defined by Figure 7.15-2 of the Framework Landscape and Ecological Management Plan, however, the Applicant has set out the rationale for the extent of the National Highways Consultation Zone below.</p> <p>Where the Order Limits are adjacent to or include the A46, the National Highways Consultation Zone extends from either the Order Limits or the edge of the A46 carriageway to 5m beyond the rear of any hedgerow and tree belt habitat that adjoins the A46. This Consultation Zone therefore encompasses the full extent of the habitat (front and rear) adjoining the SRN in order to ensure National Highways is consulted on the landscaping and ecological mitigation works which have the potential to affect NH interests. It is not considered that any landscaping and ecological mitigation works beyond the extent of this zone have the potential to affect NH's interests.</p> <p>In line with NH's comments regarding the extent of the National Highways Consultation Zone adjacent to Fields 23 and 15, the Applicant has updated Figure 7.15-2: National Highways Consultation Zone to reflect an area of extant hedgerow east of the Cathedral View Caravan Park that was not included in the previous revision. The updated Figure 7.15-2: National Highways Consultation Zone was shared with National Highways in advance of Deadline 6 for further comment and has been submitted to the Examination at Deadline 6. The Applicant will continue to discuss the figure with National Highways and if required/appropriate, will update the figure for Deadline 7.</p>
Lincolnshire County Council (LCC)	Framework OEMP [REP5-014]	LCC is pleased to see the addition of paragraph 5.1.2 and welcomes the commitment to continue the Community Liaison Groups throughout the operational phase and the appointment of a Community Liaison Officer. Please see further comments below in relation to REP5-024.	The Applicant acknowledges this comment.

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
LCC	Biodiversity Net Gain Report [REP5-015]	<p>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.</p> <p>At a meeting between the Councils and the Applicant on 06/05/2026, 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.</p>	<p>The BNG Report has been updated to amend the previously assumed baseline condition to 'retained' in respect of the two land parcels noted in LCCs response, in line with the discussion with the Councils on 6 May 2026. The updated BNG Report has been submitted to the Examination at Deadline 6.</p>
LCC	Framework LEMP [REP5-018]	<p>Paragraph 7.1.9 - LCC has previously (REP4-020) 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. The Council has provided additional comments on this issue below in response to REP5-025.</p>	<p>A response is provided to the Council's comments on this issue relating to REP5-025 below.</p>
LCC	Health and Wellbeing Summary Statement [REP5-024]	<p>The Health and Wellbeing Summary Statement (Revision 2) demonstrates a clear effort to respond to examination feedback and Public Health comments. Overall, the updated submission represents a positive improvement in clarity; however, some limitations remain in the robustness of the conclusions and in how mitigation measures are applied and evidenced.</p> <p>The revised statement includes a more detailed explanation of electromagnetic fields (EMFs), including specific reference, as requested, to extremely low frequency (ELF) EMFs. It also confirms compliance with International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure limits and explains the effects of shielding and distance decay. Importantly, the document now recognises that perceived risk can affect mental wellbeing regardless of actual exposure levels and commits to ongoing communication through measures such as the Community Liaison Group (CLG). This acknowledgement is welcomed.</p> <p>However, the assessment continues to rely heavily on technical compliance as evidence of acceptability. While the recognition of perceived risk is welcomed, there is limited consideration of how such perceptions may persist across different population groups over time. In addition, there is no clear framework for</p>	<p>The Applicant acknowledges LCC's positive comments on the Health and Wellbeing Summary Statement [REP5-023]. However, the Applicant does not agree with LCC's comment that the assessment lacks robustness or that no conclusion can be drawn on health effects.</p> <p>The Applicant does not consider that additional monitoring or assessment is required. The Health and Wellbeing Summary Statement [REP5-023] recognises that perceived risks (including with regard to EMFs) may influence wellbeing and the Applicant has provided proportionate mitigation through ongoing engagement, including the Community Liaison Group. Formal monitoring of perception or anxiety would rely on subjective and difficult-to-measure indicators and would not be practicable and nor would it represent standard EIA practice.</p> <p>The assessment has been undertaken using a structured, topic-based EIA methodology, considering relevant pathways such as noise, air quality and landscape. The suggestion of further "experiential" assessment is non-standard and robust evaluation would not be possible.</p> <p>The Health and Wellbeing Summary Statement [REP5-023] acknowledges that significant visual effects may arise for some receptors however, there is no evidence</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>monitoring or evaluating whether communication and engagement measures are effective in reducing concern or anxiety.</p> <p>The explicit confirmation that solar photovoltaic components will be free from per- and polyfluoroalkyl substances (PFAS) is strongly welcomed and addresses a previously identified gap within the Statement.</p> <p>Although there is some reference to nearby infrastructure such NGET Substation near Navenby, the cabling works associated with Springwell Solar and Leoda Solar, and Brant BESS, in regards to air quality, the assessment of cumulative effects remains largely focused on individual environmental factors, with limited exploration of combined experiential impacts. The potential for multiple interacting changes to contribute to cumulative stress or reduced wellbeing at a community level is not fully addressed.</p> <p>There is welcomed acknowledgement that significant visual effects may occur, particularly during construction and early operation and for the recognition of the subjective nature of landscape perception. However, the continued conclusion that these effects are not significant for health does not fully reflect the potential impacts on individuals or communities experiencing concentrated or prolonged visual change. Overall, there remains concern that the visual impacts are substantial, particularly when considered alongside the cumulative effects of other Nationally Significant Infrastructure Projects (NSIPs) in the local area, such as Springwell Solar Farm.</p> <p>On this basis, LCC does not agree with the statement that “overall it is concluded that there would be no likely significant effects on health and wellbeing regarding landscape character and visual amenity”.</p> <p>Regarding planting and screening, there is now a more realistic description of mitigation, acknowledging that planting will filter rather than eliminate views and is intended to manage, rather than remove, visual impacts. Despite this, the implications of residual effects are not fully considered. There is limited assessment of how unmet expectations regarding screening may affect wellbeing over the longer term, particularly given that new planting will not be fully established until approximately year fifteen.</p> <p>The strengthened commitment to ongoing engagement, including continuation of the CLG into the operational phase and the use of a dedicated liaison officer, represents an improvement. Though, it would be helpful to understand how engagement will be evaluated and how concerns will be addressed or resolved over time. Without measurable outcomes, there is a risk that engagement remains process-based rather than outcome-focused.</p>	<p>that these would result in likely significant adverse health effects, either individually or cumulatively. There is a clear distinction between landscape/visual effects and demonstrable health outcomes. Mitigation and residual effects are appropriately addressed. The Health and Wellbeing Summary Statement [REP5-023] recognises that planting will filter, rather than remove, views and that establishment will take time.</p> <p>Overall, the assessment applies a clear, evidence-based methodology. While localised and perception-based effects are recognised, there is no evidence that these would give rise to likely significant health effects, noting that the scoping out of human health effects from the EIA was agreed within Appendix 1-B: EIA Scoping Opinion of the ES [APP-199] (ref. p34). The Applicants overall view is that the conclusion of no likely significant effects on health and wellbeing is therefore robust and justified.</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>In summary, the revised Statement demonstrates an improvement, with stronger explanation of electromagnetic fields and the inclusion of hazardous materials considerations. However, key weaknesses remain. The assessment continues to conclude that there are “no significant effects” without fully addressing localised impacts, cumulative lived experiences, and perception-driven risks. In the absence of sufficient evidence, no conclusive statements can be made either way regarding the presence or absence of impacts on human health and wellbeing.</p>	
LCC	<p>Applicant's Response to Deadline 4 Submissions [REP5-025] Ecology</p>	<p>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.</p> <p>At 7.1.9 of (REP5-017) the Applicant proposes that “<i>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.</i>” 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.</p>	<p>The Applicant acknowledges NKDC's response and maintains the position regarding the composition of the Ecological Advisory Group (EAG) provided in response to ENC.3.02, as detailed in the Applicant's Responses to the Examining Authority's Third Written Questions (Revision 1) [REP5A-037] submitted to the Examination at Deadline 5A.</p>
LCC	<p>Applicant's Response to Deadline 4 Submissions Development Consent Order Permitted Preliminary Works</p>	<p>The Applicant's statement that ‘<i>above ground works which do not require the ground to be broken and therefore do not include excavations or potential for impacts upon archaeological remains</i>’ is incorrect.</p> <p>As stated in our response to Deadline 1 for this scheme: Archaeology is known to survive here less than 30cm from the ground surface as seen in the evaluation trenching. Machine tracking alone will destroy archaeological deposits where there is insufficient depth of soil to protect the remains from compaction and wheel ruts without allowing archaeology to be identified or recorded.</p> <p>Topsoil is usually stripped prior to building construction compounds reducing the depth of protection for surviving archaeology. Care will need to be taken to ensure that temporary construction methods do not subsequently require loosening or ripping to restore soil texture as again this would damage or destroy any surviving archaeology without identification or recording.</p>	<p>Requirement 11 of Schedule 2 to the draft DCO [REP5A-006] takes into account the permitted preliminary works (PPW) which have the potential to affect below ground remains, and this is reiterated in paragraph 2.1.3 of the Permitted Preliminary Works Environmental Management Plan (PPW EMP) [REP5A-035]. Items (b), (c) and (e) of the PPW (as defined by Article 2(1) of the draft DCO [REP5A-006]) are above ground elements of the PPW and therefore, there would be no resulting ground disturbance. There is no existing plant and machinery that needs to be removed from the site, and therefore item (b) would only apply to the removal of plant and machinery during PPW which would be achieved by driving these equipment from the site or lifting them onto a vehicle that is driven from site, without braking ground. Item (c) relates to above ground site preparation for temporary facilities rather than ground preparation and therefore it is the Applicant's understanding that this item excludes the breaking or disturbance of the ground and therefore any buried archaeology in these areas. Item (e) site clearance will not include demolition of existing buildings/structures because it is understood that none are present onsite currently, and vegetation clearance is mainly above ground work or where it may involve disturbance of ground it is limited to locations where the vegetation roots will have already damaged any near surface archaeology should any have been present</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>These areas will therefore need to have adequate evaluation to understand whether any surviving archaeology would be detrimentally impacted which would require adequate mitigation, for example by relocating proposed temporary compounds.</p> <p>Section 2.1.2 illustrates the degree of potential impact in 9.27 Permitted Preliminary Works Environmental Management Plan (Revision 1) (REP5-026): 'The above works may include the use of some, limited heavy construction equipment, such as bringing in (or when levelling ground for) temporary facilities for the use of contractors, or for vegetation clearance, or diverting existing apparatus for example.'</p> <p>The use of heavy construction equipment and ground levelling may be for temporary construction works but their impact upon any surviving archaeology will be permanent.</p> <p>As such, LCCs comments stand regarding the wording of requirement 11, that LCC considers any permitted preliminary works which may impact surviving archaeology should be included within 11(3). LCC consider (b), (c), and (e) as referenced in the dDCO, part 1, interpretation, should also be included.</p>	<p>previously. Measures to ensure sensitive archaeological remains are protected during these PPW, including exclusion, further evaluation and the provision of an Archaeological Clerk of Works (if required), are detailed in Table 2 of the PPW EMP [REP5A-035].</p> <p>In the unlikely case that vehicle movements associated with these works are expected to 'rut' through the ploughsoil (in any greater focus than existing farm machinery), then the Environmental Management Plan will seek to put in place suitable mitigation measures. The potential for impacts from ground disturbing earthworks required for the creation of temporary construction compounds is acknowledged within paragraph 1.21 of the Framework Written Scheme of Investigation (FWSI) [REP3A-027], with the available mitigation measures discussed in Section 3 of the FWSI (and to be agreed in site specific WSIs in due course).</p>
LCC	Permitted Preliminary Works EMP [REP5-026]	<p>LCC is still of the opinion that PPW should not commence until the Navenby substation has been granted development consent as highlighted throughout LCCs submissions, as such LCCs preference would be for a Grampian style requirement to be added to the dDCO. It is LCCs position that a Grampian requirement 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>However, the inclusion of the Permitted Preliminary Works Management Plan is welcomed.</p> <p>LCC notes at paragraph 1.1.9 that the document will be shared with NKDC whenever there is substantial change to the document. LCC acknowledges that NKDC are the discharging authority for requirement 6, however LCC wish to be included within this statement and to be informed of any updates to the PPWEMP.</p> <p>It is noted, as stated in paragraph that the 'final design of the PPW will not give rise to materially greater environmental effects than those assessed and established within the ES'. LCC notes this point, however our main concerns surrounding PPW, as stated above is them occurring before the granting of</p>	<p>The Applicant maintains its position with regard to the imposition of a Grampian requirement and does not consider that it is necessary or appropriate. As set out in the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045], the PPW EMP is a detailed plan and will be a certified document under Article 41 of the draft DCO [REP5A-006]. Therefore, no approval mechanism will be necessary under the Requirements.</p> <p>Pursuant to Requirement 6(8) of Schedule 2 to the draft DCO [REP5A-006], the PPW are to be carried out in accordance with the provisions of the PPW EMP. Additionally, as previously noted, if PPW are undertaken but the Proposed Development is not then commenced within five years of the date of the Order (in accordance with Requirement 2, Schedule 2 of the draft DCO [REP5A-006], the relevant land would be restored.</p> <p>The PPW EMP has been updated at Paragraph 1.1.9 to state that when substantial changes are made to the document, it will be shared with North Kesteven District Council, Lincolnshire County Council and the Environment Agency.</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>consent of Navenby substation. Resulting in the environmental harms of the PPW without the benefits of the proposed solar scheme coming to fruition.</p> <p>Please see comments above in relation to paragraph 2.1.2 and 2.1.3. LCCs comments in relation to deadline 3/3A documents [REP4-020] still stand regarding this matter.</p> <p>LCC welcome the inclusion of requirement 6(8) as stated within [REP4-020], however it has come to light whilst reviewing the PPWEMP submitted at deadline 5 that there is no mechanism for approval by the relevant planning authority for this document. LCC would highlight the Outer Dowsing Offshore Wind DCO which requires the submission and approval of onshore preparation management plans as an example of what LCC considers would be an appropriate approach to agree the scope of pre-commencement surveys/activities with relevant consultees. Please see the screenshot below with reference to 12(2) for example wording.</p> <p>Ecological management plan</p> <p>12.—(1) No stage of the onshore transmission works may commence until for that stage a written ecological management plan (which accords with the outline landscape and ecological management strategy) reflecting survey results, and the ecological mitigation measures included in the environmental statement and including—</p> <ul style="list-style-type: none"> (a) a protected species mitigation management plan; (b) a nesting birds management plan; and (c) a non-native invasive species management plan, <p>has been submitted to and approved by Lincolnshire County Council in consultation with the relevant statutory nature conservation body and the relevant planning authority.</p> <p>(2) Onshore preparation works may not be carried out until a written ecological management plan (which accords with the outline landscape and ecological management strategy) for those</p> <p>works reflecting survey results and the ecological mitigation measures included in the environmental statement has been submitted to and approved by Lincolnshire County Council in consultation with the relevant statutory nature conservation body and the relevant planning authority.</p> <p>(3) The ecological management plan(s) must include an implementation timetable and must be carried out as approved.</p>	
LCC	Cultural Heritage	<p>LCC would draw the ExAs attention to three heritage assets, Hall Close, Morton Manor and Morton Grange and Corner Farmhouse and their settings.</p> <ul style="list-style-type: none"> • Hall Close: There is clear intervisibility with the fields to the south proposed for solar development. These field form part of a coherent medieval landscape setting and their change would result in harm to the monument's significance. 	<p>The Proposed Development has been designed to maintain a level of separation between heritage assets which could potentially be sensitive to the introduction of the Solar PV Array within their settings, with further mitigation measures including screening (new hedgerows, trees and tree belts). These setbacks are secured by the Works Plans [AS-105] (with regard to where certain infrastructure can be placed within the DCO Site) and the Landscape Mitigation Plan within the Framework LEMP</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<ul style="list-style-type: none"> • Morton Manor and Morton Grange: Development to the east in the direction of Househam Wood would alter their rural agricultural setting and result in harm to significance. • Corner Farmhouse: Adjacent fields contribute to its setting and approach; their retention as open land (within the order limits) is important to preserving significance, however its long-term retention as grassland is not secured, creating uncertainty. <p>LCC notes that while setting is not designated, it contributes to the significance of these assets and harm to that setting results in harm to significance. LCC notes the applicants setbacks to help mitigate harm regarding these heritage assets, but requests clarity as to where this mitigation has been secured through the DCO.</p>	<p>[REP5A-022] (with regard to the landscape mitigation committed to within the DCO Site) and as such will be retained throughout the duration of the Proposed Development. The detailed design must accord with these plans as per Requirements 6 and 8 of the Draft DCO [REP5A-006], respectively. For example, regarding Hall Close, please see Sheet 5 of the Works Plans [AS-105] which shows the proposed infrastructure relative to the location of Hall Close (which adjoins the DCO Site to the north-east on this Sheet). This shows that the land immediately west and south of the Scheduled Monument cannot (as per the design sought for approval by the DCO, secured by Requirement 6 of the Draft DCO [REP5A-006]) include solar development, which is defined as Work No.1 on the Works Plans [AS-105]. This is therefore sufficiently secured and will be retained for the lifetime of the Proposed Development. Furthermore, see Sheet 5 of the Landscape Mitigation Plan within the Framework LEMP [REP5A-006]. This shows this same land as 'Proposed Bird Mitigation Areas – Permanent Grassland'. This secures this landscape use of these land parcels for the duration of the lifetime of the Proposed Development, secured by Requirement 8 of the Draft DCO [REP5A-006]).</p>
LCC (AAH)	Framework CEMP	P53 – LCC have requested that the establishment period for mitigation planting be extended to 15 years to ensure that the assessment outcomes at 15 years in the LVIA are accurate.	A five-year establishment period is consistent with other recently consented solar DCOs, for example Springwell Solar Farm [EN010149], Fenwick Solar Farm [EN010152], and Tillbridge Solar Project [EN010142]. As committed to within the Framework LEMP [REP5A-022], a post-construction monitoring programme will be formalised and agreed for the duration of the project within the detailed LEMP.
LCC (AAH)	Framework LEMP	<p>Generally, a commitment to replacement planting, if failures are identified, could be more explicitly described throughout the LEMP. Lots of monitoring, but not much detail on the Applicant's obligations and the work that might result from this.</p> <p>5.3.11 – still refers to 'matching' species – we would suggest this is replaced with 'suitable' species to allow some flexibility to respond to the reasons behind failures. There is no clarification that Establishment maintenance is 15 years.</p> <p>In the Long-term maintenance (5.3.12 – f) describes monitoring of plant health - but there is no commitment to replacement planting stated. This issue is repeated for 'Hedgerows with Trees', 'Individual Trees' and 'Community Orchard'.</p> <p>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>Paragraph 7.1.7 of the Framework LEMP states that “walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. This monitoring will also be used for the purposes of BNG Condition Assessments that requires a 30-year management plan.” The Applicant therefore considers that sufficient measures are included in the Framework LEMP to ensure that proposed planting will delivered for the duration of the operational lifetime of the Proposed Development such that the LVIA assessment can be fully relied upon. Therefore, extending the establishment period to 15 years would not be required.</p> <p>As stated in the Applicant's Response to Deadline 5 Submissions [REP5A-038], the Applicant does not consider that an additional reference is required for replacement planting or the timescales for this i.e. the existing commitments throughout the Framework LEMP [REP5-017], including at paragraph 5.3.3, under the heading of 'General Principles for Planting', are sufficient.</p>
LCC (AAH)	Applicant's Response to Deadline 4 Submissions	Generally, there has been no change in the Applicant's position since DL4 and no significant alterations to the reviewed documents. LCC maintain that the LEMP should be strengthened to be more specific and explicit about the Applicants obligations to establish and maintain mitigation planting for the duration of the project. 5-year establishment periods may have been appropriate 10 or 20 years ago, but climate change is driving a marked increase in plant	<p>The Applicant has addressed the comments on establishment period and replacement planting in its response in the row above.</p> <p>With regard to the sensitivity of visual receptors (residents and users of Stepping Out network), LCC still appears to conflate visual susceptibility with visual value. The Applicant maintains its position on this matter as set out in detail within the</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>failures. It is in no one interest that new planting fails, and LCC seek reassurance that the Applicant will take responsibility for ensuring that planting succeeds on their site.</p> <p>P11 – AAH-TM06 – it is the Applicant's position is that all provisions relating to the establishment and on-going management of planting are agreed in the SOCG. The Applicant refers to Row 4.7.5. The implication is that the Applicant will not extend the establishment period to 15 years to match the assessment, and they will not explicitly commit to undertaking replacement planting for the life time of the development as LCC has requested. Therefore, it remains LCC's position that the assessment outcomes claimed can not be guaranteed and the development may be more visible in the landscape at year 15 than has been assessed.</p> <p>LCC look forward to reviewing the species list in the detailed LEMP. The applicant states they wish to build resilience to future changes to climate, but continue to promote 'matching' species in 5.3.11. Paragraph 7.1.12 – 'monitoring will feed into the management plan' – 'management may be amended accordingly' –does not explicitly describe irrigation or the replacement of failed planting or changes to species in response to failures. LCC would suggest that more explicit explanation is required in the LEMP to make this clearer.</p> <p>LCC's position is simple – if the applicant is relying on vegetation to mitigation the impact of their development, they should be able to guarantee its establishment, and they should be prepared to maintain it for the complete duration of the development.</p> <p>P12 – LCC maintain their position that the value of the 'Stepping out' walks has been under represented. The Applicant, apparently guided by GLVIA3 (which is 'guidance') has placed a greater value on national routes used seasonally by tourists, rather than local routes used daily by residents. LCC would argue that local routes have more mental health benefit and value to residents than national routes that may be used less frequently used by them.</p> <p>P12 – LCC welcome the proposed variation in hedgerow heights to reflect their purpose. P13 – AAH / LCC's position has been consistent and has not been 'subject to change' as the applicant suggests. The Applicant has been unable to explain where LCC's position has changed.</p> <p>P13 – LCC welcome constructive engagement - but alterations to landscape maintenance have been limited and the wording of the SOCG and LEMP continue to reflect this.</p>	<p>Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] (reference LV.2.04).</p> <p>The Applicant accepts that there is a difference in professional opinion with regard to the anticipated level of cumulative effects. The Applicant maintains its position as previously set out in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p56/57).</p>

Interested Party	Theme	Comments on Deadline 5A Submissions	Applicant Response
		<p>P14 – the susceptibility of residents is under played in the assessment. It seems that because residents experience their surrounding more often on local PROWs, than visitors on national routes, they are judged to have a lower susceptibility to change. The implication seems to be that repeated exposure to your surroundings de-sensitises you to them. This is not the case as most residents (particularly those that use PROW regularly) care very deeply about their local surroundings and are arguably more susceptible to change. The environment experienced by local residents is often why they choose to live in that location. According to the Applicant's assessment, residents are 'less focused on views' because they may be dog walking or engaging in some other daily activity. LCC would suggest this is not the case. The interpretation of GVLIA3 guidance is open to professional interpretation, and LCC think on this issue it is questionable.</p> <p>P15 – Sequential cumulative impacts - the Applicant's position seems to rest on the 'visual relief' between developments that will make them more acceptable. It seems unlikely that a receptor travelling through the landscape will have forgotten the solar farm they experienced 2 km away when they pass by the next one. LCC position remains that there will be a cumulative impact on this area from multiple developments that has been understated in the assessment. P15 - Glint and glare – As it cannot be guaranteed that mitigation planting will prevent all views of the development, it also cannot be guaranteed that all 'glint and glare' will be prevented. Where there are views of the development there is potential for 'glint and glare'.</p> <p>P20 – It is noted that when the Applicant refers to the 'The North Kesteven Active Planning Strategy' in their Health and Wellbeing Summary Statement, they fail to mention 'The Stepping out Walks' which this strategy promotes for healthy lifestyle, activity, environmental and mental health benefits. This is consistent with the oversight of these routes in the LVIA.</p> <p>P26 – It is noted that NKDC also state that they believe the susceptibility of receptors on 'The Stepping out Walks' has been understated. NKDC believe that the appreciation of the landscape and views is a major factor in the selection and promotion of these walks. The Applicant's response is that, while they accept landscape appreciation is integral to the recreational experience, 'this does not alter the conclusions of the Applicant's Assessment'. In other words, the Applicant will not re-visit their original assessment and will not re-consider the susceptibility of receptors on 'The Stepping out' walks.</p>	

2.3 Applicant's Response to the responses provided by IPs to the ExA's Proposed Schedule of Changes to the dDCO

Table 2-3: Applicant's Response to the responses provided by IPs to the ExA's Proposed Schedule of Changes to the dDCO

IP	Theme	IP Response to the ExA's Proposed Schedule of Changes to the dDCO	Applicant Response
Environment Agency	ExA's Proposed Schedule of Changes to the dDCO [PD-022]	<p>We have reviewed the ExA's proposed schedule of changes to the dDCO [PD-022] and we confirm that we are satisfied with the amendments presented, insofar as it relates to our remit.</p> <p>In particular, it is welcomed that paragraph 3 (Further information and consultation), sub-paragraph (3), on pages 25 and 26, retains and refines the requirement for a 15 working day consultation period for DCO requirement consultees.</p>	The Applicant acknowledges this comment.
NGET	ExA's Proposed Schedule of Changes to the dDCO [PD-022]	<p>NGET also notes that the Examining Authority's schedule of proposed changes to the Applicant's draft Development Consent Order was issued on 23 April and contains one point of relevance to NGET.</p> <p>The Examining Authority has proposed adding a definition for NGET within Article 2 of the DCO given that there is reference to NGET within Article 34. NGET agrees that this change should be made and that the definition of NGET within paragraph 86 in Part 8 of Schedule 14 should be amended to cross refer to Article 2.</p>	The iteration of the draft DCO submitted at Deadline 5A [REP5A-006] included a definition for NGET at Article 2 (Interpretation) and the definition previously included within paragraph 86 of Schedule 14 was subsequently deleted.
National Highways	Requirement 14 (Construction Traffic Management Plan (CTMP))	<p>National Highways notes and supports the Examining Authority's proposed amendments to Requirement 14.</p> <p>However, as currently drafted, the wording appears to suggest that two Construction Traffic Management Plans (CTMPs) would be prepared. National Highways' understanding is that a single CTMP will be produced.</p> <p>That CTMP should be subject to approval by both the Local Planning Authority and National Highways, with National Highways' approval limited to matters relating to impacts on the strategic road network (SRN). National Highways does not seek to be consulted on, or to approve, matters relating solely to the local highway network. Responsibility for assessing and commenting on such impacts should rest with the relevant local highway authority.</p> <p>National Highways therefore proposes the following amendments to clarify this position:</p> <p>"(1) No part of the authorised development is to be commenced until a construction traffic management plan for that part has been submitted to and approved by the local planning authority in consultation with the local highway authority.</p>	The Applicant maintains its position and has responded to NH's submission on this point at Table 3-6: Applicant's Response to the responses provided by National Highways Limited [REP5A-055] to the ExAs Third Written Questions above.

IP	Theme	IP Response to the ExA's Proposed Schedule of Changes to the dDCO	Applicant Response
		<p>(a) Where the part of the authorised development would involve construction works affecting the local highway network, by the any construction traffic management plan shall be submitted to and approved by the relevant planning authority in consultation with National Highways.</p> <p>(b) Where the part of the authorised development would involve construction works affecting the strategic highway network, any construction traffic management plan shall also be submitted to and approved by National Highways in relation to effects on the strategic highway network only in consultation with the relevant planning authority.</p> <p>In terms of the definition of the strategic road network, National Highways proposes the same definition as within its protective provisions for consistency, as follows:</p> <p>“strategic road network” means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all other land, apparatus and rights located in, on, over or under the highway;</p>	
National Highways	Part 5 (Protection of National Highways)	<p>1) Duplication is noted. National Highways agree deletion of paragraph 37(3) preferable to avoid re-numbering.</p> <p>2) Deletion of “and” agreed.</p> <p>3) NH are agreeable to deletion of “CV” with replacement of “Curriculum Vitae”</p> <p>4) No comments</p> <p>5) “r” numbering should be deleted and the clause should be laid out as follows</p> <p><i>(p) article 30 (temporary use of land for maintaining the authorised development); or</i></p> <p><i>(q) article 39 (felling or lopping of trees and removal of hedgerows) of this Order,</i></p> <p>over any part of the strategic road network or land in which National Highways has an interest in without the consent of National Highways (, and National Highways may in connection with any such exercise require the undertaker to provide details of any proposed road space bookings and/or submit a scheme of traffic management for National Highways’ approval.</p> <p>6) National Highways agree “c” numbering should be deleted and the provision should be laid out as follows:</p> <p><i>(6) If any part of the specified works is constructed-</i></p> <p><i>(a) other than in accordance with the requirements of this Part of this Schedule; or</i></p> <p><i>(b) in a way that causes damage to the highway, highway structure or asset or any other land of National Highways,</i></p> <p>National Highways may by notice in writing require the undertaker, at the undertaker’s own expense, to comply promptly with the requirements of this Part of this Schedule or remedy any damage notified to the undertaker under this Part of this Schedule, to the reasonable satisfaction of National Highways.</p> <p>7) National Highways agree “e” should be deleted and the provision should be laid out as follows:</p>	<p>The Applicant has made the necessary deletions and replacements, and these are reflected in the iteration of the draft DCO submitted at Deadline 5A [REP5A-006].</p> <p>With regards to point 8, the Applicant has amended the wording of paragraph 49(4)(b) as follows:</p> <p><i>“(b) the <u>National Highways</u> costs have been paid to National Highways in full;”</i></p> <p>With regards to point 9, the Applicant has amended the wording of paragraph 54(3)(b) as follows:</p> <p><i>“The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days’ in advance of the planned commencement date of the maintenance works <u>of the specified works.</u>”</i></p> <p>It is considered that these amendments address the ExA’s concerns.</p>

IP	Theme	IP Response to the ExA's Proposed Schedule of Changes to the dDCO	Applicant Response
		<p>(4) When—</p> <p>(a) a stage 3 road safety audit for the specified works has been carried out and all recommendations raised including remedial works have (subject to any exceptions agreed) been approved by National Highways;</p> <p>(b) the specified works incorporating the approved remedial works under sub-paragraph (4)(a) and any further works notified to the undertaker pursuant to sub-paragraph 10(3)(b) have been completed to the reasonable satisfaction of National Highways;</p> <p>(c) the as built information has been provided to National Highways; and</p> <p>(d) the undertaker has paid the commuted sum to National Highways,</p> <p>National Highways must issue the provisional certificate.</p> <p>8) “NH Costs” has been defined in paragraph 44(1). It is National Highways view drafting at paragraph 49(4)(b) should remain as drafted. National Highways agrees to the deletion of item header “c”</p> <p>9) We have discussed this amendment with the Applicant and agreed paragraph 54(3) should read as follows: <i>“The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days’ in advance of the planned commencement date of any the maintenance works to be carried out pursuant to sub-paragraph (1)”</i></p> <p>10) National Highways agree “d” numbering should be deleted and the provision should be laid out as follows:</p> <p>(3) The undertaker must not under the powers of this Order:</p> <p>(a) acquire or use land forming part of;</p> <p>(b) acquire new or existing rights over; or</p> <p>(c) seek to impose or extinguish any restrictive covenants over;</p> <p>any of the strategic road network, or extinguish any existing rights of National Highways in respect of any third party property, except with the consent of National Highways by written request to legalserviceteam@nationalhighways.co.uk.</p>	

2.4 Applicant's Responses to Comments from any party on any submissions and any information received at Deadline 5

Table 2-4: Applicant's Responses to Comments from any party on any submissions and any information received at Deadline 5

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
Anne Heard	Implications of the Raeshaw Farms Ltd Case	<p>The Judgement</p> <p>1.0 In Raeshaw Farms Ltd v Scottish Ministers (2026) CSIH 10 the judgment of the Court was handed down on 17 February 2026. This was an appeal against the decision of a reporter to grant planning permission for the erection of eight wind turbines which did not include the future grid connection. However, by the time of the decision the developers had a contracted the grid connection energisation date. The issue on appeal was whether the construction of the wind farm and it's grid connection constituted a single project for the purposes of assessing it's environmental impact.</p> <p>1.2 The reporter said that the development proposal for the wind farm had been subject to an environmental impact assessment and that whatever grid connection solution was proposed would be subject to it's own environmental impact assessment.</p> <p>1.3 The Court cited (R) Wingfield v Canterbury City Council (2020) JPL 154 where Lang J had compiled a non-exhaustive list of relevant factors as to what constitutes a "project":-</p> <ul style="list-style-type: none"> -Common ownership -Simultaneous decisions -Functional interdependence -Stand-alone projects <p>1.4 The Court, in quashing the decision of the reporter, found that he had erred in failing to conduct the fact specific evaluation of the proposal before reaching a conclusion whether the wind farm and grid connection constituted a single project for which an environmental impact assessment report that analysed the potentially significant cumulative effects of both aspects was required. What was needed was a careful consideration of whether the wind farm construction and grid connection were, on the basis of the available material, so closely connected as to form parts of a single project. There was no attempt to consider the type of factors listed in Wingfield. The issue of functional interdependence was clearly relevant, as indisputably the wind farm could never become functional without a grid connection.</p> <p>1.5 The Court said that the practical and commercial difficulties that flow from the details of a grid connection being unavailable early in the planning stages of a windfarm development were considered in the Irish case of Ó Grianna v An Bord Pleanála (2014) IEHC 632 where Peart J considered that a lack of formulated</p>	<p>The Applicant is aware of the decision of the Inner House of the Court of Session (the Scottish equivalent to the Court of Appeal) on 17 February 2026 in respect of Raeshaw Farms Limited v Scottish Ministers [2026] CSIH 10. As this is a decision of the Court of Session, it is not binding on the courts of England and Wales. Notwithstanding this, the Applicant is considering whether it has any potential implications for the Proposed Development and will provide a full response at Deadline 7.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>proposals for the design and route of the connection of a wind farm to the grid did not justify treating phase 1 of the scheme as a stand-alone project, rather it was suggestive of a permission being sought prematurely.</p> <p>1.6 The appellant had also raised an irrationality challenge that the reporter had taken into account the benefits of the project that could only be realised were a grid connection to be installed without taking the disbenefits into account. The Court considered that there was force in the argument that the reporter had placed considerable weight on the wider benefits that would result from the operation of the wind farm once connected to the grid. He also had regard to renewable energy and climate change benefits which could only arise once the grid connection was in place. Specific reference was made to the predicted generating capacity of the development once operational. The Court said that the reporter's consideration of the proposed development as a whole, at least in relation to socioeconomic and climate change benefits was illustrative of the potential difficulties in treating the two phases as entirely separate for the purposes of assessing the environmental impacts.</p> <p>Implications for the proposed development</p> <p>1.7 The judgment in the Raeshaw case is relevant to the consideration of the application for the DCO for the proposed development. The issue is whether the proposed development and the Navenby substation, amount to a single project for which an environmental impact assessment will be required that encompasses both elements. This question has not been considered during the examination but applying the factors listed in Wingfield, the issue of functional interdependence is relevant, as the proposed development could not function without a grid connection. If the proposed development and the Navenby substation are determined to constitute a single project, then the Applicant will need to submit a revised EIA that encompasses both elements of the scheme.</p>	
Anne Heard	Decommissioning costs	<p>2.1.1 It is difficult to understand on what "experience, knowledge and industry information" the Applicant is basing its estimate of decommissioning costs given that there appears to be few projects which have been decommissioned. It is not apparent that the Applicant is relying on its own experience of decommissioning, Windel Energy is solely involved in setting up solar projects and the services that Recurrent Energy provide to its clients as advertised on its website do not include decommissioning.</p> <p>2.1.2 Presumably the decommissioning costs have been based on the premise that the environmental impacts of the proposed development are temporary and reversible. The Applicant's assertion that the core material recycled will far exceed the 3 pence per watt is based on the assumption that on decommissioning there will</p>	<p>The Applicant is a partnership between Windel Energy Limited and Recurrent Energy, who are both experienced developers of renewable energy projects and who are committed to responsibly delivering the Proposed Development throughout its entire lifetime, inclusive of its decommissioning. The decommissioning costs provided are based on the Applicant team's combined significant experience of large-scale solar and battery storage projects across the UK; including the detailed consideration of the full lifecycle of scheme components and associated costs which inherently form a key part of the planning of a prospective scheme, coupled with UK market conditions, evolving trends and industry forecasts.</p> <p>Decommissioning costs take into account resale value through recycling. The Applicant notes the point that the recycling value may be different in 60 years, however</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>be a market to justify material recovery from the development and that the development has been properly maintained and not run to fail. Frolova et al (2025) "Abandoning renewable energy projects in Europe and South America: An emerging consideration in the recycling of energy landscapes" In Energy for Sustainable Development Vol 85 April 2025 suggest that emerging research highlights that these assumptions may be flawed as energy landscapes often undergo transformation that make full restoration costly or unfeasible.</p> <p>2.1.3 C Mackie and A Velenturf (2021) "Trouble on the Horizon: Securing the decommissioning of Offshore renewable energy installations in UK waters" In Energy Policy Vol 157 October 2021, suggest that the breadth of the estimated cost range of between £1.28-3.64 billion for decommissioning offshore wind farms in the UK, raises concerns as to the ability of the developer to estimate their own decommissioning costs reliably. It is suggested that there may be deliberate under-costing as the greater the estimate costs, the greater the level of security that may be required and the greater the financial burden to the developer. Skepticism around the amount of the decommissioning costs for the proposed development has been expressed by NKDC in their comment that "it strikes the Council that the decommissioning costs appear to be a relatively small proportion of the total costs (around 3%)" (paragraph 2.49 of REP4-021).</p> <p>2.1.4 The Applicant has previously not included an amount for decommissioning costs in its Funding Statement as, given the timeframe (60 years+) an estimate of decommissioning costs "is likely to carry significant assumptions and limitations whereby advancements in technology by the late 21st century have the potential to significantly affect costs estimates" (REP1-047 page 352). It is therefore not credible that the Applicant is now able to provide an accurate unqualified estimate of decommissioning costs based on its "experience, knowledge and industry information".</p>	<p>the Applicant is only able to make estimates based on foreseeable data. As previously stated, under Requirement 20 of Schedule 2 to the draft DCO [REP5A-006], the Applicant is required to undertake the decommissioning of the Proposed Development and is therefore legally obliged to do so.</p> <p>Some segments of the solar industry have communicated that decommissioning costs are roughly covered by the resale value from recycling components, with further reductions in cost possible in 60 years' time. Therefore, the Applicant did not specify that the decommissioning costs were included in its initial Funding Statement; because these costs are expected to be a negligible or insubstantial proportion of the overall costs of the Proposed Development. The Applicant subsequently updated the Funding Statement to clarify that the cost estimate included the decommissioning costs. The inclusion of this does not imply that the Applicant is unable to give an accurate unqualified estimate of decommissioning costs. Whilst the Applicant acknowledges that the level of uncertainty / accuracy for decommissioning costs is more than for construction and operation, this is not considered material given the relatively small contribution this stage of the Proposed Development makes to the overall cost.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
Anne Heard	Applicant's response to Deadline 4 Submissions - Funding Statement	<p>Capital costs</p> <p>3.1.1 The Applicant has not dealt with the point made in paragraph 2.2.2 of my submission at REP4-030 that whilst the decommissioning costs (which were originally not included in the capital costs) have now been included as part of the capital costs in the Funding Statement, the capital costs should be increased accordingly.</p> <p>3.1.2 The same pattern of contradictory statements about decommissioning costs were made in the Springwell DCO. The original Funding Statement made no mention of decommissioning costs. The applicant then confirmed that the decommissioning costs were not included in the capital costs of the scheme (REP1-071). The Applicant subsequently amended the Funding Statement to include decommissioning costs without a corresponding uplift in the amount of the capital costs (REP4-007). I raised this issue in my submission to the Springwell examination in REP5-036 but the point was not addressed.</p> <p>Mechanism for Funding Decommissioning Costs</p> <p>3.1.3 The Applicant refers to the Secretary of State's decision letter for Springwell which states that "the revised funding statement suitably demonstrates that the Applicant is able to fund the decommissioning of the Proposed Development". Whilst the revised Funding Statement in Springwell (and the current version of the Fosse Green Funding Statement) confirm that the decommissioning costs are included in the capital costs, neither states how the costs will be funded. In paragraph 12.2 of my submission at REP1-106, I give examples of Funding Statements in made DCOs that include such detail.</p> <p>3.1.4 In the paper by Frolova et al referred to in paragraph 1.1.2 above, the authors express concern that the financial mechanisms ensuring the dismantling of large scale solar farms remain insufficient and that without clear financial provisions, project developers are not always held accountable for full site restoration. The authors states that financial guarantees for decommissioning remain weak, raising the risk of infrastructure abandonment.</p> <p>3.1.5 This concern is reflected in ExAQ3 DCO.3.15, where the ExA postulates that neither Requirement 20 nor the DCO in general would adequately provide for the decommissioning of the land affected by the proposed development and has asked the Applicant to provide draft wording for inclusion in Requirement 20 to establish a mechanism for funding the decommissioning.</p>	<p>As previously noted in the Applicant's Response to Deadline 4 Submissions [REP5-025], the Funding Statement [REP2-009], provides clarity that the cost estimate for the Proposed Development includes decommissioning costs.</p> <p>The Applicant maintains its position 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. The Applicant has justified its position in detail in previous submissions 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> <p>In addition to the extensive reasoning set out by the Applicant in the above noted submissions, the Applicant notes the position taken by the Secretary of State in paragraph 4.12 of the Springwell Solar Farm decision letter (Planning Inspectorate Reference: EN010149) that the imposition of a requirement for a decommissioning bond is not necessary or appropriate.</p>
Anne Heard	Applicant's response to Deadline 4	4.2.1 The Applicant continues to put forward reasons that are not credible for distinguishing other NSIPs from the proposed development in the way that agricultural land is considered as permanently sealed over.	The Applicant responded to this comment in the Applicant's Response to Deadline 5 Submissions [REP5A-038].

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
	<p>Submissions - Permanent sealing of agricultural land</p>	<p>4.2.2 In the Appendix to this submission, I set out the four projects referred to above as well as Springwell DCO where the Secretary of State has recently determined that hard infrastructure was permanently sealed over (paragraph 4.49 of the decision letter dated 8 April 2026) and compare these against the criteria referred to by the Applicant.</p> <p>4.2.3 Responding to the Applicant's specific comments:- - Gate Burton included the substation which was also considered to be permanently sealed as well as the planting areas. - In Mallard Pass, it was not only the substation but also the solar stations and access tracks that were considered as permanently sealed. The ES was reviewed in the light of the revised time limited consent of 60 years and there was no change to the conclusion that these areas would be permanently sealed. - In Heckington Fen there was no distinction made between the substation which was on Grade 3b agricultural land and the access tracks and solar stations which were on higher grade agricultural land. All these areas were considered to be sealed over. The Applicant has previously argued this point in relation to Mallard Pass (REP3A-025) where it was suggested that the reason for determining that the solar stations and access tracks were considered as sealed over related to their higher ALC grading. However, as I pointed out in paragraph 1.7 of my submission REP5-045, the areas of the substation which were of a lower grade were also considered to be permanently sealed over.</p> <p>4.2.4 In conclusion, the approach taken by the Applicant in the ES in considering that the areas of hard infrastructure are not permanently sealed over is not robust, there are at least five NSIPs including the recent Springwell DCO where these areas are considered to be permanently sealed and there is no distinction between those cases and the proposed development on which the Applicant can rely.</p>	<p>The IEMA/ISEP guidance 'A New Perspective on Land and Soil in Environmental Impact Assessment', significance criteria (in Table 3 of the guidance) refers to "Permanent, irreversible loss..." on each occasion, for the assessment of soil impacts. It does not simply refer to "permanent" loss. The Applicant does not consider the impacts of the Proposed Development to be permanent and irreversible. The Framework Decommissioning Environmental Management Plan [REP3-020] and Framework Soil Management Plan [REP5A-018] include provisions for the removal of this infrastructure during decommissioning and provisions to restore the soil to its current condition following decommissioning. The impact is therefore neither permanent nor irreversible.</p>
<p>Anne Heard</p>	<p>Applicant's response to Deadline 4 Submissions - Mental Health - New permissive paths and community orchard page 51</p>	<p>5.1.1 This exchange of submissions arose from ExQ2 PE2.02 which asked the Applicant to provide evidence which demonstrated that design opportunities would mitigate the adverse effects on mental health. In response the Applicant stated at REP3-045 (page 57) that "in providing leisure opportunity and new permissive paths, the proposed development will therefore have an inherent mental health benefit." This statement is reiterated in paragraph 5.1.4 e of the Health and Wellbeing Statement (REP3-047) where the Applicant has stated that it has outlined the measures that "specifically enhance mental health and wellbeing, including the creation of new permissive paths and community access areas". These statements were not set in any context.</p> <p>5.1.2 Far from enhancing mental health, the proposed measures to create new permissive paths and the community orchard will not effectively mitigate</p>	<p>Response to 5.1.1: The Applicant's position is set out within the Health and Wellbeing Summary Statement [REP3-047], which explains that permissive paths and community access areas contribute to mental wellbeing through improved access to recreation, physical activity and green space. These measures are assessed within wider determinants of a health framework and are not intended to operate in isolation.</p> <p>Response to 5.1.2: The conclusion that these measures would not mitigate potential mental health effects is not supported by the evidence base. The assessment applies a population-level approach, which recognises that increased access to outdoor space and physical activity are established positive determinants of mental wellbeing.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>against the negative effect of the proposed development on mental health as set out below.</p>	
Anne Heard	Applicant's response to Deadline 4 Submissions - Connectivity	<p>5.1.3 The Applicant suggests that new permissive paths will enhance local connectivity (paragraph 3.8.11 of the Health and Wellbeing Statement). How does the proposed permissive path along Clay Lane, Bassingham improve connectivity? It is a circular route from and to the existing public highway around the edge of an open featureless flat arable field. Fig 1 below is a photograph of the field taken from Clay Lane and the position that the photograph was taken is shown in Fig 2</p> <p>Extent of permissive paths</p> <p>5.1.4 The length of new permissive paths which the Applicant proposes to provide as part of the proposed development is unclear and it is the subject of ExQ3 TT.3.04 (PD-021). Paragraph 5.3.15 of the Planning Statement (AS-098) refers to the creation of 9.5km of permissive paths. In response to ExQ2 TT.2.04 the Applicant confirmed that it would review the extent of the existing and proposed permissive paths which were shown in Figure 3.3 (AS-024) (REP3-045). Figure 3.3 was revised at Deadline 5 (REP5-008) and does not now differentiate between existing and proposed new permissive paths. In REP4-018 (page 90) the Applicant states that differentiating the status of retained or new permissive paths is not important and that the updated length of proposed permissive paths to be provided is 10.2 km. However, paragraph 6.1.4 of the FLEMP (REP5-017) still states that "a permissive path network of 9.5km will enhance the recreational value of the DCO site". There remains inconsistency in the figures given for the total length of permissive paths (existing and new). In addition, part of the proposed permissive path along Clay Lane, Bassingham remains shown along an existing public highway (my submissions REP2-061 and REP5-045 refer).</p> <p>Community Orchard</p> <p>5.1.5 The Applicant suggests that the proposed 1.8ha community orchard will allow open access to the area and allow the community to pick fruit (paragraph 3.8.11 of the Health and Wellbeing Statement). The nearest access to the orchard will be through the residential estate at Witham St Hughes. The majority of proposed orchard is located behind the dwellings on Nettleton Drive. The proposed entrance to the orchard will be off Green Lane (Gray Lane as indicated on the map) as shown on Fig 4. Fig 5 is taken from the approximate location of the access point. Part of the orchard will be located in the field seen in the foreground with solar arrays behind. The only people who are likely to be aware of its existence or use the orchard are the residents of Nettleton Drive and the properties fronting onto Green Lane at Witham St Hughes. The proposed mitigation of the community orchard will therefore in practice benefit only a small proportion of the local community.</p>	<p>Response to 5.1.3: As detailed in the Framework LEMP [REP5A-022] at paragraph 6.1.4, the Applicant's proposed permissive path network was developed based on baseline research and consultation feedback, which demonstrated that local communities and stakeholders would benefit from the provision of additional permissive paths to the west of Bassingham. Permissive paths are not solely for local connectivity and the new circular route will provide a new walking route and amenity for residents of Bassingham.</p> <p>Response to 5.1.4: The Applicant has updated the FLEMP at Deadline 6 to reflect the updated length of proposed permissive paths to be delivered as part of the Proposed Development. As illustrated and secured by Sheet 9 of the Streets, Rights of Way and Access Plans [REP5A-004] the proposed permissive path runs adjacent to the west of Clay Lane.</p> <p>Response to 5.1.5: The central location of the proposed community orchard in combination with the proposed permissive path network will allow users of the network (which connects to PRow), members of public, and residents of Witham St Hughes, Haddington, Aubourn, Bassingham, Morton, Morton Hall to access the community orchard on foot. It is noted that the proposed community orchard was communicated to attendees at the various statutory consultation events held by the Applicant (as set out in the Consultation Report [APP-023]), as well as being made available within the Stage two consultation documents on the Fosse Green Energy website.</p> <p>Response to 5.1.6 to 5.1.8: The Health and Wellbeing Summary Statement [REP5-023] has considered potential adverse effects on user experience for people accessing PRow and permissive paths, particularly those promoted for health and wellbeing purposes such as the Stepping Out Walks. 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 ES chapters including Chapter 10: Landscape and Visual Amenity [AS-117], Chapter 13: Traffic and Transport [REP3-010], Chapter 11: Noise and Vibration [APP-036], and Chapter 12: Socio-Economics and Land Use [AS-016], and are brought together within the Health and Wellbeing Summary Statement [REP5-023]. Further detail on the assessment of operational noise along PRow has been provided in the Applicant's Response to Deadline 4 Submissions [REP5-025] (page 46).</p> <p>Response to 5.1.9: The Applicant has amended the FLEMP at Deadline 6 to remove the provision for the permissive paths to be closed for up to seven days per year. However, the Applicant has maintained the provision to implement closures for the maintenance purposes, including any repairs required in emergencies. The amendments made to the Framework LEMP are set out below and are reflected in the updated Framework LEMP submitted at Deadline 6.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>Visual experience of users of new permissive paths</p> <p>5.1.6 The majority of the routes of the permissive paths to be provided by the Applicant are along the edges of the solar array fields which will eventually be screened by 3m high hedges. In the planning appeal by JBM Solar Projects Limited against the refusal of planning permission for a 49.9MW solar farm on land to the north of Stretton Road, Alfreton DE55 6HA dated 28 April 2026 (Appeal ref 6001477), the Inspector, in dismissing the appeal, noted in paragraph 63 that the proposal would include a circular permissive footpath around part of the site which would increase recreational access to the countryside. The Inspector went on to say "However, experientially this route would be uninspiring, being in between high hedges and security fencing which would only allow close range views over expanses of panels". The proposed new permissive paths to be provided by the Applicant are similarly visually "uninspiring".</p> <p>Noise along new permissive paths</p> <p>5.1.7 The Applicant states that operational noise has been assessed and predicted to remain below relevant thresholds at public rights of way. It is not clear whether the Applicant is also asserting that operational noise is "below relevant thresholds" along the new proposed permissive paths. I have made submissions about the operational noise along the existing PRow in REP1-106 (paragraph 5.1), REP2-061 (paragraph 7) and REP5-045 (paragraph 3). In summary, my contention is that as the Applicant has not taken sound levels along the existing PRow, it is not able to assert that the operational noise along those routes will be "akin" to or "in line with" the existing noise levels. It can be seen from the noise contour plans (AS-063) that the operational noise along the majority of the proposed new permissive paths around Thorpe on the Hill for the distributed BESS option will be between 35 and 55dB. The route of the new permissive paths around TOTH will be alongside the A46 and Fosse Road where traffic noise will predominate.</p> <p>Purpose of using new permissive paths</p> <p>5.1.8 The Applicant acknowledges that the new permissive paths will be alongside infrastructure and roads but concludes that as the expected predominant use of the routes is for exercise (based on the use of existing routes) this does not provide a robust basis for concluding that their use would adversely affect mental health. The Applicant has not carried out any survey of the users of the PRow in the area to ascertain their motives for walking those particular routes and therefore has no basis for stating that the predominant use of those routes and by extension, the proposed new permissive routes, will be for exercise.</p>	<p>Paragraph 6.1.2:</p> <p>The permissive paths will be made available to the public during operation of the Proposed Development, provided that the Applicant may withdraw permission to use the paths and periodically exclude the public by closing the path for up to seven days in any calendar year. In addition, close the paths may be closed to carry out repair and maintenance works <u>(including emergency repair works)</u>. , although in practice sSuch closures are likely to be infrequent. T and the Applicant will notify NKDC at least seven days in advance of any planned permissive path closures. This requirement does not apply to emergency closures. The paths will be managed by the Applicant, and signage may will be displayed to confirm that <u>the public use of the paths is strictly by their use by the public is with</u> permission of the <u>landowner</u>. At the end of the Proposed Development's operation (with further detail to be included in the DEMP), when the land will be in private ownership, the Landowner will be free to permanently withdraw permission and bring the permitted public use to an end.</p> <p>Paragraph 6.1.10</p> <p>New signage will be installed to help wayfinding and provide information on how to link to existing parts of the PRow network as well as course distances to promote active travel. Access points will be clearly defined. Signage will be designed to be durable, weather-resistant and sympathetic to the natural surroundings. <u>Such signage will confirm that the use of the permissive paths by the public is with permission of the landowner.</u></p> <p>Response to 5.1.10 to 5.1.17: Please refer to the Applicant's response to 5.1.1 and 5.1.2 set out above.</p>

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		<p>Restriction on use of the permissive paths</p> <p>5.1.9 The permissive paths (existing and proposed) will only be provided during the operational period, they are not being dedicated as permanent public rights of way. The Applicant will also be able to close the permissive paths for 7 days a year. In addition, the paths may be closed for repair and maintenance work and for emergency repairs (paragraph 6.1.2 of the FLEMP REP5-017). There is no limit on the amount of time that the paths can be closed for repair and maintenance work.</p> <p>Population level impacts</p> <p>5.1.10 The Applicant states that the population level conclusions are not undermined. In paragraph 2.13 of the Health and Wellbeing Summary Statement (REP3-047), the Applicant acknowledges that the general population is of medium sensitivity with some higher sensitivity receptors including those with poor mental health. Paragraph 2.7.7 acknowledges that the percentage of the population in Lincolnshire diagnosed with depression (15.8%) is higher than regional and national levels.</p> <p>5.1.12 The World Health Organisation "Guidelines for Community Noise" discusses the effects of environmental noise on mental health and notes the importance of taking vulnerable groups into account, because they are not able to cope sufficiently with unwanted environmental noise and this is particularly true of children, the elderly and people with pre-existing illnesses, especially depression.</p> <p>5.1.13 Paragraph 3.5.7 states that during the construction and decommissioning phases of the proposed development, the experience of using PRow or permissive paths is not anticipated to materially change as a result of noise or vibration and there would be no adverse impacts on the human health and wellbeing of users. Similarly, the Applicant's conclusion is that there would be no adverse impact as a result of operational noise (paragraph 3.5.15 refers). However, in it's analysis, the Applicant does not appear to have considered the particular vulnerability of those suffering from depression who are likely to have a higher sensitivity to unwanted noise.</p> <p>5.1.14 At paragraph 3.6.15 of the Health and Wellbeing Statement, the Applicant acknowledges that there will be significant major/moderate adverse visual effects in year 15 of operation recorded on a number of PRow but concludes in paragraph 3.6.20 that the effects will reduce in time, they are limited in nature, extent and duration and are not of a scale, frequency or magnitude that would give rise to likely significant adverse effects on health and wellbeing at a population level.</p>	

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		<p>5.1.15 Research suggests that non-natural landscapes often contribute to higher rates of depression, anxiety and stress (M Sander et al (2025) Natural v built visual urban landscape elements around the home and their associations with mental and brain health of residents" In Psychology Vol 104 June 2025). In Guang Yang et al (2025) "How environmental perception influence depression and anxiety: the mediating role of social interaction" In BMC Public Health 2025 31 March a study of people in the Yangtze River Delta China showed that those with poorer environmental perceptions including their local green environment were more likely to experience symptoms of depression and anxiety.</p> <p>5.1.16 In it's analysis of the landscape and visual effects of the proposed development, the Applicant does not appear to have considered the particular vulnerability of those suffering from depression whose mental health is likely to be adversely affected by the visual change in the landscape from the current wide open views of arable fields to a landscape of energy infrastructure.</p> <p>Conclusion</p> <p>5.1.17 The Applicant asserts that the provision of a community orchard and new permissive paths will not only mitigate the adverse effects of mental health which will arise from the proposed development but also will provide an inherent mental health benefit. The Applicant acknowledges that noise, visual factors and individual perception influence user experience. No evidence has been submitted by the Applicant that the experience of recreational walking amongst fields of solar arrays has been seen as positive. As shown above, the extent of new permissive paths over and above what is already provided is unclear. The paths are temporary and may be closed at will for an indefinite length of time. Some of the proposed mitigation will only benefit a small proportion of the local community. If the intent of the Applicant is to alleviate the adverse mental health effects arising from the impact of the proposed development on existing PRow, the provision of more routes with exactly the same experience will not assist.</p> <p>The assessment of the impacts at population level has failed to take account of the particular susceptibilities of those with poor mental health of which the percentage in Lincolnshire is higher than regional and national levels.</p>	
Anne Heard	Applicant's response to Deadline 4 Submissions - Response to ExQ3 GC.3.01 (PD-021)	The ExA has requested all parties to submit representations about the implications of the Springwell DCO decision on any aspect of the case that has been made by any IP. One of my submissions relates to the permanent sealing of agricultural land by hard infrastructure such as the BESS, solar compounds and substation. I have quoted a number of made DCOs where hard infrastructure has been deemed as permanently sealed over. The Applicant has sought to distinguish those cases from the approach taken in the proposed	The Applicant notes the Springwell decision, and refers the IP to the Applicant's response regarding the permanent sealing of agricultural land in the Applicant's Response to Deadline 5 Submissions [REP5A-038]. The other solar NSIPs referred to in the IP's previous submission were assessed either based on a permanent development (with no time limited consent), or leaving onsite tracks and/or substations in place after decommissioning (unlike the Proposed Development), or having concrete pads or tracks situated on Very High sensitivity Grade 1 or 2 land (again, unlike the Proposed

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		<p>development. Paragraph 4.49 of the Secretary of State's decision in the Springwell DCO also considered that the areas of hard infrastructure were to be considered as permanently sealed (paragraph 1.11 of REP5-045 refers).</p>	<p>Development), which is difficult to reinstate quickly to its previous land value, and therefore was evaluated as permanently lost. The Springwell Solar Farm is a similar situation to the latter, as its order limits include 86ha (212.5 acres) of Very High sensitivity land comprising Grades 1 and 2, 14ha (34.5 acres) of which will be utilised for the siting of solar PV. This land may therefore have potential for crushed gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited and where reinstatement to its current condition therefore may take several years. 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 has committed to reinstating the soil during decommissioning to its current soil value, avoiding the need to consider it as permanent loss of agricultural land.</p> <p>In addition, when considering whether a development is 'permanent', it is important to refer to the IEMA/ISEP guidance 'A New Perspective on Land and Soil in Environmental Impact Assessment', significance criteria (in Table 3 of the guidance). This refers to "Permanent, irreversible loss..." on each occasion, for the assessment of soil impacts – i.e., the guidance requires that the impact is not reversible (for example, a road or housing estate, which are not time limited). The Applicant does not consider the impacts of the Proposed Development to be permanent and irreversible. The Framework Decommissioning Environmental Management Plan [REP3-020] and Framework Soil Management Plan [REP5A-018] include provisions for the removal of this infrastructure during decommissioning and provisions to reinstate the soil its to current condition.</p>
James Gallagher	Cumulative Traffic	<p>I will respond to the applicant's responses in REP5-025 but first I wish to refer back to previous submissions regarding cumulative effects. I will start with my submission at REP1- 104. I made several points on details (e.g. that the applicant had made false assumptions about the proposed Wellingore BESS and it should be include in the consideration of cumulative impact; the applicant's response in REP2-030 ignored the point made specifically about the Wellingore BESS) In addition to the detail, in REP1-104, I raised concerns about the not considering a reasonable worst case scenario and in REP2-030, the applicant avoided the question of the need for a reasonable worst case and dismissed it saying "To assume all the cumulative developments will be constructed at the same time would overestimate the impact on traffic and transport". I challenged this in REP3-083. The applicant's response at REP4-018 evaded the issue by saying "A reasonable worst case cumulative assessment, based on information available at the time, was undertaken by the Applicant and was accepted by LCC".</p> <p>REP4-019 was the applicant's Interrelationships Report continued to be selective in what was presented (a minor example, but one which indicates a lack of responsiveness by the applicant, there is no consideration of the Wellingore BESS raised by me at deadline 10. REP4-019 had other deficiencies - for example, the proposed BESS at Coleby is considered in paragraph 2.2.17 and refers to a "Brent (sic) Valley Node C substation". It is</p>	<p>The Interested Party's concerns regarding cumulative traffic are noted. The Applicant notes that the ExA has separately requested specific information on cumulative assessment under Rule 17 of the Examination Procedure Rules [PD-028], with reference to these comments from this Interested Party [REP5A-063].As such, the Applicant has responded to the ExA, and therefore this Interested Party, on this matter within the Applicant's Response to the Examining Authority's Rule 17 Letter (submitted to the Examination at Deadline 6).</p> <p>It is also noted, as previously discussed with the Interested Party, that both the methodology and conclusions of the cumulative assessment were agreed with National Highways and Lincolnshire County Council (in its capacity as Local Highway Authority).</p>

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		<p>curious that the applicant does not seem to know anything about Trent Valley Node C substation as this should surely have been something the applicant examined further, particularly as elsewhere the applicant offers insights into NESO thinking (e.g. page 56 of REP5-025).</p> <p>It would be helpful if the applicant could respond on the specific points relating to my comments prior to deadline 5. In relation to the response at REP5-025, I will first address the response on the cumulative traffic impact traffic. I note that on page 67, in response to Barry Smith, the applicant says the "application has reported on the worst-case effects which result in the event that projects are built simultaneously". However, I have not yet seen any worst-case effects produced on traffic. The applicant continues to assert (e.g. on page 57) that this approach has been adopted on traffic. However, the applicant states on page 56 that, for example, Springwell has been screened out as construction is 2027-2030 and so no temporal overlap with the applicant's timing of 2031-2033. Any reasonable worst-case assessment would allow for a temporal overall for several reasons, including the applicants stated intention to seek an earlier connection date from the National Grid and potential delays to Springwell (for example the possibility of Judicial Review). The applicant tries to buttress their position by stating that "NESO will likely spread out the connection dates to avoid multiple developers carrying out modification works at the proposed substation near Navenby simultaneously"; as I have pointed out previously, whilst I accept this point, it does not follow that the absence of temporal overlap at the point of connection to the substation means there will be no temporal overlap in the wider construction programme.</p> <p>There are many other factors that do not appear to have been considered into the cumulative traffic impact assessment (for example, the mooted works to replace the current A15/B1202 junction). In summary, I do not believe a reasonable worst-case assessment has been made of the cumulative traffic impact and it likely that an unrealistic worst case cumulative assessment was presented to LCC Highways. I therefore repeat my request that the applicant list what, if any, temporal overlaps have been assumed in their discussions with LCC Highways and why others have not been assumed in what is, allegedly, a worst-case scenario. A similar worst-case cumulative impact assessment should be produced for worker accommodation to inform the cumulative transport impact (e.g. numbers and routing of shuttle buses).</p>	
James Gallagher	Public Transport	The applicant continues to maintain the impact on public transport is negligible, I am sure the Examining Authority would be reassured if that view had been informed by discussion with Stagecoach, the local bus operator.	The Applicant notes this comment, however, as previously stated, it is not a requirement to liaise with public transport operators at this stage. The assessment undertaken has been based on an agreed approach with the highway authorities.

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James Gallagher	LGVs	Whilst the applicant may feel it unnecessary to avoid any extra LGV construction traffic through the village, the view of village residents (as articulated by the Parish Council) is that any extra construction traffic, however small, is unacceptable.	The Applicant notes this comment, and refers the IP to its previous responses which set out the findings of the assessment undertaken, and specifically that there will be no resultant likely significant effects. For example, please see the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p57-58).
James Gallagher	CTMP	The applicant has not given any reasons why the framework CTMP should not be strengthened beyond saying issues can be addressed should the scheme be approved. The view of the local parishes is that the framework CTMP should be strengthened now as they are concerned that the applicant will oppose strengthening after approval.	The interested party's comment is noted. At this stage of the process, it is not proposed to amend the Framework CTMP [REP5A-024] (noting that this is a framework plan, which is to be expanded upon based on the commitments made within the Framework CTMP [REP5A-024], in line with Requirement 14 of the Draft DCO [REP5A-006]), however there will be opportunity for local parishes, through the Community Liaison Group, to provide input and feedback which in turn could inform the detailed CTMP at a later stage where relevant.
James Gallagher	DCO Traffic	The applicant has responded with an explanation of "partial" but avoided the substantive issue - i.e. not responded to why the draft DCO (page 55 of REP2-005) has different wording for the A607 and B1202 and explained what specific powers are sought for both and what differing powers are conveyed by the differing wording and what is the justification for the difference.	As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. DCO.3.07), where the word 'partial' is used this relates to sections where the carriageway is less defined and the works are likely to be slightly more limited; for example, a partial closure of a lane to allow vegetation trimming or access tie in works. This differentiation provides flexibility for the Contractor to manage these works in a safe manner working in conjunction with the relevant highway authority.
James Gallagher	Temporary Use	The bulk of the applicant's response refers to the question of permanent sealing which was not raised by me. My point is that the Examining Authority will have to consider what weight to give any temporary loss of agricultural land in comparison to permanent loss and would the applicant accept that, applying government guidance on social time preference, means the loss of agricultural land for 60 years shows an insignificant difference to a permanent loss.	<p>The IEMA/ISEP guidance 'A New Perspective on Land and Soil in Environmental Impact Assessment', significance criteria (in Table 3 of the guidance) refers to "Permanent, irreversible loss..." on each occasion, for the assessment of soil impacts. The Applicant does not consider the impacts of the Proposed Development to be permanent and irreversible. The Framework Decommissioning Environmental Management Plan [REP3-020] and Framework Soil Management Plan [REP5A-018] include provisions for the removal of this infrastructure during decommissioning and provisions to reinstate of the soil to current condition.</p> <p>As set out previously by the Applicant (for example in the Applicant's Response to Relevant Representations [REP1-047] (ref. p94)), paragraph 2.10.150 of NPS EN-3 states that "<i>The time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State</i>". It should be noted that the non-permanent and reversible nature of a solar NSIP with 60 year consent has also been acknowledged in the Secretary of State's decisions on a number of solar NSIPs, such as Tillbridge Solar Farm, Mallard Pass Solar Project, West Burton and Gate Burton Energy Parks, which have all been granted consent. NPS EN-3 also supports this position at paragraph 2.10.66 which states that: "<i>time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed.</i>" The lifespan of 60 years has been identified as being a suitable period during which the Proposed Development can provide energy to the national grid.</p>

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James Gallagher	Socio economic factors - agriculture	<p>It is regrettable that the applicant refuses to answer the question asked (the annual value of the crops produced by the land) saying it "is not possible to robustly identify financial values, such as for agricultural commodities, given uncertainties associated with future construction timing, market conditions and cropping decisions". This is disingenuous as elsewhere the applicant has made more speculative assessments (e.g. in relation to decommissioning). It would be acceptable, for example, to provide an assessment of agricultural value based on recent years (with caveats future uncertainties). The applicant has instead resorted to rephrasing the question in terms of no loss of employment by local landowners (however, the applicant provides no indication of the number, if any, of agricultural workers that the landowners currently have on their payrolls). The applicant should answer the question asked.</p>	<p>The Applicant has previously stated that about 50% of the Principal Site is currently used to cultivate food crops, about 40% for biofuels, and the remainder for animal foods or similar. The Interested Party is welcome to use average agricultural data available for Lincolnshire to estimate the annual profit, which the Applicant expects to be in the order of £100-150k per annum for the land within the Principal Site.</p> <p>The assessment presented in Chapter 12: Socio-Economics and Land Use [AS-016] is based upon net employment during operation (ref. Table 12-27), whereby it is clearly set out in paragraph 12.7.52 that it has been confirmed by all landowners that there is expected to be no job losses resulting from the removal of agricultural land. As such, there is no reasoning for the purposes of assessment to set out the existing number of workers. The Applicant emphasises that the landowners for the Principal Site have agreed to the use of their land for the purposes of the Proposed Development and welcome the associated lease payments to help diversify other parts of their landholdings. The Proposed Development will also pay business rates to the council and has previously committed to a community benefit fund.</p>

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James Gallagher	Socio-economic factors - Steel	<p>The applicant's REP5-025 cuts off part of my submission but I assume this was merely a cutting and pasting error into REP5-025 and that the applicant read the full text. I regard the applicant's response as very weak. The applicant says "Whilst the Applicant is keen to support the UK steel industry, at this stage it is not possible to guarantee that use of UK steel will be feasible at procurement stage". Can the applicant not be more specific - for example, by offering an ambition to have a minimum percentage of steel poured in the UK and by designing the procurement exercise so that weight is given to the benefit to the local economy of using UK steel.</p>	<p>The Applicant notes the Interested Party's comments regarding the potential use of UK-produced steel and confirms that the full submission was reviewed.</p> <p>The Applicant recognises the importance of supporting UK industry and local supply chains, including opportunities for UK steel producers, wherever commercially and technically feasible. However, at this stage of the Proposed Development, it is not possible to commit to fixed percentages or guaranteed sourcing locations in advance of detailed design and procurement processes.</p> <p>Notwithstanding this, the Applicant confirms that procurement activities will seek to maximise local, regional and national economic benefits where feasible and in accordance with applicable procurement obligations. This will include consideration of suppliers' ability to deliver wider social and economic value, alongside technical, commercial and programme requirements.</p> <p>The Framework Employment, Skills and Supply Chain Plan [APP-197], and the subsequent detailed Employment, Skills and Supply Chain Plan to be prepared post-consent, set out measures intended to promote engagement with local and regional supply chains and maximise opportunities for UK businesses to participate in the delivery of the Proposed Development.</p>
Philip Heard	Overplanting Ratio – Methodological Invalidity	<p>The Applicant's justification for a 1.6 overplanting ratio is based on an incorrect mixing of STC and NOCT/NMOT test regimes. STC (laboratory maximum output) and NOCT (real-world operating conditions) are defined separately under IEC 61215/60904 and cannot be used interchangeably. Using STC for Year 1 and NOCT for Year 30 artificially depresses the ratio and overstates the need for land and infrastructure. A consistent NOCT-based assessment supports an overbuild factor of 1.15–1.20, not 1.6.</p> <p>1.1 In response to an IP's concern at Page 72 regarding justification for the overplanting ratio the Applicant states, "If the STC overplanting was 1.2 the NOCT effective overplanting would be: Year 1 – 211 MWp (DC) – 0.88 Effective overplanting Year 30 – 185MWp (DC) – 0.77 Effective overplanting"</p> <p>1.2 Having failed to adequately explain 'in layman's terms' the justification for the overplanting, the Applicant has now introduced new figures with no explanation of the context. Therefore, in the absence of a simple explanation could the Applicant, using the data supplied at Table 5.2 of REP3-036, please provide the full mathematical calculation that starts at 1.6 ratio overplanting in Year 1 ending in approximately 1.0 in Year 30. In doing so, can the Applicant point out any interrelationship between Standard Test Conditions (STC) and Nominal Operating Cell Temperature (NOCT), noting that NOCT is the Applicant's preferred applied conditions. Where STC is</p>	<p>The Applicant recognises that the Examining Authority refers to this Interested Party's submission [REP5A-066] in the Examining Authority's request for further information (rule 17) dated 19 May 2026 [PD-028]. The Applicant refers the Interested Party to the Applicant's response to this question (Item 1: Overplanting) in the Applicant's Response to any Further Information Requested by the ExA under Rule 17 of Examination Procedure Rules submitted to the Examination at Deadline 6.</p>

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		<p>being used to justify NOCT figures can the Applicant please state the authority for doing this, such as IEC 61215.</p> <p>1.3 My assessment of the approach taken is that the Applicant is mixing STC and NOCT. STC is used for the Year 1 overplanting ratio and NOCT for the Year 30 overplanting ratio. The two are then compared as if they were the same metric. This does not appear to be permitted under IEC 61215/60904 practice and produces artificially low ratios that understate the true DC build-out. In short, STC is being used to justify an overplanting ratio that is meant to represent performance under NOCT. The two test regimes are independent, measure different physical conditions, and cannot be mixed to justify panel count, degradation allowances, or long-term yield.</p> <p>For the Benefit of the ExA and Other IPs</p> <p>1.4 STC overstates real-world output by 25–35% compared with NOCT, so using STC for Year-1 capacity and NOCT for Year-30 output (or vice-versa) produces a mathematically invalid ratio. A coherent overplanting ratio must be derived entirely within one test regime, not by mixing them.</p> <p>1.5 STC and NOCT cannot be mixed as they measure different physical conditions</p> <ul style="list-style-type: none"> • STC: <ul style="list-style-type: none"> o Irradiance: 1000 W/m² o Cell temperature: 25°C o Spectrum: AM1.5 o Purpose: Laboratory maximum output rating • NOCT also referred to as Nominal Module Operating Temperature (NMOT) in documents such as IEC 60904-3 and related IEC 61215 procedures: <ul style="list-style-type: none"> o Irradiance: 800 W/m² o Ambient temperature: 20°C o Wind: 1 m/s o Purpose: Realistic operating performance <p>These regimes are not scaled versions of each other. They represent different physics, not a simple correction factor. Mixing them creates a false overplanting ratio If you take:</p> <ul style="list-style-type: none"> • Year-1 output at STC, and • Year-30 output at NOCT, 	

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		<p>you artificially inflate the apparent drop in performance, because:</p> <ul style="list-style-type: none"> • STC → NOCT typically reduces output by 25–35%, • Degradation over 30 years is typically 12–18%. <p>1.6 Regulatory and planning implications For a DCO-scale solar NSIP (like Fosse Green), mixing STC and NOCT:</p> <ul style="list-style-type: none"> • fails EN-1 and EN-3 requirements for evidence-based design • inflates land take • misrepresents grid utilisation • undermines the claimed need case • invalidates the overplanting justification <p>1.7 Overplanting Conclusion</p> <ul style="list-style-type: none"> • Point 1: The Applicant's claimed overplanting ratio appears to be derived by comparing Year-1 STC power with Year-30 NOCT/NMOT power. • Point 2: STC and NOCT/NMOT are independent test regimes with different irradiance and temperature conditions and are not interchangeable. • Point 3: When the same module is evaluated consistently under NOCT/NMOT, the justified overbuild factor is of the order of 1.15–1.20, not 1.6. • Point 4: The additional ~30–35% embedded in a 1.6 ratio is an artefact of mixing test regimes and does not represent genuine degradation or operational need. • Point 5: As a result, the land take, visual impact, and grid utilisation case based on a 1.6 ratio is materially overstated and should be revisited using a consistent test basis. <p>IEC 61215/60904 define separate, internally consistent test regimes with different purposes, and require that performance characterisation, translation, and comparison be done within a single regime. Mixing STC and NOCT in a single performance-modelling chain is therefore methodologically unsupported.</p>	

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Philip Heard	Maintenance and Mid-life Panel Replacement	<p>At page 23, in response to NKDC regarding maintenance, the Applicant states <i>"The Applicant does not consider it necessary to include a requirement regarding panel replacement."</i> NKDC disagree. This is not only a Fosse Green specific issue, it is a significant cumulative issue resulting from the numerous solar projects in the County and surrounding area that will generate waste. Hence the reference to Springwell highlights the cumulative impact. The Applicant's argument rests on the statement that <i>"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 cumulative effects....."</i> Given that the ES includes all construction, replacement of panels at approximately the mid-life of the Proposed Development and decommissioning, a further, almost total panel replacement would not result in 'effects that have not been assessed in the ES'. Therefore Schedule 16 of the Order ALLOWS an almost total panel replacement AS THE WORK WOULD NOT GIVE RISE TO ANY MATERIALLY NEW OR MATERIALLY DIFFERENT EFFECTS THAT HAVE NOT BEEN ASSESSED IN THE ES. Hence, NKDC's concerns remain valid and control of maintenance via the DCO should be put in place.</p> <p>The Applicant asserts that Schedule 16 provides adequate control, yet the ES already assesses construction, mid-life replacement, and decommissioning. This means near-total panel replacement could occur without further approval, contrary to NKDC's concerns and without any mechanism to manage cumulative impacts across multiple regional solar schemes.</p>	<p>The Applicant refers to the response provided to the IP within the Applicant's Response to Deadline 5 Submissions [REP5A-038] (ref. p41) on this matter.</p> <p>Furthermore, the Applicant refers to the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. GC.3.01) – in the Springwell Decision Letter [REP5A-040], the Secretary of State (SoS) noted that there was an outstanding matter between the Applicant and the local planning authority at the end of the Examination with regard to whether there should be a restriction on the level of replacement of the solar panels in order to restrict the extent of the maintenance which can be undertaken under the Order. The Applicant notes that the SoS was in agreement with the ExA that the wording of Article 5(3) and Schedule 16 of the Springwell Solar Farm Order 2026 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 considered that this provides sufficient control. Although the maintenance which the Applicant will be undertaking differs to that proposed for Springwell, the drafting is equivalent to that in Article 5 of the Draft DCO [REP5A-006] for the Proposed Development and therefore there is sufficient control on the maintenance which can be undertaken.</p>
Philip Heard	Decommissioning Funding – Insufficient and Inconsistent	<p>3.1 Further to the Applicant's comments on Page 26, and notwithstanding what the Secretary of State has said, if the local authority needed to pay for a single decommissioning of a solar project it will be a huge challenge; given the multiple renewable energy projects in the region the potential of more than one becoming insolvent is a major risk. No amount of litigation can generate money if those involved are insolvent. Given they create the mess in the first place, why are solar applicants not behaving responsibly and ensuring the people whose lives they have adversely affected, in this case for 60 years, do not also have to ultimately pay for the decommissioning as well?</p> <p>3.2 Page 46 states "The Applicant's sum for decommissioning costs is based on experience, knowledge and industry information." Could the Applicant please give further information: what experience has there been</p>	<p>The Applicant is a partnership between Windel Energy Limited and Recurrent Energy, who are both experienced developers of renewable energy projects and who are committed to responsibly delivering the Proposed Development throughout its entire lifetime, inclusive of its decommissioning.</p> <p>The decommissioning costs provided are based on the Applicant team's combined significant experience of large-scale solar and battery storage projects across the UK, including the detailed consideration of the full lifecycle of scheme components and associated costs which inherently form a key part of the planning of a prospective scheme, coupled with UK market conditions, evolving trends and industry forecasts. Decommissioning costs take into account resale value through recycling. The Applicant notes the point that the recycling value may be different in 60 years, however the Applicant is only able to make estimates based on foreseeable data. As previously stated, under Requirement 20 of Schedule 2 to the draft DCO [REP5A-</p>

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		<p>of any decommissioning of a solar project even close to this scale; what knowledge and what industry information is available to even remotely predict the decommissioning costs in 67 years time?</p> <p>3.3 The Applicant's inconsistent approach to this issue can be summarised as follows:</p> <p>Version 1: APP-021 paragraph 1.3.1 states that all aspects of the Proposed Development are included in the Funding Statement, but decommissioning was not included in the list of activities. The Applicant also stated (Chapter 12, Page 12-17 (APP-037)) "The Applicant is committed to setting aside money for decommissioning the Proposed Development." Note: this states the Applicant, not developer nor undertaker.</p> <p>Version 2: At REP1-047 page 352 the Applicant acknowledged that decommissioning costs are not included in the Funding Statement [APP-021].</p> <p>Version 3: REP2-010 (Funding Statement Revision 3) paragraph 1.1.8, states that the Funding Statement has been updated to include decommissioning costs. How can, by simply adding the word "decommissioning", the Statement be updated?. A funding statement is about funding, if a further item of capital expenditure is added, it must be added to the total amount of the capital funding. All the Applicant has done is said, outside the Funding Statement or DCO, that the estimate cost of decommissioning will be about £7M. By the time of decommissioning in 2093 the real value will have decreased to between £230K and £1.8M in today's terms depending upon worst and best case inflation estimates. This is woefully inadequate.</p> <p>Note: Despite having raised on a number of occasions the Applicant's commitment to set aside money for decommissioning, the Applicant has ignored the question. Why was it stated in the first place when there was no intention to see through the commitment?</p> <p>3.4 At the very least, why is there not a commitment through the DCO to set aside the proceeds from recycling of all components replaced during the operational phase in preparation for decommissioning?</p> <p>3.5 It is noted on page 46 that the Applicant refers to the proposed Springwell development. Whilst the Applicant's amendments do align with those made in the equivalent document by the Springwell applicant, the</p>	<p>006], the Applicant is required to undertake the decommissioning of the Proposed Development and is therefore legally obliged to do so.</p> <p>Some segments of the solar industry have communicated that decommissioning costs are roughly covered by the resale value from recycling components, with further reductions in cost possible in 60 years' time. Therefore, the Applicant did not specify that the decommissioning costs were included in its initial Funding Statement, because these costs are expected to be a negligible or insubstantial proportion of the overall costs of the Proposed Development. The Applicant subsequently updated the Funding Statement to clarify that the cost estimate included the decommissioning costs. The inclusion of this does not imply that the Applicant is unable to give an accurate unqualified estimate of decommissioning costs. Whilst the Applicant acknowledges that the level of uncertainty / accuracy for decommissioning costs is more than for construction and operation, this is not considered material given the relatively small contribution this stage of the Proposed Development makes to the overall cost.</p>

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		<p>significant difference is that the Springwell applicant had set a cost estimate range (£650M - £750M) which was considered an acceptable range to absorb the addition of the word 'decommissioning' in the Funding Statement. The Proposed Fosse Green development has a single cost estimate of £340M and therefore needs an uplift to recognise the addition of decommissioning costs. REP2-010 is not a funding statement, it is merely an overall estimated funding figure; a genuine funding statement would show an estimated cost breakdown of the major elements that constitute the £340M cost estimate.</p> <p>The Applicant's position on decommissioning funding has changed repeatedly. The Funding Statement does not contain a costed provision, only the late addition of the word "decommissioning". The stated £7m estimate would be worth £230k-£1.8m in real terms by 2093—wholly inadequate for a project of this scale. No evidence has been provided of comparable decommissioning experience or industry benchmarks. A secured fund or recycling-proceeds mechanism is absent.</p>	
Philip Heard	National Highways – Dual Approval Standard is	<p>In response to National Highways regarding DCO Requirement 14, the Applicant states "... the Applicant considers that having two approving bodies for one requirement is impractical." Why? By way of example, in what way is this different to the following?</p> <p>a. The Biodiversity Net Gain Plan (BNG Plan) Report is submitted at examination, but the final BNG Plan must be approved by:</p> <ul style="list-style-type: none"> • Local planning authority (North Kesteven DC) • Natural England (as statutory consultee for BNG metrics, protected species, and habitat creation) <p>BNG delivery on agricultural land, wetland features, and hedgerow networks requires Natural England's input.</p> <p>b. The Preliminary Surface Water Drainage Strategy (Appendix 9-D) shows that final drainage plans must be approved by:</p> <ul style="list-style-type: none"> • Lead Local Flood Authority (Lincolnshire CC) • Internal Drainage Boards (where drainage districts are crossed) • Environment Agency (if any works affect main rivers or flood zones) <p>These bodies have overlapping statutory responsibilities, so approval cannot come from one alone.</p> <p>The Applicant argues that two approving bodies for Requirement 14 is "impractical", yet NSIP practice routinely requires multi-body approval (e.g.,</p>	<p>The Applicant has set out its response to National Highways at Table 2-2 above.</p> <p>The BNG Report is a certified document but does not require approval under the Requirements set out in Schedule 2 to the draft DCO [REP5A-006]. The delivery of BNG is secured through the provision of a detailed Landscape and Ecological Management Plan (LEMP) under Requirement 8 of Schedule 2 to the draft DCO [REP5A-006]. The detailed LEMP (which must be substantially in accordance with the Framework LEMP [REP5A-022]) must be approved by the LPA in consultation with Lincolnshire County Council, Natural England, the Environment Agency and, in respect of landscaping and ecological mitigation within the National Highways Consultation Zone, with National Highways. There is only one approving body.</p> <p>With regards to the surface water drainage scheme, this must be approved by the lead local flood authority and the relevant planning authority, in consultation with Anglian Water and the Environment Agency. The relevant planning authority is Lincolnshire County Council and therefore, this will be approved by LCC in its capacity as relevant planning authority and its capacity as lead local flood authority. As this is two different departments within one local authority, it therefore differs from the scenario with regard to the CTMP. The two departments will not have conflicting interests and therefore are unlikely to reach different conclusions with regards to approval. This differs from the CTMP where LCC (as local highway authority) and National Highways (as highway authority for the strategic road network) have different assets and different objectives, therefore meaning disagreement is more likely.</p>

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		BNG Plans, drainage strategies). The Applicant's position is inconsistent with established precedent.	
Philip Heard	BESS Safety – Missing Worst-Case Scenario	<p>5.1 The Applicant's continued approach to BESS safety remains a significant concern. The Applicant uses the Rochdale Envelope to justify producing very little detail in a number of areas to retain flexibility of design, but in the case of BESS safety, refuses to model a worst case fire/thermal runaway event, contrary to the Rochdale Envelope principles, which would see propagation beyond a single container. This missing safety evidence represents a clear danger risk to the local population.</p> <p>5.2 The Applicant states "These fires would not have occurred if the principles and commitments in the Framework BSMP for Proposed Development had been applied". Where is the evidence that these BESS were not built to acceptable standards? Where is the proof that there will be no fires of thermal runaway occurring at the proposed development? Safety cannot be 100% guaranteed clearly, other than for the Proposed Fosse Green Development; where is such evidence? It is noted that a recent BESS fire at Rainworth in Nottinghamshire required the public to be advised to keep doors and windows closed; these events continue to happen and overconfident statements similar to the above from the Applicant do not allay fears amongst the local population.</p> <p>The Applicant declines to model a worst-case thermal runaway propagation event, despite relying on the Rochdale Envelope elsewhere. This omission leaves a significant safety gap, particularly given recent UK BESS fires and the absence of evidence that the Applicant's framework would prevent similar incidents.</p>	The Applicant refers to the response provided to the IP on Page 46 of the Applicant's Response to Deadline 5 Submissions [REP5A-038] on this matter.
Philip Heard	Permanent Sealing of Land	6.1 At page 47 regarding permanent sealing of land and a number of cases cited by the IP, the Applicant states "These projects had different baseline conditions or proposed different infrastructure to the Proposed Development, which led to this reasoning." Is the Applicant suggesting that the infrastructure that sits on a concrete base affects how the soil beneath that base behaves? Greater weight of infrastructure could lead to greater compaction depending upon the construction of the concrete raft but this is not a given. Could the Applicant please explain the different baseline conditions which result in Fosse Green being so unique? The most significant 'baseline condition' is the longevity of the development; nothing has yet been proven beyond 20 years, yet alone 40 or 60. The other developments cited by the IP have taken as a minimum a cautious, Rochdale Envelope worst-case, approach; not so the proposed development. Indeed, some solar NSIPs just take permanent sealing beneath infrastructure as a given.	<p>The issue of permanent sealing has been addressed in the Applicant's Response to Deadline 5 Submissions [REP5A-038].</p> <p>The Applicant is not suggesting the infrastructure on a concrete base matters to the soil health beneath the concrete base. The Applicant's previous responses refer to the ability for the soil to be reinstated to its current condition being more practical and achievable for lower soil qualities (Grades 3a and below), and the industry standard assumption in the industry that Very High sensitivity soils (i.e., Grades 1 and 2) are more difficult to reinstate to their previous agricultural land classification. There are no Grade 1 or 2 soils within the Order Limits of the Proposed Development and therefore the potential impacts relate to a lower grade of soil than some other solar NSIPs that have been referenced. The Springwell Solar Farm for example has tracks and hard sealed concrete pads in areas of Grade 1 or 2, which the industry generally accepts is difficult to quickly return to its pre-development condition due to the Very High sensitivity associated with these soils and the ExA/SoS therefore considered</p>

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		<p>6.2 Page 48 states "The Applicant is not seeking flexibility to leave any above ground infrastructure in place (including access tracks) following decommissioning". Nor have a number of other solar projects which have consider land to be permanently sealed.</p> <p>6.3 Given that the Applicant has referred to the Springwell decision on over 20 occasions in REP5-025, it is surprising the Applicant does not refer to the Springwell decision stating permanent sealing of land. Regarding my REP5-047 Paragraph D17, 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.'"</p> <p>The Applicant provides no credible explanation of "different baseline conditions" that would justify departing from other NSIP decisions. The Springwell decision—cited extensively by the Applicant elsewhere—explicitly treats sealed areas as permanently lost. The Applicant does not acknowledge this.</p>	<p>should be assessed as a permanent loss. This is a different situation to the Proposed Development and thus is not comparable.</p>
Philip Heard	Storm Damage and Contamination	<p>At page 68 in response to an IP regarding destruction of Porth Wen Solar Farm during Storm Darragh, the Applicant states no official report has been seen, but speculates that deficient construction methods were to blame. This is hearsay and should be afforded little evidential weight. The Applicant states that an inland location such as the proposed development is less likely to experience such a storm. Maybe 'less likely' but not unlikely. Indeed, Camblesworth solar farm suffered storm damage in late 2025; Camblesworth is not by the coast. So rather than blame bad workmanship, which the Applicant cannot guarantee will not happen with the proposed development, can the Applicant please explain the measures being taken to prevent heavy metal contamination of our drinking water?</p> <p>The Applicant attributes past solar farm failures to poor workmanship without evidence. Inland sites have also suffered storm damage (e.g. Camblesworth, 2025). No explanation is provided of how heavy-metal contamination of drinking water would be prevented following storm-induced panel breakage.</p>	<p>The Applicant refers to the response provided to the IP within the Applicant's Response to Deadline 5 Submissions [REP5A-038] (ref. p45) on this matter.</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. In the unlikely event that there are any leaks, these 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	Hedgerows, PRowS, and Population-Level Health	<p>8.1 At page 14, regarding LV.2.02, the Applicant states "... With regards to LCC's comment that most hedgerows in the locality are maintained at 2m, this does not accord with what the Applicant has experienced during fieldwork across all seasons." This is a matter of fact rather than professional judgement; most of the hedgerows ARE maintained at about 2m, please go and take a look. Of course, the Applicant will be aware that, in accordance with the stewardship requirements of the land, a number of hedgerows are only cut every 2 years, hence any hedges slightly taller than 2m are most likely as a result of being towards the end of the 2 year cycle.</p> <p>8.2 "LCC has a different professional judgement on the effectiveness of proposed hedge rows in mitigating visual impacts but, in the absence of specific examples, the Applicant has assumed this is captured in the statement of common ground ..." It is assumed from this statement that the Applicant has specific examples to the contrary; could they please be stated. At page 15, the Applicant states the hedgerows will be maintained between 3 and 4m. So, up to double the existing height and the Applicant considers this will not affect the landscape and visual setting!</p> <p>8.3 I refer to an appeal by JBM Solar Projects 28 Limited, against a decision to refuse planning permission for a solar farm on land to North of Stretton Road, Morton, Alfreton DE55 6HA (Appeal Ref: 6001477). The appeal was dismissed. In doing so, the Inspector stated (page 33 of the Appeal), regarding screening by maturing existing and new hedgerows post-construction, "..... I agree with the Council's position that the hedgerows themselves would have a harmful impact. The new visual experience along Evershill Lane for walkers and horse riders would be a tunnel effect bounded at relatively close range by 3m high hedgerows...." This was a very small solar farm proposal in comparison to the proposed development; 4m high hedgerows and many kilometres of 'tunnel vision' will drive away those walkers still remaining after construction and the earlier operational years.</p> <p>8.4 At page 20, the Applicant states "The assessment approach recognises that walking contributes positively to physical and mental wellbeing, and that change in access, amenity and visual can represent potential health pathways." At page 21, the Applicant states "Significant adverse visual effects for walkers are acknowledged. However, the Applicant considers it appropriate and necessary to distinguish between environmental effects and population-level health outcomes." At Page 22 the Applicant states "... there is no robust evidence to conclude that visual change would lead to sustained reductions in walking behaviour sufficient to result in significant adverse health outcomes at a population level."</p>	The Applicant refers to the response provided to the IP above on this matter.

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		<p>The Applicant agrees that visual changes could be detrimental to health but because it will be below 'population level' impact, it does not matter what the impact will be on the local community. The Applicant uses the phrase 'no robust evidence'; where is the robust evidence there will not be significant health outcomes at such a level?</p> <p>8.5 Population-level impacts in Environmental Impact Assessment (EIA) are impacts that are large enough to measurably affect a defined population group—not just isolated individuals. This includes whole communities, demographic groups, or vulnerable cohorts whose shared characteristics make them a “population” for assessment purposes. On what basis does the Applicant judge that a proposed development that affects 7 villages, numerous farms and a total population of some 7,000 (based on the 2021 Census), does NOT have a population-level impact?</p> <p>The Applicant disputes that local hedgerows are typically maintained at ~2m, despite this being a matter of observable fact and linked to stewardship cycles.</p> <p>Proposed 3–4m hedgerows will create “tunnel effects” along PRowS. This impact has been recognised in other decisions (e.g., JBM Stretton Road appeal).</p> <p>The Applicant accepts that visual change affects wellbeing but argues impacts will not reach “population-level significance”. This is unsubstantiated given:</p> <ul style="list-style-type: none"> • Seven villages, • Numerous farms, • A population of ~7,000. <p>This clearly constitutes a population group under EIA definitions.</p>	
Philip Heard	PRAX/Phillips 66 Pipeline – Safety and Regulatory Gaps	<p>The Applicant initially misunderstood the pipeline contents (aviation fuel, not gas), raising concerns about diligence. HSE is not a statutory consultee under the DCO regime, so the Applicant's statement that “HSE have not shared concerns” is meaningless unless HSE has actually been engaged. No evidence of post-application engagement is provided. The proposed HDD crossing would occur through limestone bedrock at ~4.5m depth, raising risks of:</p> <ul style="list-style-type: none"> • Vibration transmission to the pipeline, 	<p>The Applicant acknowledges that Figure 1-1 within Appendix D of the AC Interference Risk Assessment on the Finaline Pipeline [REP5-027] previously incorrectly referred to the pipeline as carrying “gas” rather than aviation fuel. This was a typographical error only and does not reflect any misunderstanding of the pipeline contents. This minor typographical error has been corrected and an updated version of the report submitted to the Examination at Deadline 6.</p> <p>The HSE is a prescribed consultee for all DCO applications under Schedule 1 of the APFP regulations, therefore the HSE was consulted as part of the statutory</p>

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		<ul style="list-style-type: none"> • Rock fracturing, • Drilling fluid contamination of the aquifer. <p>No QRA, ALARP demonstration, or operator agreement has been provided—unlike Gate Burton, Mallard Pass, and Sunnica, all of which supplied full crossing methodologies.</p>	<p>consultation process for the Proposed Development. The reference to HSE within the Statement of Common Ground between the Applicant and Phillips 66 [REP5A-026] was intended to note that no concerns have been raised through the consultation process by the HSE and the HSE have not engaged further in relation to the Examination.</p> <p>An AC interference modelling report was submitted at Deadline 5 which includes details on the crossing parameters and the effect of the Proposed Development on the Finaline pipeline. The Applicant has engaged with the Pipeline Owner and refers to the Statement of Common Ground with Phillips 66 Limited submitted to the Examination at Deadline 6 for an up to date position on discussions and agreements relating to the Finaline Pipeline.</p>
Philip Heard	Raeshaw Judicial Review – Relevance	<p>10.1 The recent ruling in Raeshaw Farms Ltd v Scottish Ministers where a windfarm proposed development did not have an identified grid connection solution (Raeshaw Farms Ltd CSIH 10 dated 17 Feb 2026) is relevant to the consideration of the DCO application for the proposed development. The court quashed the original decision of 14 Jan 2025 which had approved the construction of the windfarm. Paragraph 42 of the judgment states:</p> <p>“The appellant advances four grounds of challenge relating to the reporter’s treatment of the grid connection in this case. The first is a distinct irrationality challenge about taking the benefits of the project that could only be realised were a grid connection to be installed without taking the disbenefits into account. The remaining grounds address the central issue of whether the windfarm and associated grid connection properly constituted a single project requiring an Environmental Impact Assessment of the whole development and not just the construction phase.”</p> <p>10.2 Both of these key findings are relevant to the proposed development. The Applicant is claiming benefit resulting from a potential grid connection at the National Grid Navenby Substation (NGNS), without any indication of the level of harmful impact to the population and environment that that substation will cause. Whilst the Applicant is using the NGNS as an argument in justification for both the siting and purpose of the proposed development, the National Grid is using the proposed development in part justification for the siting and purpose of the substation. The inter-dependence of both projects suggests that they should be considered in a single project, with an environmental assessment covering the totality.</p> <p>The Raeshaw ruling confirms that a project cannot claim benefits dependent on a grid connection while ignoring the associated harms, and that interdependent infrastructure may require a single EIA. Fosse Green and</p>	<p>The Applicant is aware of the decision of the Inner House of the Court of Session (the Scottish equivalent to the Court of Appeal) on 17 February 2026 in respect of Raeshaw Farms Limited v Scottish Ministers [2026] CSIH 10. As this is a decision of the Court of Session, it is not binding on the courts of England and Wales. Notwithstanding this, the Applicant is considering whether it has any potential implications for the Proposed Development and will provide a full response at Deadline 7.</p>

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		<p>the proposed Navenby substation are mutually relied upon in their respective need cases, indicating that a combined assessment is required.</p>	
<p>North Kesteven District Council</p>	<p>REP5-014 Framework Operational Environmental Management Plan (FOEMP)</p>	<p>- 1. The Council notes and welcomes the addition at paragraph 5.1.2 stating that the Community Liaison Group will continue through the operational phase of the Proposed Development. 2. The Council looks forward to Requirement 5(3) of the draft DCO (REP3A-004) being amended to make it consistent with the FOEMP, and thereby properly securing this commitment.</p>	<p>Requirement 5(3) of Schedule 2 to the draft DCO [REP5A-006] has been amended as follows:</p> <p><i>“The community liaison group is to continue to meet until the <u>date of commencement of any decommissioning works</u> date of final commissioning of <u>for the authorised development pursuant to requirement 20 (decommissioning)</u> unless otherwise agreed with the relevant planning authority.”</i></p> <p>These amendments will be reflected in the iteration of the draft DCO to be submitted to the Examination at Deadline 7.</p>
<p>North Kesteven District Council</p>	<p>REP5-016 Biodiversity Net Gain Report (Rev3)</p>	<p>- 3. NKDC has reviewed this latest version of the BNG report, and also spoken directly with the Applicant. With the exception of two relatively minor points, the Council is now content that the BNG Report meets the required standards, and the trading rules are satisfied. Further detail is set out below. 4. In paragraph 2.8, further discussion has taken place regarding the assumption of habitat type and condition by use of neighbouring habitat parcels when access was restricted. The Council acknowledges that this approach has been used on other applications when degradation has occurred, and so this might apply here. However the NKDC remains uncomfortable in the use of assumptions where enhancements to these assumed habitats are proposed and will result in unit generation. As such, NKDC's standard practice is that that any parcels where condition is assumed must either be recorded as retained or lost, but not enhanced, as the Council cannot be certain that any enhancement would in fact be an enhancement as such when the baseline is not truly known. Taking this approach will not impact the applicant minimum 10% or any trading rules. 5. In paragraph 2.9, the phrase 'purposeful' has been removed from the report and as such the Council is satisfied that no degradation has occurred that needed to be accounted for. 6. In paragraphs 2.10 - 2.12, the issue of strategic significance has been fully addressed in the metric and BNG Report, as required by local policy. As previously mentioned, it is likely that the Local Nature Recovery Strategy (LNRS) will be adopted prior to commencement of the Proposed Development; and as such an updated metric accounting for strategic significance as per the LNRS may be required in the future. 7. In connection with paragraph 2.13, having further reviewed the information regarding rotational habitat and the creation of arable field margins, the minimum committed area of retained and created arable field margins must be consistent across the 30 year operational period. As the</p>	<p>Regarding paragraph 4, the BNG Report has been updated and submitted to the Examination at Deadline 6 to respond to the request from NKDC/LCC regarding the assumed condition of a small number of habitats considered within the BNG assessment – this update does not affect the conclusions of the BNG Report. The updated BNG Report has been shared with LCC and NKDC in advance of Deadline 6 for their review of the updates made.</p> <p>Regarding paragraph 7, the Applicant has updated the FLEMP at Deadline 6 to include the following:</p> <p>4.1.19 A minimum of 1.6 hectares of arable field margin habitat will be delivered each year with parcels of retained arable crop habitat. The rotation and management of annual field margins will include for the sowing of appropriate seed mixes, where required, in the growing season prior to establishment.</p>

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		<p>metric states 1 year is required to create an arable field margin, the Council considers that the LEMP must ensure that the rotation of these habitats include the established of any new arable field margins in rotation at least 12 months before removal of another. This would negate the need for recalculations and simplify the process for all parties. This may mean at times the area of arable field margin may exceed the commitment, but this would be a temporary situation.</p> <p>8. For paragraphs 2.14 - 2.15, no negligible area habitats are now present in the metric and no area errors persist. For paragraph 2.16, trading rules are now satisfied as the habitat in question is proposed to be fully retained.</p>	
North Kesteven District Council	REP5-018 Framework Landscape and Ecological Management Plan (Rev 7)	<p>9. On the Landscape Mitigation Plans the permissive paths are not always shown in a clear and consistent manner. For instance, for the permissive path which would lead to The Avenue at Morton on Sheet 3, it is difficult to identify its route, which on close examination is a continuous pale pink / purple line – whereas the key shows permissive paths shown by a dashed line.</p> <p>10. The Council therefore asks the Applicant to review how the proposed permissive paths are shown on these drawings.</p>	The Applicant has updated Figure 7.15-1: Landscape Mitigation Plan in line with NKDC's comment and it has been submitted to the Examination at Deadline 6.
North Kesteven District Council	REP5-026 Permitted Preliminary Works Environmental Management Plan (PPWEMP)	<p>11. NKDC has reviewed the submitted PPWEMP. In general terms the Council welcomes this document, when coupled with Requirement 6(8) in the DCO (REP3A-005), as a means of helping to ensure that the permitted preliminary works (PPW) are carried out in a manner which will limit adverse environmental effects.</p> <p>12. However, the above comments are made without prejudice to the Council's view that a new requirement should be introduced into the DCO prohibiting PPWs from taking place unless and until the substation proposed by National Grid at Navenby has been granted planning permission and pre-commencement conditions have been discharged.</p> <p>13. If that new requirement is not imposed, there remains a risk that PPWs and commencement development will take place, with consequent environmental harms; and yet there will be no connection point at Navenby (or elsewhere) available for the Proposed Development. In such a situation the harms from PPWs and commencement development would not be outweighed by the benefit of renewable energy generation. Although some harms might be reversed, some might not in full; and others could take significant time to be reversed.</p> <p>14. Therefore the Council remains of the view that avoidance sits higher than remedial works in the mitigation hierarchy, and so notwithstanding the PPWEMP, DCO should not be granted without the safeguard of a new requirement in relation to the Navenby substation.</p>	<p>The Applicant maintains its position with regard to the imposition of a Grampian requirement and does not consider that it is necessary or appropriate.</p> <p>Additionally, as previously noted, if PPW are undertaken but the Proposed Development is not then commenced within five years of the date of the Order (in accordance with Requirement 2, Schedule 2 of the draft DCO [REP5A-006], the relevant land would be restored.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>15. As set out elsewhere in relation to EXQ3 GC.3.01 the Council will provide a more detailed response in relation to matters raised by the Secretary of State's decision on the Springwell solar farm in due course</p>	
North Kesteven District Council	REP5-025 Applicant's Response Deadline submissions	<p>– Page 16 of REP5-025 – Framework Construction Environmental Management Plan (FCEMP) Rev 4 (REP3-017)</p> <p>to 16. In response to NKDC's request for section 2.3 of the FCEMP to stipulate that should be no audible noise at sensitive receptors during the evening period 18:00 – 19:00 on weekdays, the Applicant has stated as follows: 'The suggestion of "no audible noise at sensitive receptors" is considered subjective (and therefore unenforceable) and disproportionately restrictive to end-of-day activities, hence the Applicant's choice of wording.'</p> <p>4 17. The Council has responded to the Applicant's comment in its response to ExQ3 PE.3.01.</p>	<p>The Applicant notes the comment from NKDC and has updated NV-C1 of the Framework CEMP (which has been submitted to the Examination at Deadline 6) to note: <i>"The construction noise monitoring scheme shall include the measurement and reporting of noise levels over this period to demonstrate that average noise levels between 18.00 and 19.00 at noise sensitive receptors are below the existing ambient environment (L_{Aeq})." The Applicant considers this to be an appropriate and enforceable control for noise levels during this period.</i></p>
North Kesteven District Council	REP5-025 Applicant's Response Deadline submissions	<p>– Page 18 of REP5-025 - Framework Decommissioning Environmental Management Plan (FDEMP) Rev 4 (REP3-021)</p> <p>to 19. NKDC notes the Applicant's response to comments on the Council's request for a commitment to reassess receptors, and that the mitigation measure in the FDEMP which provides for a fresh dust risk assessment would involve an up to date assessment of that kind. Whilst this may be the intention, to ensure the FDEMP is clear on this issue, the Council would request that the mitigation makes it clear that receptors would be reassessed as part of the exercise.</p> <p>4</p>	<p>The Applicant has updated Table 9 of the Framework DEMP to include: Prior to decommissioning, an updated dust risk assessment including, as relevant, changes to dust sources, receptors, exposure limits and control measures will be prepared and a Dust Management Plan (DMP) would be agreed with the Local Authority prior to any works taking place.</p> <p>The updated Framework DEMP has been submitted to the Examination at Deadline 6.</p>
North Kesteven District Council	REP5-025 Applicant's Response Deadline submissions	<p>– Page 18 onwards of REP5-025 – Section 6 of the Framework Landscape and Ecological Management Plan (FLEMP) REP3-029</p> <p>to 20. The Council does not offer any further comment on the Applicant's earlier omissions and inaccuracies in their depiction of pre-existing permissive paths within the Order Limits, which have been well documented.</p> <p>4 21. More substantively, in relation to closures of permissive paths for maintenance and the additional seven day period sought, the Council does not consider that the Applicant has provided a proper explanation or justification for these closures. It is not sufficient to say that these provisions are optional / discretionary, and may not be implemented. The key point is that if the DCO were to be granted as proposed in this respect, the undertaker would have the power to make these closures. Such a power is considered unnecessary, excessive and unjustified.</p>	<p>The Applicant has amended the FLEMP at Deadline 6 to remove the provision for the permissive paths to be closed for up to seven days per year. However, the Applicant has maintained the provision to implement closures for the maintenance purposes, including any repairs required in emergencies. The amendments made to the Framework LEMP are set out below and are reflected in the updated Framework LEMP submitted at Deadline 6.</p> <p>Paragraph 6.1.2: The permissive paths will be made available to the public during operation of the Proposed Development, provided that the Applicant may withdraw permission to use the paths and periodically exclude the public by closing the path for up to seven days in any calendar year. In addition, close the paths may be closed to carry out repair and maintenance works (including emergency repair works). , although in practice sSuch closures are likely to be infrequent, and the Applicant will notify NKDC at least seven days in advance of any planned permissive path closures. This requirement does not apply to emergency closures. The paths will be managed by the Applicant, and signage may will be displayed to confirm that the public use of the paths is strictly by their use by the public is with permission of the landowner. At the end of the Proposed Development's operation (with further detail to be included in</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
			<p>the DEMP), when the land will be in private ownership, the Landowner will be free to permanently withdraw permission and bring the permitted public use to an end.</p> <p>Paragraph 6.1.10 New signage will be installed to help wayfinding and provide information on how to link to existing parts of the PRoW network as well as course distances to promote active travel. Access points will be clearly defined. Signage will be designed to be durable, weather-resistant and sympathetic to the natural surroundings. Such signage will confirm that the use of the permissive paths by the public is with permission of the landowner.</p>
North Kesteven District Council	REP5-025 Applicant's Response Deadline submissions	<p>– Health and Wellbeing Summary Statement (REP3-047) – page 20 onwards of REP5- 025 (Stepping Out Walks)</p> <p>to 22. There have been extensive submissions in relation to Stepping Out Walks. In this document, NKDC focusses on the Applicant's responses to Proposed Mitigation Measures, on pages 22 – 23.</p> <p>4 23. As mitigation and compensation for adverse effects on the user experience for the Stepping Out Walks, NKDC seeks the following measures:</p> <ol style="list-style-type: none"> 1. Making sections of Stepping Out Walks which are existing / proposed new permissive paths into statutory rights of way – providing security for their long-term future 2. Funding to alter the existing Stepping Out Walks (Thorpe on the Hill, and Morton & Tunman Wood) so that they follow whatever new routes are agreed 3. Funding to make paths from Witham St Hughs across to Aubourn into a new Stepping Out Walk – for example public consultation, waymarking, preparing the route leaflets and marketing, website and walking app presence and use monitoring. This new route would be substantially within the Order Limits. 4. Funding to create a new Stepping Out Walk outside but adjacent to the Order Limits, from Hykeham to Aubourn – which would provide the opportunity to link up the main urban area with other Stepping Out Walks, including the new Witham St Hughs – Aubourn route referred to above. This would need not just the set up costs and monitoring, but also bringing into the existing maintenance programme. <p>24. The Applicant has declined to deliver any of these measures. NKDC maintains its objections on this point. Specifically, the Applicant states the following:</p> <p><i>'Stepping Out Walks will be retained, noting two amendments to their routeing.'</i></p>	<p>Response to Paragraphs 22–23 (Overall Mitigation Position)</p> <p>The Applicant has addressed mitigation for effects on recreational receptors, including Stepping Out Walks, through the provision of a comprehensive permissive path network secured via the FLEMP, alongside retention of existing routes where practicable.</p> <p>As set out in Chapter 12: Socio Economics and Land Use [AS-016] of the ES and the Health and Wellbeing Summary Statement [REP5-023], effects on recreational users are limited and localised, and do not give rise to likely significant adverse effects at the population level. Accordingly, the additional measures sought by NKDC are not required to mitigate identified effects.</p> <p>Response to Paragraph 23(1) – Dedication of Permissive Paths as PRoW</p> <p>The Applicant does not agree that permissive paths should be dedicated as definitive PRoW, nor is this the wish of the landowners. The proposed permissive network provides public access benefits while allowing necessary flexibility for operation and maintenance. Permanent dedication as PRoW would go beyond mitigation, introduce undue constraint on the landowners following decommissioning, and is not necessary to make the Proposed Development acceptable.</p> <p>Response to Paragraph 23(2) – Funding to Alter Existing Stepping Out Walks through to Paragraph 27 (Further Engagement and Costs)</p> <p>The Applicant has committed to retaining Stepping Out Walks, with limited re-routing where required. Given that the availability and function of routes is maintained, and no significant adverse effects on recreation or health have been identified, the requested measure represents an enhancement that is being requested by NKDC rather than mitigation. NKDC shared a cost breakdown with the Applicant on 29th May 2026, which has been agreed and will be covered by a new Article in the Draft DCO that will be submitted at Deadline 7.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>25. In response, a Stepping Out Walk requires additional measures such as mapping, publicity and specific way-marking. There is nothing in the DCO or the control documents which would secure that these alternative routes will have these measures applied and become part of revised Stepping Out Walks.</p> <p><i>'With regards to the Council's request for funding, the Applicant considers 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.'</i></p> <p>26. The Community Benefit Fund (CBF) is a non-statutory matter which is not secured and so a decision on its provision is not binding and could change. It is distinct from the planning process and cannot be a material planning consideration. Further, the intention to provide a CBF does not mean that the monies could be spent on providing new Stepping Out Walks within the Order Limits. In so far as any new routes would use permissive paths, the Council would have to obtain the agreement of the undertaker at the very least, and there is nothing in the Order to secure this.</p> <p>27. The Council will discuss this further with the Applicant and provide costings for the items listed under paragraph 23 above.</p>	
<p>Thorpe on the Hill Parish Council</p>	<p>Mitigation of the proposed FGE Solar Farm on the "Stepping Out" (SO) routes in Thorpe on the Hill</p>	<p>The Applicant's recent response REP5-008 contains a diagram of proposed new permissive footpaths. A section illustrating the impact on Thorpe on the Hill is included in this submission for reference and is shown on page 2. The Parish Council (PC) welcomes the addition of new permissive paths but suggest that those running alongside the A46 and the bottom of Fosse Lane will attract few walkers compared to the Stepping Out routes. The PC previously made a submission REP3-059 which suggested some design criteria and revisions which could mitigate the impacts of the development on key local features and views. The PC notes that some of new permissive paths which are shown on REP5-008 as purple dashed lines, to the south of Housham Wood, meet the criteria suggested by the PC in their submission REP3-059. However, there remain areas of the layout which do not meet the criteria suggested by the PC. These features are illustrated in page 4 and are annotated accordingly because they specifically:</p> <ul style="list-style-type: none"> • Contain corridors where the routes will pass through solar arrays on both sides of the path • Damage key open views from Stocking Wood to the village and vice versa <p>The PC continues to believe that a readjustment to the location of solar arrays in these areas could be implemented without greatly impacting the overall viability of the scheme. Consequently, the PC appeals to the Applicant to try and develop a revised scheme which addresses these important concerns, without resorting to inappropriate screening.</p> <p><i>(Figures not reproduced in the Applicant's response by available in [REP5A-XXX])</i></p>	<p>The Applicant refers to its previous response to the IP on this matter in the Applicant's Response to Deadline 5 Submissions [REP5A-038] (ref. p64/65).</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
British Pipeline Agency Limited as agents for Phillips 66 Limited	AC Interference Modelling Data	<p>1.1 BPA were provided with the updated AC interference modelling report correctly referring to the 'fuel pipeline' on 8 May 2026.</p> <p>1.2 Whilst the enclosed outline specification in respect of the Project's interaction with the Pipeline has been approved by BPA as P66's agents in principle, it has not (given the limited time available) yet been signed off by P66's engineering team and so must remain strictly subject to detailed review and approval by P66.</p>	The Applicant notes these comments and refers to the Statement of Common Ground with Phillips 66 Limited submitted to the Examination at Deadline 6 for an up to date position on discussions and agreements.
British Pipeline Agency Limited as agents for Phillips 66 Limited	Protective Provisions	<p>2.1 P66 has approved the P66 Deadline 5 preferred protective provisions.</p> <p>2.2 The Applicant's solicitor subsequently circulated a revised draft of the Applicant's preferred protective provisions (as against the P66 Deadline 5 submissions) on 11 May 2026 and confirmed that it would be submitting these at Deadline 5A.</p> <p>2.3 To assist the Examining Authority, Fieldfisher encloses protective provisions in both portable PDF and clean Word form. However, given the limited time available before this submission, final confirmation from BPA / P66 has not yet been obtained. Accordingly, the version submitted is provided on the basis of Fieldfisher's current understanding of BPA / P66's preferred position, but remains strictly subject to final review, confirmation and approval by BPA / P66.</p> <p>2.4 By way of confirmation, the following matters have not been agreed:</p> <p>(a) The Applicant has (having previously agreed the 'restricted works' definition at REP5-020) has now significantly amended the definition of "restricted works" to exclude most effects on the pipeline outside a 15-metre radius.</p> <p>(b) The Applicant's has reinserted deemed approval provisions (this is not acceptable or appropriate given the significant security and safety concerns)</p> <p>(c) The Applicant has specifically sought to exclude any increased AC Interference load over the P66 Pipeline due to any extra electricity supply from the Project being fed into the existing overhead National Grid line (ref NGET OHL 4ZM). This is contrary to the modelling data on which the P66 outline specification is based, as it is the overall effect (including total AC Interference) of the Project on the P66 Pipeline which is relevant to the protective provisions</p> <p>(d) We accept the drafting in respect of the "P66 outline specification" definition provided that this includes both Appendic C and D of the AC interference Modelling Report (ie both the in principle agreed narrative and diagrammatic crossing methodology)</p> <p>(e) The Applicant's repeated insertion of a liability cap of £50 million is not accepted (as with (b) above this restriction is not appropriate given the nationally critical nature of the asset in question).</p> <p>(f) The Applicant's deletion of all reference to cost recovery by BPA of historic costs.</p> <p>(g) The Applicant has significantly lessened the ability of P66 and its</p>	The Applicant notes these comments and refers to the Statement of Common Ground with Phillips 66 Limited submitted to the Examination at Deadline 6 for an up to date position on discussions and agreements.

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		<p>agents to recover costs and expenses arising from the Project/ the Order and complying with the obligations in the protective provisions.</p> <p>2.5 The Applicant intends to incorporate the version of the draft protective provisions provided at 10:07 on 11 May 2026 into its Deadline 5A submissions but, for the avoidance of doubt, the version of the draft protective provisions submitted by the Applicant has not been agreed by BPA / P66. Key stakeholders at P66 were unavailable during the course of 11 / 12 May 2026 in order to comment on the draft protective provisions and final confirmation is therefore awaited.</p>	
<p>British Pipeline Agency Limited as agents for Phillips 66 Limited</p>	<p>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 On 7 May 2026, AECOM circulated the draft statement of common ground with further amendment for BPA / P66's review.</p> <p>3.3 Fieldfisher currently await further instructions and confirmation from BPA / P66 in respect of the draft statement of common ground but, to assist the Examining Authority, we enclose a statement of common ground in both portable PDF and clean word copy which we believe to be the BPA / P66 agreed statement of common ground (albeit this remains strictly subject to approval by P66).</p>	<p>The Applicant has engaged with BPA / P66 with regards to the Statement of Common Ground and, in line with the Examining Authority's Rule 17 - Request for further Information [for Applicant and Phillips 66] [PD-027], a final and signed SoCG between the Applicant and P66 has been submitted to the Examination.</p>
<p>British Pipeline Agency Limited as agents for Phillips 66 Limited</p>	<p>Update</p>	<p>4.1 For the reasons set out in our letter dated 28 April 2026 [REP5-035], including the recent acquisition of the P66 Pipeline assets, P66 and their engineering teams have been very busy during the period from Deadline 5 to date.</p> <p>4.2 BPA / P66 note the Applicant's comments in its letter dated 28 April 2026 [REP5-001]. BPA / P66 respectfully disagree with the Applicant's assertion that there was a notable lack engagement in progressing both the statement of common ground and the final elements of the protective provisions in the days leading up to Deadline 5 (especially given the transfer of the P66 Pipeline assets was coterminous with Deadline 5).</p> <p>4.3 BPA / Prax / P66's engagement and progress in respect of the Application can be clearly seen in BPA / Prax / P66's submissions to date, including (a) discussing the proposed transfer of assets in the last all parties meeting albeit not for confidentiality reasons mentioning specific dates and (b) making clear throughout that any protections negotiated for Prax, would need to be capable of benefitting successors in title as the intention was to transfer the P66 Pipeline.</p> <p>4.4 P66 / BPA's position remains that they cannot support the draft Order in its current form until BPA's concerns (as set out in the submissions made on behalf of BPA to date) have been satisfactorily addressed and appropriate protections have been agreed.</p>	<p>The Applicant notes these comments and refers to the Statement of Common Ground with Phillips 66 Limited submitted to the Examination at Deadline 6 for an up to date position on discussions and agreements.</p>

IP	Theme	Applicant's Response to Comments from any party on any submissions and any information received at Deadline 5	Applicant Response
		4.5 P66 / BPA must reserve the right to make further representations (including whether to object in principle to the DCO) during the Examination for the reasons outlined above.	

3. ExQ3 Responses

3.1 Comments on ExQ3 Responses

Table 3-1: Applicant's Response to the responses provided by Lincolnshire County Council [REP5A-043] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
GC.3.01	Applicant NKDC LCC Other Interested parties and other persons	<p>The Secretary of State's decision with respect to the Springwell Solar Farm</p> <p>The ExA is aware that the application for the Springwell Solar Farm was determined by the Secretary of State (SoS) on 8 April 2026 and that a Development Consent Order (DCO) has been made for that development.</p> <p>a) All - the making of the Springwell Solar Farm DCO may have implications for the cases that have been made by the applicant, NKDC, LCC, other interested parties and other persons up until 8 April 2026. If you consider the making of the Springwell Solar Farm DCO has had any implications for the case you have made about the proposed development prior to that order's making, written submissions should be made explaining how you consider your case has been affected. Following the making of the Springwell Solar Farm DCO, the ExA particularly wishes to be informed about any implications there might be for the consideration of the proposed development with respect to:</p> <ul style="list-style-type: none"> defining: the commencement of the proposed development; maintenance; and permitted preliminary works; the imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning; the relationship between the Springwell Solar Farm and the proposed Navenby substation; the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the 	Lincolnshire County Council (LCC) acknowledges the Springwell Solar Farm decision issued on 8 April 2026. However, LCC does not agree with a number of the conclusions reached by the Secretary of State (SoS) and is currently taking legal advice. In these circumstances, LCC is unable to comment further at this stage. LCC therefore wishes to reserve its position while this is under consideration and will endeavour to provide the ExA with a fuller response to question GC.3.01 by 22 May 2026.	The Applicant acknowledges this response and has responded to LCC's full response to GC.3.01 below.

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
		<p>Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC's responses to ExQ2 [REP3-055]).</p> <p>(If any party has included references to the making of the Springwell Solar Farm DCO in their Deadline 5 submissions then rather than repeating what they may have stated in those submissions in responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.)</p> <p>b) For applicant – it may become necessary for the ExA to refer to either the made Springwell Solar Farm DCO and/or the SoS's decision during the remainder of the examination and/or when reporting to the SoS following the examination's close. Accordingly, the ExA requests that you submit copies of the made Springwell Solar Farm DCO and the SoS's decision letter so that they can be allocated document reference numbers and added to the examination library.</p>		
GC.3.06	Applicant NKDC LCC	<p>Annual maintenance schedules</p> <p>The Statements of Common Ground (SoCGs) between NKDC and LCC and the applicant (respectively [REP4-013] and [REP4-012]) indicate that the Councils retain concerns about the definition of "maintain" included in Article 2 of the dDCO and the implications this may have for the extent of activities during the operational phase.</p> <p>Comment on whether a requirement for the planned maintenance schedule identified in paragraph 2.3.3 of the Framework Operational Management Plan (FOEMP) [REP3-018] to be approved by the Councils would address those concerns.</p>	<p>LCC's concerns surrounding the definition of maintain were reiterated within ISH4. LCC welcomed the applicant's commitment to provide an annual report of the maintenance schedule as described with paragraph 2.3.3 of the FOEMP.</p> <p>As Waste Planning Authority it falls within LCC's remit to plan for future waste streams. LCC's concerns surrounding maintenance stem from the potential of cumulative waste arisings and the lack of recycling capacity for such streams. Currently, it is unknown when schemes plan to replace solar PV panels and multiple sites either NSIP or TCPA scale could undergo replacement schedules on a similar timescale.</p> <p>As such, concerns remain surrounding waste capacity and timings of replacement schedules.</p> <p>Therefore, the maintenance schedule does not alleviate LCCs concerns. LCC would suggest that 2.3.4 (f) should also include the proposed destination</p>	<p>Concerns that remain surrounding waste capacity and timings of replacement schedules are noted. As outlined in the Framework OEMP [REP5-013], the Applicant has committed to providing an annual maintenance schedule every 12 months, where the replacement of solar PV panels would be programmed in stages to maintain the electrical export to the National Grid.</p> <p>The following text: "<i>and proposed waste management route</i>" has been added to paragraph 2.3.4, bullet point f. in the Framework OEMP, which has been submitted to the Examination at Deadline 6.</p>

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
			<p>or fate of waste streams, i.e. recycling/landfill. LCC notes and appreciates the applicant's indicative waste figures provided by the applicant within ES Chapter 14 and the SoCG with LCC.</p>	
DCO.3.02	Applicant NKDC LCC	<p>Article 2 – interpretation</p> <p>a) Applicant – Clarify what purpose the definition for “commissioning” would serve, given, unlike “date of final commissioning”, it is a term that is not relied upon elsewhere in the dDCO? If it is considered that a definition for commissioning needs to be included in Article 2, should Work Nos 4, 5A, 5B and 6 be added to Work No.1, given those works would need to be fully operational (and thus tested and commissioned) prior to the proposed development being capable of generating and exporting electricity on a commercial basis?</p> <p>b) All – There is a definition for the date of final commissioning and Requirements 5, 9, 13, 17 and 20 include provisions tied to that date. Similarly the proposed protective provisions in favour of Lincolnshire Fire and Rescue (LFR), included in Part 3 of Schedule 14 are tied to the date of final commissioning. An additional paragraph has been added to the Framework Construction Environmental Management Plan (FCEMP) [paragraph 2.2.3 in REP4-008] stating that the applicant will inform LCC of the date of final commissioning once it has occurred. However, the relevant planning authority for Requirements 5, 9, 13 and 20 is NKDC and there is no provision within any of the requirements included in Schedule 2 for date of final commissioning to be notified to NKDC. To allow for the effective monitoring and/or enforcement of Requirements 5, 9, 13, 17 and 20, a notification mechanism (either as a standalone requirement or an amendment to an existing requirement(s)) must be added to Schedule 2. Submit wording for the required notification mechanism.</p> <p>Note for the applicant and other all parties</p>	<p>LCC requested to be informed of the date of final commissioning by the applicant and welcomes the inclusion of paragraph 2.2.3 within the FCEMP. LCC will defer to NKDCs opinion on this question and whether they wish to be notified of the date of final commissioning.</p>	<p>The Applicant has responded to NKDC's response to DCO.3.02 in Table 3-2.</p> <p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. DCO.3.02), the Applicant has amended the definition of “commissioning” in Article 2 of the Draft DCO [REP5A-006] (submitted to the Examination at Deadline 5A) to include reference to Work No.s 4, 5A, 5B and 6. Furthermore, the Framework CEMP [REP5A-016] was updated at paragraph 2.2.3 (submitted to the Examination at Deadline 5A) to note that the Applicant will inform both LCC and NKDC of the date of final commissioning once it has occurred.</p>

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
		<p>With respect to the scope/definition for “permitted preliminary works” included in Article 2, the ExA notes the applicant’s intention to submit a “Permitted Preliminary Works Environment Management Plan” (PPWEMP) no later than Deadline 5 [response to ExQ2 DCO.2.08 and DCO.2.09 in REP3-045]. Following the PPWEMP’s submission it may be necessary for the ExA to seek further information relating to that plan’s contents and/or the definition for permitted preliminary works included in Article 2 from the applicant and/or other interested parties.</p>		
DCO.3.04	Applicant LCC	<p>Requirement 17 (Permissive paths) The ExA notes the applicant’s concern about ensuring that the permissive paths do not become treated as public rights of way at the end of the operational lifetime of the proposed development. However, it is unclear why the exclusion of “up to seven days” as set out in paragraph 6.1.2 of the Framework Landscape and Ecological Management Plan (FLEMP) [REP3-028] has now been included. In responding to ExQ1 [REP2-043], LCC advised <i>“provided that there is sufficient signage to show that use of the route is by permission, there is no need to restrict access for a day. The efficacy and legal impact of a one day closure is not likely to have any impact on a user based claim, unless there is sufficient other actions taken by the landowner to disabuse the public of the notion that they are exercising a public right.”</i> a) Applicant: Explain why up to seven days in any calendar year has been identified as an exclusion for public use of the permissive paths. b) LCC: Explain whether appropriate signage to show that use of the permissive paths is by permission would be sufficient to protect against possible claims for public rights in the future, or what other mechanisms would be required.</p>	<p>To protect against future claims (from user based claims through long use over time), a landowner would need to show that there is sufficient evidence to show that they had demonstrated a lack of intention to dedicate. Installing and maintaining signage along the route that makes it clear that this is a permitted path and not a public right of way is one way of doing this and is effective because it evinces to the people using the route that there is no intention to dedicate a right of way. Another way of protecting against a claim for public rights is to make a landowner deposit and declaration under Section 31(6) Highways Act 1980 and Section 15A(1) Commons Act 2006.</p>	<p>The Applicant has amended the Framework LEMP to remove the provision allowing for the closure of the permissive paths for up to seven days per year. The amendments made to the Framework LEMP are set out below and are reflected in the updated Framework LEMP submitted to the Examination at Deadline 6.</p> <p>Paragraph 6.1.2: The permissive paths will be made available to the public during operation of the Proposed Development, provided that the Applicant may withdraw permission to use the paths and periodically exclude the public by closing the path for up to seven days in any calendar year. In addition, close the paths may be closed to carry out repair and maintenance works (including emergency repair works). although in practice s Such closures are likely to be infrequent, and the Applicant will notify NKDC at least seven days in advance of any planned permissive path closures. This requirement does not apply to emergency closures. The paths will be managed by the Applicant, and signage may will be displayed to confirm that the public use of the paths is strictly by their use by the public is with permission of the landowner. At the end of the Proposed Development’s operation (with further detail to be included in the DEMP), when the land will be in private ownership, the Landowner will be free to permanently withdraw permission and bring the permitted public use to an end.</p>

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				<p>Paragraph 6.1.10: New signage will be installed to help wayfinding and provide information on how to link to existing parts of the PRoW network as well as course distances to promote active travel. Access points will be clearly defined. Signage will be designed to be durable, weather-resistant and sympathetic to the natural surroundings. Such signage will confirm that the use of the permissive paths by the public is with permission of the landowner.</p>
DCO.3.09	Applicant and other interested parties for which protective provisions are proposed	<p>Schedule 14 (Protective Provisions) minor drafting amendments With respect to minor drafting amendments to the proposed protective provisions included in Schedule 14, the parties should refer to the ExA's schedule of proposed changes to the dDCO [PD-022]. The applicant and other interested parties should identify any typographic and/or formatting errors that require correction within the dDCO not included in the ExA's schedule of proposed changes to the dDCO.</p>	<p>LCC notes the minor amendments suggested with regard to Schedule 14, Part 3 (Protection of Lincolnshire Fire and Rescue) within PD-022. Having reviewed the dDCO, LCC has not identified any further typographical/formatting errors.</p>	The Applicant acknowledges this response.
DCO.3.14	Applicant NKDC LCC	<p>Schedule 15 (Procedure for the discharge of requirements) a) All - with respect to paragraph 5 (Fees) should the discharge fees quoted in the made DCO for the Springwell Solar be used in paragraph 5(2)? If so, is a further adjustment required to take account of the annual indexation increase for planning application fees introduced by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, given an annual indexation increase recently took effect on 1 April 2026? b) Applicant – with respect to the fees to be paid for discharging requirements, the ExA notes your response to ExQ2 DCO.2.31 [REP3-045], in which you have expressed the view that the fees cited in paragraph 5 of Schedule 15 should not be increased annually in line with the consumer price index because:</p>	<p>As stated within previous submissions LCC consider the fees quoted within paragraph 5(2) should be in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 which were increased in April 2025. This approach is consistent with the Springwell Solar Farm. LCC considers the approach for these fees to be index linked would be appropriate and would be in line with the regulations on which the fee schedule is based.</p>	<p>As stated in the Applicant's Response to Deadline 4 Submissions [REP5-025], the fee structure in paragraph 5(2) has been revised in line with the increases which took effect on 1 April 2026. These revisions are reflected in the Draft DCO [REP5A-006] submitted at Deadline 5A. These revisions also bring the first application for the discharge of Requirements 7, 10, 14 and 15 under the fee level set out in paragraph 5(2)(a), as previously requested by NKDC. The Applicant has removed the first application for the discharge of Requirements 9 and 11 from the scope of this sub-paragraph, in line with the approach taken in the Springwell Solar Farm Order 2026. The Applicant's position with regards to indexation remains as previously set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018]. However, as requested by the ExA, in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] the Applicant</p>

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		<p><i>“...the Proposed Development must be commenced within five years from the date that the Order comes into force. The majority of the Requirements set out in Schedule 2 will be discharged prior to or during the construction period, which is anticipated to take place between 2031 and 2033. The only Requirement which will be discharged at a later date is Requirement 20 which provides for approval of the Decommissioning Environmental Management Plan. Further, the fees due will not be affected by inflation in the same way in which, for example, costs of construction would be. ...”.</i></p> <p>However, within the five year commencement period (Requirement 2) there could still be an appreciable inflationary effect with resourcing implications for the planning authorities, as has been recognised within the fee regulations applying to applications submitted under the provisions of the Town and Country Planning Act 1990 (as amended). Accordingly, the ExA considers wording for an indexing mechanism should be submitted, on a without prejudice basis, for consideration by the ExA.</p>		<p>provided the following wording for an indexation provision on a without prejudice basis:</p> <p>Schedule 15 (Procedure for discharge of requirements), paragraph 1 (Interpretation) - insert the following definitions:</p> <p><u><i>“Index” means the Consumer Price Index published by the Office for National Statistics or any official publication substituted for it or any replacement or modification of such index in force from time to time;</i></u></p> <p>and</p> <p><u><i>“Index Linked” means increased or decreased in accordance with the following formula:</i></u></p> <p><u><i>amount payable = the fee specified in paragraph 5(2) multiplied by (A/B) where:</i></u></p> <p><u><i>A = the figure for the Index that applied when it was last published prior to the date the payment is due; and</i></u></p> <p><u><i>B = the figure for the Index that applied when it was last published prior to the date of this Order coming into force.</i></u></p> <p>Schedule 15 (Procedure for discharge of requirements), paragraph 5 (Fees) - insert a new sub-paragraph (4):</p> <p><u><i>The fees payable under sub-paragraph (2) are to be Index Linked.</i></u></p>
ENC.3.02	Applicant NKDC LCC	<p>Ecological Advisory Group The changes made to the FLEMP [REP3-028] and the applicant's response to Deadline 3 and Deadline 3A</p>	The Council does not agree with the Applicant's proposed approach to the Ecological Advisory Group (EAG).	The Applicant acknowledges NKDC's response and maintains the position regarding the composition of the Ecological Advisory Group (EAG) provided in

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
		<p>submissions (page 11 in [REP4-018]) indicate that the councils would not have a role on the ecological advisory group (or similar). The FLEMP (paragraph 7.1.9) describes the key function of the group as reviewing monitoring data on habitats and species to inform future management plans. Monitoring reports would be sent to the councils and the Lincolnshire Wildlife Trust for information.</p> <p>In responding to ExQ2 ENC.2.09 in [REP3-055], NKDC has referred to the approaches taken for the Springwell and Beacon Fen schemes. NKDC's submission includes an extract from the draft Outline LEMP for Springwell which identifies that a representative from NKDC and LCC would be on the ecological steering group. NKDC's submission also includes the dDCO for Beacon Fen (submitted at Deadline 8) and Requirement 7 of that dDCO requires that the ecological steering group would include representatives from each of the relevant planning authorities.</p> <p>a) Applicant - Explain the rationale for excluding representatives from NKDC and LCC on the ecological advisory group and what role is envisaged for the councils in terms of monitoring and advising on any corrective action required to ensure that the mitigation and enhancement measures secured through the LEMP would be achieved.</p> <p>b) Applicant - Paragraph 7.1.9 of the FLEMP sets out that the terms of reference for the ecological advisory group (or similar) would be agreed as part of the agenda for the first group meeting. Based on the current drafting of the FLEMP, the councils would not be members of the group and so would have no input into the group's terms of reference. The ExA is of the view that at least draft terms of reference for the ecological advisory group (or similar) should be included in the FLEMP. This should include confirmation of when it would be established and how long it would be in place.</p> <p>c) NKDC and LCC - comment on the applicant's approach to the ecological advisory group.</p>	<p>The Council considers that the primary purpose of the EAG should be to facilitate regular and ongoing communication between the Applicant/Developer and the host Local Authorities on ecological matters post-consent. Meetings of the group should enable the Applicant/Developer to report on the status of the delivery of ecological mitigation and enhancement measures, including Biodiversity Net Gain (BNG), to the host Local Authorities, and to allow agreement to be reached on any corrective measures required where targets are not being met. The EAG should therefore provide a mechanism for robust monitoring of progress against commitments to deliver BNG, as secured under Requirement 8 of the draft DCO.</p> <p>In addition, EAG meetings would provide opportunities to identify and secure synergies between the Applicant/Developer's mitigation and enhancement measures and those being delivered either by other developers or through strategic nature conservation initiatives, such as the forthcoming Greater Lincolnshire Local Nature Recovery Strategy.</p> <p>The Council considers that, for the EAG to function effectively, its membership must include representatives of the host Local Authorities. The Council also considers that the draft Terms of Reference should be provided within the FLEMP and should include:</p> <ul style="list-style-type: none"> • the remit of the group; • the membership of the group; • confirmation of when the group will be established and the how long it will be in place for; • details of the frequency of meetings; and • details of how the group will be funded. <p>This approach is consistent with the recently issued Springwell Solar Farm DCO and with the approach taken during the examination of the Beacon Fen</p>	<p>response to ENC.3.02 as detailed in the Applicant's Responses to the Examining Authority's Third Written Questions (Revision 1) [REP5A-037] submitted to the Examination at Deadline 5A.</p> <p>With regard to the EAG Terms of Reference, the Applicant has provided draft Terms of Reference within the updated Framework LEMP submitted to the Examination at Deadline 6.</p>

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			Energy Park. The Council provided the Applicant with a draft Terms of Reference which address the above points on 27/02/2026.	
ENC.3.03	Applicant NKDC LCC	<p>Biodiversity Net Gain (BNG)</p> <p>Paragraph 2.6.2 of the FLEMP [REP3-028] states that the applicant has committed to deliver a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units using DEFRA's Statutory Biodiversity Metric (Version 1.0.4). That is consistent with statements in paragraph 1.4.6 of the BNG Report [REP3-024]. Requirement 8 of the dDCO [REP3A-004] requires the BNG percentages to be based on the metric used to calculate those percentages specified in the BNG Report. Paragraph 2.9.2 of the BNG Report states that the calculation will be updated as part of the detailed design stage for the proposed development. Comment on whether there is a need to add wording to the FLEMP, the BNG Report and/or Requirement 8 to establish that the achievement of the BNG percentages specified in Requirement 8 would be based on the metric extant at the time the LEMP would be submitted for approval. If so, provide suggested wording.</p>	LCC will defer to NKDC regarding this question as per ecology and BNG information sharing agreements.	The Applicant has responded to NKDC's response to ENC.3.03 in Table 3-2.
ENC.3.05	Applicant NKDC LCC	<p>NPS EN-1 and the approach to BNG</p> <p>NKDC and LCC consider that if the full benefit of the BNG claimed is to be given weight/positive weight, the methodology and guidance for calculating BNG should be followed [REP4-021] and [REP4-020]. As highlighted by the councils, the BNG Report [REP3-024] does not currently meet the Statutory Biodiversity Metric trading rules because of the loss of a plastic-lined agricultural reservoir classified as "Lake – Reservoir" habitat.</p> <p>Comment on whether the applicant's approach to assessing BNG conflicts with the requirements of NPS EN1 such as those set out in paragraphs 4.6.2, 4.6.6, 4.6.7, and 5.4.19.</p>	LCC will defer to NKDC regarding this question as per ecology and BNG information sharing agreements.	The Applicant note's NKDC's response to this question (as noted in Table 3-2) was: "NKDC understands that the Applicant has now decided to retain the agricultural reservoir, so it is no longer necessary to address this point".
FS.3.01	Applicant NKDC	<p>Framework Soil Management Plan – operation and decommissioning</p>	LCC would defer to NKDC and their appointed agricultural consultant for this matter.	The Applicant has responded to NKDC's response to FS.3.01 in Table 3-2.

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	LCC Natural England	<p>In [REP3A-037] reference is made to the Framework Soil Management Plan (FSMP) [REP4-010] not addressing the proposed development's operational and decommissioning phases.</p> <p>In response, the applicant in [REP4-018] states that "post construction", as covered in section 6 of the FSMP, is the operational phase and that the FDEMP is intended to capture all mitigation measures for the decommissioning phase, including those in relation to soils, with mitigation related to soils during decommissioning presented in Table 7 of the FDEMP [REP3-020].</p> <p>However, section 6 of the FSMP appears to be focussed on describing the use of soils and does not address, for example, soil protection measures during maintenance or replacement activities. Table 7 of the FDEMP identifies the mitigation/enhancement measure as being the SMP.</p> <p>Comment on whether the FSMP should provide a more explicit framework for the management measures that would be adopted to manage the soil resource during the proposed development's operation and decommissioning and if so, what should be included, for example measures to deal with soil compaction in areas under the proposed solar stations and the BESS.</p>		
FS.3.03	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan</p> <p>Given the importance of the SMP for avoiding soil deterioration, comment on whether there are other matters which should be included in the FSMP [REP4-010] to provide a clear framework for inclusion within a detailed SMP.</p>	LCC would defer to NKDC and their appointed agricultural consultant.	The Applicant has responded to NKDC's response to FS.3.03 in Table 3-2.
HE.3.02	Applicant LCC	<p>SoCG – archaeology</p> <p>In the applicant's Deadline 3A submissions' covering letter [REP3A-001] it is stated that the applicant, LCC and Historic England "are in agreement that the Framework Written Scheme of Investigation, together with the subsequent work and activities secured under Requirement 11 of Schedule 2 to the draft Development Consent Order [REP2-005], can adequately manage the risk of discovering as yet</p>	<p>LCC agrees that the mechanism of an agreed Framework WSI and Requirement 11 of the DCO can adequately deal with the archaeological risk through the lifetime of the scheme.</p> <p>However as with ecological and environmental matters within the PINS process there should be an agreed Archaeological Management Plan for the lifetime of the scheme and an Archaeological Clerk of</p>	As set out previously (e.g. 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).

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		<p><i>unknown buried remains, with a suite of mitigation options available to avoid or adequately minimise adverse effects during construction, operation (including maintenance) and decommissioning of the Proposed Development.</i> However, in commenting on Deadline 3 and 3A documentation, LCC states that it is currently reviewing the latest version of the Framework Written Scheme of Investigation and will respond in detail at Deadline 5 [REP4-020].</p> <p>Provide an update on the matters identified as “<i>under discussion</i>” in the SoCG [REP4-012], including whether they have been resolved, will likely be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if they are matters which cannot be agreed.</p>	<p>Works to oversee and provide advice on managing archaeological impacts from development works. This is necessary to ensure that potential archaeological impacts are dealt with appropriately as site-specific developmental impacts are decided and that agreed archaeological protection measures are enforced.</p> <p>The provision of an agreed Archaeological Management Plan and an Archaeological Clerk of Works should therefore be included in the Framework WSI.</p>	<p>Under Requirement 11 of Schedule 2 to the Draft DCO [REP5A-006], updates to the Framework WSI to account for the results of additional trial trenching must be submitted to and approved by LCC in consultation with Historic England prior to the commencement of the Proposed Development. As such, LCC will have ample opportunity to ensure that adequate mitigation is implemented.</p>
HE.3.03	Applicant LCC	<p>SoCG – built heritage assets</p> <p>The SoCG between the applicant and LCC [REP4-012] indicates that LCC maintains that for a limited number of designated heritage assets, the ES “... <i>may understate the effect of the development on their significance through changes to their setting ...</i>”.</p> <p>Heritage assets specifically identified by LCC are:</p> <ul style="list-style-type: none"> • Hall Close, Scheduled Ancient Monument (SAM) • Morton Manor, listed building • Morton Grange, listed building <p>In responding to the applicant’s Heritage Technical Note, LCC states that the heritage assets where it has remaining concerns are reflected in the locations identified ‘above’ to assist the ExA when undertaking its further Unaccompanied Site Inspection (USI) [REP4-020]. LCC identified locations for the USI in [REP3-049]. In addition to the locations listed above, [REP3-049] also included Corner Farmhouse.</p> <p>a) LCC: Confirm whether the remaining concerns about built heritage assets relate to Hall Close SAM and Morton Manor, Morton Grange and Corner Farmhouse listed buildings.</p>	<p>a) LCC confirms that its remaining concerns relate to Hall Close (SM); Corner Farmhouse (Grade II); Morton Manor (Grade II) and Morton Grange (Grade II). For these assets, we maintain that the ES understates effects on significance arising from changes to setting. In particular;</p> <ul style="list-style-type: none"> • Hall Close: There is clear intervisibility with the fields to the south proposed for solar development. These fields form part of a coherent medieval landscape setting and their change would result in harm to the monument’s significance. • Morton Manor and Morton Grange: Development to the east in the direction of Househam Wood would alter their rural agricultural setting and result in harm to significance. • Corner Farmhouse: Adjacent fields contribute to its setting and approach; their retention as open land (within the order limits) is important to preserving significance. It is important that the proposed retention as grassland is secured within the DCO and would request clarity as to where this is secured. 	<p>As set out in the Applicant’s Response to the Examining Authority’s Third Written Questions [REP5A-037] (ref. HE.3.03), the Applicant considers that the assessment within Appendix 7-D Detailed Heritage Asset Setting Assessment of the ES [APP-127] accurately considers the significance, setting and the likely effects of the Proposed Development upon those designated heritage assets. As noted by LCC, this matter is therefore not currently agreed, and is likely to remain as such.</p> <p>Regarding the retention of proposed setbacks from heritage assets previously referred to by the Applicant, it should be noted that these setbacks are secured by the Works Plans [AS-105] (with regard to where certain infrastructure can be placed within the DCO Site) and the Landscape Mitigation Plan within the Framework LEMP [REP5A-022] (with regard to the landscape mitigation committed to within the DCO Site) and as such will be retained throughout the duration of the Proposed Development. The detailed design must accord with these plans as per Requirements 6 and 8 of the Draft DCO [REP5A-006], respectively. For example, regarding Hall Close,</p>

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		<p>b) Both: This matter is identified as “<i>under discussion</i>” in the SoCG [4.4B.6 in REP4-012]. Provide an update on this matter including whether it has been resolved, is likely to be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if it is a matter which cannot be agreed.</p>	<p>LCC notes that while setting is not designated, it contributes to the significance of these assets and harm to that setting results in harm to significance.</p> <p>b) SoCG update: this matter remains under discussion and is not yet resolved. Two issues remain:</p> <ol style="list-style-type: none"> 1. There remains a difference of professional judgement. LCC considers the ES understates the contribution of surrounding agricultural land to significance, particularly at Hall Close. This is unlikely to be fully resolved as solar development is proposed within fields to the south of the monument, notably Heritage Field Nos. 111 and 112 (approximately 200m south), and Field No. 066 (approximately 380m southwest) (AS-022; APP-075). 2. The applicant identifies land around key assets listed above as retained (e.g. setbacks for permanent grassland/biodiversity). LCC agrees this land contributes positively to setting. However, its long-term retention is not secured, creating future uncertainty. LCC seeks DCO secured protection to ensure these areas remain free from solar development for the lifetime of the scheme. This could be resolved within the examination if secured through the DCO. It would reduce uncertainty and ensure mitigation is effective, although it would not remove all harm. 	<p>please see Sheet 5 of the Works Plans [AS-105] which shows the proposed infrastructure relative to the location of Hall Close (which adjoins the Order Limits to the north-east on this Sheet). This shows that the land immediately west and south of the Scheduled Monument cannot (as per the design sought for approval by the DCO, secured by Requirement 6 of the Draft DCO [REP5A-006]) include solar development, which is defined as Work No.1 on the Works Plans [AS-105]. This is therefore sufficiently secured and will be retained for the lifetime of the Proposed Development. Furthermore, see Sheet 5 of the Landscape Mitigation Plan within the Framework LEMP [REP5A-006]. This shows this same land as ‘Proposed Bird Mitigation Areas – Permanent Grassland’. This secures this landscape use of these land parcels for the duration of the lifetime of the Proposed Development, secured by Requirement 8 of the Draft DCO [REP5A-006]).</p>
PE.3.03	Applicant UK Health Security Agency NKDC LCC	<p>BESS safety</p> <p>A number of statements have been made in sections 2 and 3 of ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176] about potential emissions in the event of a BESS fire. For example, paragraph 2.1.7 states that only hydrogen fluoride would likely be present at concentrations of concern at distances of more than a few tens of metres from the fire. That is based on a report that included gas sample measurements from batteries subjected to external and internal ignition tests for BESS with a capacity of</p>	<p>LCC consulted Lincolnshire Fire and Rescue and received the following response:</p> <ul style="list-style-type: none"> • LFR would want the assurance that the gas sample measurements are acceptable based on the exact specifications, i.e. 480 mega watts, what does the plume look like? Does the ‘tens of metres’ still stand, or will the cloud be bigger? • How does this differ, if at all, if the exact specification of the units are now known...potential emissions, do 	<p>The Applicant acknowledges this response and notes that the most appropriate time to update the consequence modelling is during the detailed design stage, when the exact specification is being finalised. As is often the case for a development of this type the ‘full components’ and associated ‘actual emissions’ will not be known until after the Secretary of State’s decision on this application has been made and it is for that reason that the current assessment is based on assumptions for reasonable worst case scenarios.</p>

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		<p>up to 100 kilowatt hours (Kwh). BESS of 100Kwh are markedly smaller than the proposed BESS, which would have a capacity of 480 megawatt hours. The distance of “tens of metres” is also referred to in the applicant’s Health and Wellbeing Summary Statement (paragraph 3.9.22 of [REP3-047]).</p> <p>Comment on the reasonableness of the assumptions presented in the Unplanned Emissions Assessment [APP-176] on which the assessment and findings are based, including their applicability to the scale of BESS proposed.</p>	<p>we know the full components being used and so can we now have actual emissions?</p>	<p>The future consequence modelling, as secured by the Framework BSMP [REP3-030] (ref. paragraph 5.1.5), would be undertaken specifically to further inform the detailed design process as relevant and shared with LFR.</p>
PE.3.05	<p>Applicant UK Health Security Agency NKDC LCC</p>	<p>BESS safety – health effects</p> <p>Paragraph 3.9.26 of the Health and Wellbeing Summary Statement [REP3-047] refers to the information presented in ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176]. Paragraph 3.9.26 states “<i>The assessment identified that safe human health thresholds relating to the inhalation of fumes from a BESS fire would be met 200m from the BESS. There are no residential receptors within this distance from the BESS infrastructure proposed, whether a distributed or centralised BESS is brought forward</i>”.</p> <p>However, paragraph 2.3.5 in the FBSMP [REP3-030] states that the distributed BESS enclosures would be sited a minimum of 150m from residential structures offsite. Table 4 in [APP-176] identifies 150 to 200 metres as the indicative distance to achieve acute exposure guideline level (AEGL) -1 value for 100% of metrological conditions, based on 3 kilograms of hydrogen fluoride (HF) from a single cabinet fire. Paragraph 4.1.5 in [APP-176] identifies that “... <i>the specification reached in detailed design will be required (by a requirement to the DCO) to be consistent with the parameters assumed in this study (i.e., 1kg to 3kg of HF from a single cabinet fire)</i>...”</p> <p>Comment on the implications of the minimum distance of 150 metres referred to in the FBSMP for the consideration of health effects set out in the Health and Wellbeing Summary Statement.</p>	<p>LCC consulted Lincolnshire Fire and Rescue and received the following response:</p> <ul style="list-style-type: none"> • LFR would like assurance again if they have had reports suggesting that the 150m is sufficient? • If so why the discrepancy from 200m to 150m? • OR by stating enclosure, does that mean the perimeter of the whole compound site and then is the BESS cabinet a further distance within that compound site...what I’m asking is; is the enclosure the external perimeter fence, or the cabinet itself can I get clarity? <p>Basically with both items, there is a difference in the numbers suggested so based on either lower mega watts or greater distance initially, can we have the assurance with the increase in mega watts and less distance that everyone stays safe.</p>	<p>As set out in the Applicant’s Response to the Examining Authority’s Third Written Questions [REP5A-037] (ref. PE.3.05), Appendix 14-G: Unplanned Emissions Assessment of the ES [APP-176] refers to reported impacts in ranges. The 150-200m range cited in Table 4 for the achievement of acute exposure guideline level – 1 (AEGL-1) under all meteorological conditions, reflects the fact that when the wind blows from different directions the worst-case impacts, based on 5 years of hourly meteorological conditions, vary slightly.</p> <p>In a situation where a fire occurs during winds blowing towards the northeast (NE), the AEGL-1 criteria is achieved within no more than 200m, for the 3kg of hydrogen fluoride scenario. For all other downwind directions an offset of 150m would provide the same level of protection.</p> <p>However, the Applicant has increased the minimum separation distance between distributed BESS and residential structures (to building façade) to 200m. This commitment is secured within the Framework BSMP which has been updated and submitted to the Examination at Deadline 6, and also the Design Commitments document [EN010154/EXAM/9.35] which has also been submitted to the Examination at Deadline 6.</p>

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PE.3.07	Applicant LCC	<p>Tourist Accommodation</p> <p>LCC maintains its concerns about the effects of the proposed development on tourist accommodation, both individually and cumulatively with other schemes [REP3-048].</p> <p>In terms of cumulative effects, the assessment in Chapter 12 of the ES (Socio Economics and Land Use) [AS-016] states that as it was anticipated that there would be no effect on the hotel, bed and breakfast, and inns accommodation sector from the proposed development, it would not make a meaningful contribution to any cumulative effect which may occur from other developments in the area.</p> <p>Table 12-25 in Chapter 12 of the ES presents the temporary accommodation capacity in a 30-minute rushhour drive time radius of the Order Limits (considered to be the worst-case scenario in paragraph 12.4.5 of [AS-016]). Table 12-25 shows that there would be limited spare capacity with the proposed development and a deficit in room availability during some months. That suggests that even a small increase in demand could lead to a shortage, which the proposed development would contribute to.</p> <p>Comment on whether there should be: a commitment to undertake monitoring of tourism accommodation usage by construction workers; and the implementation of management measures if required. If so, provide details of what that would involve and how it could be secured.</p>	<p>LCC consider the suggested monitoring of overnight accommodation usage by construction workers is a sensible approach, that will hopefully ensure any capacity, or other uptake issues, are identified before becoming much larger, more significant ones. LCC consider this monitoring should be secured either as a requirement within the DCO or within an appropriate management plan.</p> <p>LCC consider the monitoring itself, should as a minimum include the occupancy rates of accommodation within the 60 minute travel to work area in the period before booking and at the time of booking and regularly thereafter to establish if occupancy levels are becoming critical.</p> <p>While critical occupancy would not be an issue if the applicant already has a block booking in place, it will flag for the Council where action may be required on a wider basis. Should consent be forthcoming monitoring the occupancy rate of accommodation between consent and the point of booking will be of importance to establish patterns (particularly in preferred providers) and ensure that booking patterns or needs can be accommodated, particularly in those months where it is already known that there is little to no capacity when the needs of other schemes are taken into account.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. PE.3.07), the Applicant considers that no commitment to undertake monitoring of tourism accommodation usage by construction workers is required and accordingly, no management measures would be required.</p>
TT.3.01	Applicant LCC	<p>Framework Construction Traffic Management Plan (FCTMP) – condition surveys</p> <p>The ExA notes the changes made to the FCTMP [REP3-032] 3 in response to the clarification sought by the ExA through the asking of ExQ2 TT.2.05. While that change to the FCTMP confirms that any defects to highway assets/verges during the construction of the proposed development would be made good, it does not explicitly identify who would have the responsibility for undertaking the reinstatement works.</p> <p>Comment on whether the FCTMP should be amended to identify the body responsible for any reinstatement</p>	<p>Responsibility for reinstatement works would fall to the Developer's Contractor.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. TT.3.01), the Applicant would have the responsibility for undertaking any reinstatement works. The text in the Framework CTMP [REP5A-024] (paragraph 7.3.2) and the Framework PRowMP [REP5A-020] (paragraphs 3.3.7 and 3.4.5) have been updated (submitted to the Examination at Deadline 5A) to say "...by the Applicant" to confirm this.</p>

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		works. The same point applies to the change made to the Framework Public Rights of Way Management Plan [page 22 in REP3-026].		
WE.3.01	Applicant LCC Environment Agency	<p>Assessment of effects - water run-off, operational phase</p> <p>a) Applicant: Page 85 of the Flood Risk Assessment [REP3-012] states that the research by Cook and McCuen notes boundary swales, as well as good, vegetated ground cover, is a suitable mitigation measure to counter any non-significant increase in runoff from a solar panel field. What consideration was given to boundary swales around the solar array areas to address runoff from the panels in addition to suitable planting?</p> <p>b) All: In responding to ExQ1 WE.1.05(b) concerning the monitoring of water run-off from the proposed solar panels, the applicant in [REP2-029] stated that this would be picked up as part of the monitoring identified in section 6.9 of the FSMP. The second bullet point in paragraph 6.9'1 of the FSMP [REP4-010] addresses monitoring of soil conditions and refers to the "created green space areas". Comment on whether the wording of the second bullet point in paragraph 6.9.1 of the FSMP is sufficiently clear to ensure that the monitoring would apply to the areas under the solar panels? If not suggest appropriate wording.</p>	LCC notes that 6.9.1 of FSMP also includes "A programme of post-construction monitoring of re-vegetation and retained vegetation needs to be undertaken, likely on a seasonal basis and/or as prescribed by the Landscape Specialist during the construction phase." This is considered appropriate for the FSMP, the detail SMP is secured by Requirement 15 of the DCO.	The Applicant acknowledges this response.
GC.3.01	Applicant, North Kesteven District Council (NKDC), Lincolnshire County Council (LCC), other interested parties and other persons	<p>The Secretary of State's decision with respect to the Springwell Solar Farm</p> <p>The ExA is aware that the application for the Springwell Solar Farm was determined by the Secretary of State (SoS) on 8 April 2026 and that a Development Consent Order (DCO) has been made for that development.</p> <p>b) All - the making of the Springwell Solar Farm DCO may have implications for the cases that have been made by the applicant, NKDC, LCC, other interested parties and other persons up until 8 April 2026. If you consider the making of the Springwell Solar Farm DCO has had any implications for the case you have made about the proposed development prior to that order's making, written submissions should be made explaining how you</p>	Following LCCs holding response submitted at Deadline 5A please see the fuller response below regarding ExQ3 GC.3.01. The ExA will note that the Springwell Solar Farm decision issued on 8 April 2026 is currently subject to an undetermined Judicial Review challenge jointly made by Lincolnshire County Council (LCC) and North Kesteven District Council (NDKC) on 18 May 2026. While the challenge is undetermined, LCC's ability to fully respond to the ExA's question GC.3.01, as to how the Springwell decision may affect our case in respect of Fosse Green, is limited in some instances, where the topics are the subject of the legal challenge, as identified below. Additionally, in light of the challenge, the weight	<p>Background</p> <p>The Examining Authority should note that, whilst the Applicant is aware that LCC and NKDC have filed a joint claim for Judicial Review of the Springwell Solar Farm decision, the Applicant has not been provided with nor had sight of the grounds of this claim.</p> <p>Defining Commencement, Maintenance and Permitted Preliminary Works</p> <p>As described within Table 2-2, items (b), (c) and (e) of the PPW EMP (as defined by Article 2(1) of the draft DCO [REP5A-006]) are above ground elements of the PPW and therefore, there would be no resulting ground disturbance. There is no existing plant and</p>

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		<p>consider your case has been affected. Following the making of the Springwell Solar Farm DCO, the ExA particularly wishes to be informed about any implications there might be for the consideration of the proposed development with respect to:</p> <ul style="list-style-type: none"> defining: the commencement of the proposed development; maintenance; and permitted preliminary works; the imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning; the relationship between the Springwell Solar Farm and the proposed Navenby substation; the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC's responses to ExQ2 [REP3-055]). <p>(If any party has included references to the making of the Springwell Solar Farm DCO in their Deadline 5 submissions then rather than repeating what they may have stated in those submissions in responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.)</p> <p>b) For applicant – it may become necessary for the ExA to refer to either the made Springwell Solar Farm DCO and/or the SoS's decision during the remainder of the examination and/or when reporting to the SoS following the examination's close. Accordingly, the ExA requests that you submit copies of the made Springwell Solar Farm DCO and the SoS's decision letter so that they can be allocated document reference numbers and added to the examination library.</p>	<p>the Springwell decision has on other planning decisions at this time may also be reduced.</p> <p>Responses to the specific points requested by the ExA.</p> <p>Defining commencement; maintenance; and permitted preliminary works:</p> <p>LCC note the wording of Requirement 11 (Archaeology) in the Springwell DCO which states at 11(3) 'For the purposes of sub-paragraph (1), "commence" includes parts (a) to (h) inclusive of the permitted preliminary works'. Permitted Preliminary Works as defined within the Springwell DCO are as follows:</p> <ul style="list-style-type: none"> (a) environmental surveys, geotechnical surveys, intrusive archaeological surveys and other investigations for the purpose of assessing ground conditions; (b) removal of plant and machinery; (c) above ground site preparation for temporary facilities for the use of contractors; (d) remedial work in respect of any contamination or other adverse ground conditions; (e) diversion of existing services and the laying of temporary services; (f) the provision of temporary means of enclosure and site security for construction; (g) the temporary display of site notices or advertisements; (h) site clearance (including vegetation removal, demolition of existing structures or buildings); <p>With reference to LCCs Fosse Green case and previous submissions we would highlight LCCs response to REP3A-004 [REP4-020] under the Development Consent Order heading and reiterate that (b), (c) and (e) of the defined PPW should be included within the wording of archaeology, requirement 11.</p>	<p>machinery that needs to be removed from the site, and therefore item (b) would only apply to the removal of plant and machinery during PPW which would be achieved by driving these equipment from the site or lifting them onto a vehicle that is driven from site, without braking ground. Item (c) relates to above ground site preparation for temporary facilities rather than ground preparation and therefore it is the Applicant's understanding that this item excludes the breaking or disturbance of the ground and therefore any buried archaeology in these areas. Item (e) site clearance will not include demolition of existing buildings/structures because it is understood that none are present onsite currently, and vegetation clearance is mainly above ground work or where it may involve disturbance of ground it is limited to locations where the vegetation roots will have already damaged any near surface archaeology should any have been present previously. Measures to ensure sensitive archaeological remains are protected during these PPW, including exclusion, further evaluation and the provision of an Archaeological Clerk of Works (if required), are detailed in Table 2 of the PPW EMP [REP5A-035].</p> <p>In the unlikely case that vehicle movements associated with these works are expected to 'rut' through the ploughsoil (in any greater focus than existing farm machinery), then the Environmental Management Plan will seek to put in place suitable mitigation measures. The potential for impacts from ground disturbing earthworks required for the creation of temporary construction compounds is acknowledged within paragraph 1.21 of the Framework Written Scheme of Investigation (FWSI) [REP3A-027], with the available mitigation measures discussed in Section 3 of the FWSI (and to be agreed in site specific WSIs in due course).</p> <p>Imposition of Requirements and the provisions of Management Plans and any other control</p>

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			<p>Imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning: <u>Springwell ExA's proposed requirement 23 – restriction on commencement of development</u></p> <p>LCC disagree with the SoS's decision to not impose requirement 23 recommended by the ExA in its Report of Findings and Conclusions and Recommendation to the Secretary of State (ER) in the making of the Springwell Solar DCO, see SoS Decision Letter (DL) paragraph 4.14 and 4.17. As such LCC is challenging the SoS decision not to impose the requirement and the recommendations of the ExA in this respect.</p> <p>LCC note and agree with the conclusions of the Springwell ExA in ER paragraphs 4.4.49– 54, that a requirement preventing commencement of development until such time as the National Grid Navenby Substation (NGNS) has been granted planning permission is necessary. The ExA shared the concerns of the local authorities “that due to the uncertainty surrounding the delivery of the proposed NGNS that the commencement of construction of the proposed development could lead to adverse effects without the delivery of the benefits” (ER 4.4.49).The ExA acknowledged that “it would be feasible for the applicant to undertake site preparation works prior to planning permission being granted for the proposed NGNS that would be of limited commercial cost, but which could result in adverse environmental effects” (ER 4.4.50). “Further, such works could feasibly lead to unnecessary disturbance and impacts on local communities over several years” (ER 4.4.54).A restriction on the commencement of construction was considered to meet the tests for requirements (necessary, relevant to planning, relevant to the development to be consented, enforceable, precise</p>	<p>documents, including the approach to decommissioning / Relationship between the Springwell Solar Farm and the Proposed National Grid Navenby Substation</p> <p>The Applicant maintains its position as previously set out. As stated in the Technical Note for the Proposed National Grid Substation Near Navenby (Navenby Technical Note) [REP3-046] (which reiterates information set out in the Applicant's Planning Statement [AS-098]) “the proposed Navenby Substation is supported in policy and subject to mitigation measures being appropriately applied, is expected to receive planning consent subject to satisfying all material planning considerations in accordance with policy requirements.”</p> <p>The Applicant acknowledges that the Scoping Opinion issued by NKDC in relation to the proposed substation near Navenby is in the public domain and has been considered by the Applicant – for example, this scheme has been considered where relevant within the cumulative assessment presented in the ES, based on the publicly available information within the Scoping Opinion. In addition, the appraisal set out in section 3.4 of the Navenby Technical Note [REP3-046] is based on the information contained in the Scoping Report and provides a consideration of the principle of the development in line with the Central Lincolnshire Local Plan, the National Planning Policy Framework and the Energy National Policy Statements.</p> <p>The Applicant considers that it has complied with the requirements of paragraph 4.11.8 of NPS EN-1 particularly given the caveat in footnote 160 which acknowledges that an applicant can only assess and consider information which is available at the requisite time.</p>

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			<p>and reasonable in all other respects) in compliance with paragraph 4.1.16 of NPS EN-1(ER 4.4.51).</p> <p>LCC are of the opinion that the SoS did not give adequate reasons in respect of 1) the removal of recommended requirement 23 and 2) the decision not to reduce the weight to the principle of the development having removed the recommended requirement 23. In respect of Fosse Green, LCC therefore maintains its position as set out in Section 8 of our Local Impact Report (LIR) [REP1-053], Written Summary of Oral Submissions ISH1 [REP1-054], Comments on Submissions at DL2 [REP3A-029], and Statement of Common Ground with LCC (SoCG) [REP4-012].</p> <p>Decommissioning LCC have stated that we are content with the wording of requirement 20 within DCO.2.27 of ExQ2. However, concerns in relation to early cessation remain and LCC would continue to state that wording to the effect of that included within the Springwell OEMP should be included within Fosse Green fOEMP. Previous comments within REP3- 048 and REP3A-029.</p> <p>Relationship between the Springwell Solar Farm and the proposed National Grid Navenby substation (NGNS):</p> <p>LCC disagrees with the position reached by the SoS, who adopted the conclusions of the Springwell ExA in the Springwell decision that there were no obvious reasons why planning permission for the NGNS would be refused, nor with the consequent conclusion that the requirements of paragraph 4.11.8 of NPS EN-1 have been satisfied (DL paragraph 4.14). As such LCC is challenging the SoS' decision regarding the application of NPS EN-1 4.11.8.</p> <p>Paragraph 4.11.8 of NPS EN-1 imposes an additional burden on an applicant when an element of the</p>	<p>The Applicant maintains its position with regard to early cessation and considers this to be adequately addressed within the Framework OEMP.</p> <p>Fees to be Paid to the Relevant LPA for Discharge of DCO Requirements</p> <p>As noted in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037], the Applicant revised the fee schedule set out in Schedule 15 of the draft DCO [REP5A-006] in line with the figures set out in the Springwell Solar Farm Order 2026. With respect to indexation, the Applicant maintains its position.</p> <p>Any matters that might have been addressed by way of an agreement under s106 of the TCPA 1990</p> <p>With regards to the position in Springwell, the Applicant notes that at the time of entering into the s106 agreement, the Springwell applicant was not aware of the ExA's conclusion that a funding contribution would not materially affect the weight of the planning balance and that funding for the monitoring of BNG delivery was not needed. At the time of the SoS's decision on the Springwell Solar Farm, the s106 had been completed, and therefore, it would have been redundant for the SoS to state whether this was deemed necessary. The Applicant maintains its position.</p> <p>Consideration of Food Production and Food Security</p> <p>The Applicant disagrees with LCC. The EIA Regulations require the assessment of 'likely significant effects' and it is not the responsibility of the Applicant to present an assessment on all matters including those that do not fall into this category. It is acknowledged that PINS requested that "potential effects on farm businesses, loss of agricultural production and implications for food security from both the Solar and Energy Storage Park and Grid Connection Corridor should be considered where</p>

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			<p>proposed project is not part of the DCO application. It requires explaining the reasons for the separate application and confirmation that there are no obvious reasons for why other elements are likely to be refused. Whilst footnote 160 recognises that a proportionate approach should be taken, in order to demonstrate policy compliance the applicant must discharge its positive burden. There must, on a rational application of the policy, be a sufficient amount of information on which to discharge that burden.</p> <p>LCC is of the opinion that it cannot be positively demonstrated that there are no obvious reasons for likely refusal if there is not sufficient information on which that separate element can be meaningfully assessed. In the absence of sufficient information, the only rational application of the policy is that the applicant's positive burden cannot be discharged and therefore a policy conflict arises.</p> <p>In respect of Fosse Green, LCC therefore maintains its position as set out in Section 8 of our LIR [REP1-053], Written Summary of Oral Submissions ISH1 [REP1-054], Comments on Submissions at DL2 [REP3A-029], and SoCG [REP4-012].</p> <p>LCC is aware that an application for the NGNS has now been submitted to NKDC, however, at the time of writing it has not been validated. As a result, additional environmental information will potentially become available for consideration and to inform the assessment of cumulative effects and compliance with paragraph 4.11.8 of NPS EN-1. LCC considers that progress on the NGNS application should continue to be monitored while the Fosse Green DCO remains undetermined. Furthermore, the cumulative assessment should be updated, where necessary, to reflect this newly available information prior to any decision being made.</p>	<p>there is potential for significant effects to occur." The Applicant considers the key wording in the Scoping Opinion [APP-119] to be the phrase "where there is potential for significant effects to occur".</p> <p>The Applicant considers there to be no potential for significant effects on food production. The Applicant has previously responded on this issue in REP1-046 and REP2-031, which noted that the key document on UK food security is the Defra UK Food Security Report 2024; this 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. Paragraph 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 (0.09%), of which approximately 278ha (687 acres) of the Principal Site (i.e. approximately 26%) comprises Subgrade 3a BMV land. Furthermore, as set out in the Applicant's Response to Local Impact Reports [REP2-031], communications with landowners in 2024 show that approximately 50% of the Principal Site is currently used for human food production, with about 40% used for bio-fuels and the remaining 10% for other uses such as animal feed. The indicative layout presented in Figures 3-2A and 3-2B [REP5-005] and [REP5-006] illustrates that up to 48% of the Principal Site is available for arable production during operation, meaning that the operational Proposed Development has the potential to maintain similar levels of food production as the existing baseline. A minimum 181ha (447.26 acres) of arable land will be retained within the Principal Site, including approximately 116ha (286.64 acres) of Subgrade 3a BMV land secured through the Framework LEMP for bird mitigation [REP5A-022]. It is therefore unlikely that the Proposed Development will result in an impact on food production.</p>

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			<p>Fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO:</p> <p>During the course of the Springwell Examination, the dDCO was amended to increase the fees payable to discharge requirements set out in Schedule 2. LCC had raised the matter in its LIR, requesting that the fees be updated to reflect the uplift due to be introduced in April 2025. Furthermore, the following sub-paragraph was also inserted to Schedule 16 (part 5) to allow for further increases to be applied to those fees in future years to reflect the Consumer Price Index (CPI):</p> <p><i>(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.</i></p> <p>The revised fees and insertion of sub-paragraph (3) above were retained in the final version of the dDCO, and no changes were sought to those parts by either the ExA or the SoS.</p> <p>With respect to Fosse Green, in its LIR [REP1-053] LCC suggested that the fees in the dDCO submitted with the application should be uplifted in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, which were increased in April 2025, an approach consistent with the Springwell Solar Farm dDCO. LCC also confirmed its support for the inclusion of a link to CPI due to the longevity of the proposed development.</p>	<p>It is estimated in Section 12.10 Cumulative Assessment of this same chapter that all the consented and currently proposed solar NSIPs in Lincolnshire, together with the Proposed Development, account for an estimated 1.4% of the BMV land in Lincolnshire (of which the Proposed Development contributes approximately 0.08%). The Proposed Development is reversible, except for relatively small areas used for habitat creation which may not be removed during decommissioning. Given the above context and as the Applicant has noted in REP1-046 and REP2-031, the effect on UK food production has been adequately assessed and has been found to be negligible.</p> <p>Landscape Character assessment</p> <p>Landscape character is inherently dynamic and evolving, and published assessments only ever represent a snapshot in time. Therefore, whether a published landscape character assessment is outdated or needs updating is not an appropriate way of measuring the potential landscape impact of a new development.</p> <p>Furthermore, it would be an over-simplification to assume that a large scale solar development within Lincolnshire would by default result in significant cumulative landscape effects as this requires the consideration of the sensitivity of the receiving landscape, and the anticipated magnitude of change resulting from the Proposed Development in addition to cumulative schemes.</p> <p>Chapter 10: Landscape and Visual Amenity of the ES [AS-117] notes at paragraphs 10.10.8-10.10.38 that significant cumulative landscape and visual effects are only anticipated during the construction of the Proposed Development in addition to the North Hykeham Relief Road, Springwell Energy Farm and Leoda Solar Farm. By operation once the landscape mitigation of each scheme has established, it is</p>

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			<p>We note question DCO.3.14 in ExQ 3, and would agree that a further adjustment to the fees as set out in the Springwell Solar rDCO be applied to take account of indexation which took effect on 1 April 2026. Furthermore, we would support the inclusion of a mechanism to link future fees to CPI, in line with part 5(3) of Schedule 16 of the rDCO for Springwell.</p> <p>Any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the TCPA 1990:</p> <p>LCC note the Springwell decision secured skills and education funding and a BNG monitoring contribution through an ecological steering group which the host councils would have an active role in. In relation to Fosse Green, LCCs previous submissions regarding these matters remain.</p> <p>Other matters LCC considers to have implications for the case already made:</p> <p><u>Consideration of food production and food security</u></p> <p>Both the ExA and the SoS in the Springwell decision concluded that the applicant should have assessed the impacts of the development on food production and food security within the ES (ER 8.4.14 and DL 4.51). LCC is of the opinion that further information in respect of the impact of the development on food production should have been sought and in accordance with Regulation 20 of the EIA Regs, the ExA should have suspended consideration of the application until it was provided with further information. The failure to suspend consideration of the application amounted to a procedural irregularity and LCC is challenging the decision in this respect.</p>	<p>judged that there would be no significant cumulative landscape and visual effects, including from other large-scale solar farm developments, such that the predominantly agricultural land use will remain a defining characteristic of the landscape character areas identified within the published character assessments.</p> <p>The approach to assessing cumulative landscape and visual effects is consistent with PINS Guidance on Cumulative Effects and follows a proportionate methodology as outlined in GLVIA3. In Landscape Technical Memo 3 (November 2024) contained at Appendix A of NKDC's LIR [REP1-056] AAH welcomed this approach and accepted its robustness and appropriateness in assessing the cumulative effects on landscape and visual amenity. The Applicant however accepts that there are differences in professional judgement on the level of cumulative effects on regional landscape character areas, as is reflected in the Statement of Common Ground with Lincolnshire County Council [REP4-012].</p> <p>BMV land sealing over / permanent loss of agricultural land</p> <p>The Applicant has already acknowledged the SoS decision to consider land as permanently lost in respect of certain components of the Springwell Solar Farm such as the BESS, substations, collector compounds in the Applicant's Response to Deadline 5 Submissions [REP5A-038]. The Applicant is not aware whether the applicant for the Springwell Solar Farm has made any commitments to return soils to their current state or if there were specific reasons this could not be achieved, which may have led to this outcome. However, it should be noted that the Springwell Solar Farm differs from the Proposed Development due to the presence of 86ha (213 acres) of Very High sensitivity land (comprising Grades 1 and 2) within its Order limits. Of this, 14ha (35 acres) is solar PV areas which will potentially use crushed</p>

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
			<p>LCC note that in the case of the Fosse Green scoping opinion issued by PINS on 25 July 2023 at 3.6.8 and 3.6.9, the following comments on the scope of the ES are provided (emphasis added):</p> <p>3.6.8 The ES should identify the agricultural land uses that will be displaced by the Proposed Development. Potential effects on farm businesses, loss of agricultural production and implications for food security from both the Solar and Energy Storage Park and Grid Connection Corridor should be considered where there is potential for significant effects to occur. This should consider both effects alone and cumulatively with other projects. Effects such as severance to farm access or changes to the scale and long-term viability of farm holdings affected by the Proposed Development should also be considered.</p> <p>3.6.9 The ES should demonstrate how any retained agricultural land will be available for future productive use and consider the potential economic effects of any changes in land use patterns as a result of the Proposed Development.</p> <p>The applicant's assessment within ES Chapter 12 Socio-economics and Land Use [APP-037] does not in LCC's opinion cover the full range of issues identified by PINS in the scoping opinion. The additional information provided by the applicant in responses to ExQ1 questions [REP2-029] is noted, however, in light of the Springwell decision, LCC reiterates its concerns as set out in our LIR [REP1-053] paragraphs 15.25 – 26, 16.19, 19.16 and in LCC's SoCG at 4.8.5 that the impact on food production and food security is not currently adequately assessed within the ES.</p> <p>LCC therefore emphasises that the ExA should be satisfied that the ES adequately addresses the matters set out in the adopted scoping opinion.</p>	<p>gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited.</p> <p>As noted in the Applicant's Response to Deadline 4 Submissions [REP5-025], it is understandable why a developer, ExA or the 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 reiterates that the Order Limits of the Proposed Development do not include any Grade 1 and 2 BMV agricultural land, with the BMV within the Principal Site (which totals 1,055ha (2,607 acres)) comprising approximately 278ha (687 acres) of Subgrade 3a land, with the remainder non-BMV land. 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>

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
			<p>Landscape Character Area assessment impact</p> <p>At paragraph 9.4.19 of the Springwell ER , the ExA agrees with LCC that 'cumulative solar and related development would likely require the update of any published landscape character assessment, including at the level of NCA47, so as to include large scale solar as a defining land use character as well as agriculture'. At paragraph 4.62 of the SoS DL it states 'the Secretary of State agrees with the ExA's view that this cumulative effect constitutes a new defining land use characteristic, representing a clear and marked change to the landscape character of NCA47'.</p> <p>In relation to Fosse Green, LCC has continually raised concerns surrounding cumulative impacts on the landscape and reiterates these concerns as set out within LIR paragraph 9.21 and the SoCG section 3.7.10. If granted, Fosse Green Energy Park would be another large scale solar development within the Lincolnshire landscape and would further compound this issue.</p> <p>BMV land sealing over / permanent loss of agricultural land At paragraph 8.4.4 of the Springwell ER, the question of whether land occupied by fixed solar equipment (BESS, substations, collector compounds etc) should be considered permanent loss of agricultural land, with reference to previously made DCOs that took this approach, including Heckington Fen, Mallard Pass, Gate Burton and Cottam solar farm projects.</p> <p>In the case of Springwell, the ExA considered that soil compaction under large areas of hardstanding could result in long term effects on soil quality, raising questions on the ability to return the land back to its previous ALC classification of BMV land (paragraph 8.4.16 of the ER). Taking a precautionary approach, the ExA therefore considered that such losses should</p>	

Question Number	Question to	Question	IP Response (LCC)	Applicant Response
			<p>be considered permanent, which would be consistent with the aforementioned solar projects.</p> <p>In their decision, the SoS agreed with the ExA's approach (paragraphs 4.49 and 4.50), stating that sealed over areas within the development should be considered permanently lost when taking a precautionary approach to land under large areas of hardstanding and infrastructure.</p> <p>The position of the SoS in the Springwell decision is consistent with the views expressed by LCC throughout the Fosse Green examination in this regard, as set out in its LIR at paragraph 15.20 [REP1-053]; as raised at the ISH1 (paragraph 13 of LCC's post Hearing submissions) [REP1-054]; and in response to ExQ2 (question FS.2.02) [REP3-050].</p>	

Table 3-2: Applicant's Response to the responses provided by North Kesteven District Council [REP5A-046] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
GC.3.01	Applicant, North Kesteven District Council (NKDC), Lincolnshire County Council (LCC), other interested parties and other persons	<p>The Secretary of State's decision with respect to the Springwell Solar Farm</p> <p>The ExA is aware that the application for the Springwell Solar Farm was determined by the Secretary of State (SoS) on 8 April 2026 and that a Development Consent Order (DCO) has been made for that development.</p> <p>c) All - the making of the Springwell Solar Farm DCO may have implications for the cases that have been made by the applicant, NKDC, LCC, other interested parties and other persons up until 8 April 2026. If you consider the making of the Springwell Solar Farm DCO has had any implications for the case you have made about the proposed development prior to that order's making, written submissions should be made explaining how you consider your case has been affected. Following the making of the Springwell Solar Farm DCO, the ExA particularly wishes to be informed about any implications there might be for the consideration of the proposed development with respect to:</p> <ul style="list-style-type: none"> • defining: the commencement of the proposed development; maintenance; and permitted preliminary works; • the imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning; • the relationship between the Springwell Solar Farm and the proposed Navenby substation; 	<p>North Kesteven District Council (NKDC) acknowledges the Springwell Solar Farm decision issued on 8 April 2026. However, NKDC does not agree with a number of the conclusions reached by the Secretary of State (SoS) and is currently taking legal advice. In these circumstances, NKDC is unable to comment further on the Springwell decision at this stage. NKDC therefore wishes to reserve its position while this is under consideration and will endeavour to provide the ExA with a response to question GC.3.01 by 22 May 2026.</p>	<p>The Applicant acknowledges this response.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<ul style="list-style-type: none"> • the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and • any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC's responses to ExQ2 [REP3-055]). <p>(If any party has included references to the making of the Springwell Solar Farm DCO in their Deadline 5 submissions then rather than repeating what they may have stated in those submissions in responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.)</p> <p>b) For applicant – it may become necessary for the ExA to refer to either the made Springwell Solar Farm DCO and/or the SoS's decision during the remainder of the examination and/or when reporting to the SoS following the examination's close. Accordingly, the ExA requests that you submit copies of the made Springwell Solar Farm DCO and the SoS's decision letter so that they can be allocated document reference numbers and added to the examination library.</p>		
GC.3.05	NKDC	<p>Proposed battery energy storage systems (BESS) to the south of Hill Rise, west of Coleby and south of Green Man Road, east of Navenby</p>	<p>The Council has provided this information in the following Appendices to this response:</p> <ul style="list-style-type: none"> • Appendix A – update and relevant plans for application 25/0533/FUL • Appendix B: - update and relevant plans for application 25/0491/FUL 	<p>The Applicant acknowledges this response.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>Provide updates with respect to the determination of the planning applications for:</p> <p>a) the proposed BESS to the south of Hill Rise, west of Coleby (25/0533/FUL), referred to in NatPower's letter of 20 March 2026 [AS-131]; and</p> <p>b) the proposed BESS to the south of Green Man Road, east of Navenby (25/0491/FUL) referred to, in amongst other documents, the first iteration of the applicant's Interrelationships Report [REP4-019].</p> <p>In providing the update with respect to planning application 25/0491/FULL the council should provide copies of the 'red line' plan, the block plan and any elevations accompanying the submitted application.</p>		
GC.3.06	Applicant NKDC LCC	<p>Annual maintenance schedules</p> <p>The Statements of Common Ground (SoCGs) between NKDC and LCC and the applicant (respectively [REP4-013] and [REP4-012]) indicate that the Councils retain concerns about the definition of "maintain" included in Article 2 of the dDCO and the implications this may have for the extent of activities during the operational phase.</p> <p>Comment on whether a requirement for the planned maintenance schedule identified in paragraph 2.3.3 of the Framework Operational Management Plan (FOEMP) [REP3-018] to be approved by the Councils would address those concerns.</p>	<p>In its SoCG with the Applicant, NKDC expressed concern regarding the definition of 'maintain' in article 2 (item reference 4.2.7 on page 24 of REP4-013). However, it should be noted that the SoCG reflects the Council's position up to Deadline 3 (20th March 2026).</p> <p>Subsequently, in paragraphs 2.39 – 2.42 of submission REP4-021 the Council commented at Deadline 4 (31st March 2026) on the Applicant's response to the Examining Authority's Second Written Question DCO.2.01, including the maintenance schedules contained Appendix C to that document (REP3-045). The Council indicated that – subject to the concerns of the waste planning and management authority (Lincolnshire County Council) being addressed - spreading the peak period of the wholesale replacement / repowering stage of the operational phase as suggested in the Appendix C maintenance schedules is likely to be acceptable. However, concerns remained that this spread-out pattern of activity – which would minimise the level of adverse effects and disruption – was not secured. The definition of 'maintain' would still allow wholesale replacement to be</p>	<p>The Applicant's position remains as previously set out in the Applicant's Response to Deadline 4 Submissions [REP5-025] (ref. p23/24), whereby the Applicant does not consider it necessary to include a requirement regarding panel replacement.</p> <p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. GC.3.06), the Applicant notes that maintenance works are sufficiently controlled by Article 5 of the Draft DCO [REP5A-006], which states "<i>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.</i>" As such, the Councils are able to consider the extent of activities associated with maintenance works during the operation of the Proposed Development, and the assessed effects, as set out in the ES. This limits the maximum activity during maintenance (and repowering) to provide the spread-out pattern of activity the council refers to.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			more intensive than indicated by the Appendix C schedules	
DCO.3.02	Applicant NKDC LCC	<p>Article 2 – interpretation</p> <p>c) Applicant – Clarify what purpose the definition for “commissioning” would serve, given, unlike “date of final commissioning”, it is a term that is not relied upon elsewhere in the dDCO? If it is considered that a definition for commissioning needs to be included in Article 2, should Work Nos 4, 5A, 5B and 6 be added to Work No.1, given those works would need to be fully operational (and thus tested and commissioned) prior to the proposed development being capable of generating and exporting electricity on a commercial basis?</p> <p>d) All – There is a definition for the date of final commissioning and Requirements 5, 9, 13, 17 and 20 include provisions tied to that date. Similarly the proposed protective provisions in favour of Lincolnshire Fire and Rescue (LFR), included in Part 3 of Schedule 14 are tied to the date of final commissioning. An additional paragraph has been added to the Framework Construction Environmental Management Plan (FCEMP) [paragraph 2.2.3 in REP4-008] stating that the applicant will inform LCC of the date of final commissioning once it has occurred. However, the relevant planning authority for Requirements 5, 9, 13 and 20 is NKDC and there is no provision within any of the requirements included in Schedule 2</p>	<p>In paragraphs 2 and 3 of REP5-030, NKDC commented on paragraph 2.2.3 of the FCEMP (REP4-009). In response to this further question from the Examining Authority, the Council comments as follows.</p> <p>Paragraph (7) was inserted into Requirement 6 at Deadline 3A (REP3A-005), with the effect that the authorised development must not commence until a written scheme setting out the ‘parts’ in which construction is to proceed has been submitted to both the relevant planning authority (NKDC, for most purposes), and Lincolnshire County Council. The date of final commissioning is defined in Article 2 as:</p> <p>‘... the date on which the authorised development commences operation by generating electricity on a commercial basis but excluding the generation of electricity during commissioning and testing;’</p> <p>This definition of the date of final commissioning in turn governs the date by which decommissioning must commence under Requirement 20. Therefore, although the authorised development may be carried out in a number of ‘parts’ over time, there is a single date from which the 60 year operational lifespan of the authorised development commences; regardless of the ‘part’ being commenced. NKDC agrees that effective monitoring and/or enforcement of Requirements 5, 9, 13, 17 and 20 would be assisted by a clear requirement to notify the relevant planning authority of that date.</p> <p>The Council suggests that the best way to secure this would be to amend Requirement 2 to deal with both commencement and notification of the date of final commissioning as set out below:</p> <p>Commencement and final commissioning of the authorised development</p>	<p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. DCO.3.02), the Applicant has amended the definition of “commissioning” in Article 2 of the Draft DCO [REP5A-006] (submitted to the Examination at Deadline 5A) to include reference to Work No.s 4, 5A, 5B and 6. Furthermore, the Framework CEMP [REP5A-016] was updated at paragraph 2.2.3 (submitted to the Examination at Deadline 5A) to note that the Applicant will inform both LCC and NKDC of the date of final commissioning once it has occurred.</p> <p>The Applicant considers that the above noted amendment to the Framework CEMP [REP5A-016] appropriately addresses NKDC's comments.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>for date of final commissioning to be notified to NKDC. To allow for the effective monitoring and/or enforcement of Requirements 5, 9, 13, 17 and 20, a notification mechanism (either as a standalone requirement or an amendment to an existing requirement(s)) must be added to Schedule 2. Submit wording for the required notification mechanism.</p> <p>Note for the applicant and other all parties With respect to the scope/definition for "permitted preliminary works" included in Article 2, the ExA notes the applicant's intention to submit a "Permitted Preliminary Works Environment Management Plan" (PPWEMP) no later than Deadline 5 [response to ExQ2 DCO.2.08 and DCO.2.09 in REP3-045]. Following the PPWEMP's submission it may be necessary for the ExA to seek further information relating to that plan's contents and/or the definition for permitted preliminary works included in Article 2 from the applicant and/or other interested parties.</p>	<p>2. – (1) The authorised development must not be commenced after the expiration of five years from the date this Order comes into force.</p> <p>(2) Notice of the date of final commissioning must be given to both North Kesteven District Council and Lincolnshire County Council within 15 working days of the date of final commissioning of the authorised development.</p> <p>This wording would capture instances where NKDC is the relevant planning authority, and those where Lincolnshire County Council (LCC) would be the relevant planning authority.</p> <p>Requirement 7 relates to battery safety management, and requires LCC to consult with Lincolnshire Fire and Rescue on the approval of the battery safety management plan prior to the commencement of Work No.2 or Work No.3; and as Lincolnshire Fire and Rescue forms part of LCC, NKDC considers that this would likely also be sufficient to ensure the protective provisions in Part 3 of Schedule 14 are secured. However, NKDC defers to LCC on this point.</p>	
DCO.3.05	Applicant	<p>Requirement 20 and funding for decommissioning The ExA notes the applicant's response to ExQ2 DCO.2.28 [REP3-045] and the comments made during the course of Issue Specific Hearing 4 [REP3-043] concerning the arrangements for the decommissioning of the proposed development at the end of its operational life that any undertaker would be bound by under the provisions of Requirement 20. In relation to the response to ExQ2</p>	<p>NKDC shares the Examining Authority's concerns in this regard, which are consistent with the Council's position explained during Issue Specific Hearing 4. The Council maintains its position that funding for decommissioning is an even more significant issue for 'temporary, long-term' developments with an extended operational lifespan of 60 years than it is for developments with a 40 year lifespan.</p> <p>NKDC looks forward to seeing the Applicant's response to this question, and suggests that consideration is given to a mechanism such as securing a 'sinking fund' or similar to provide funding for decommissioning, as suggested in paragraph 2.49 of REP4-021.</p>	<p>As set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. DCO.3.05), the Applicant maintains its that it is not necessary to provide any form of financial security for the decommissioning of the Proposed Development as set out 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], the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018], and the Applicant's Response to Deadline 4 Submissions [REP5-025]. In addition to the extensive reasoning set out by the Applicant in the aforementioned submissions, the Applicant notes the position taken by the Secretary of State in paragraph 4.12 of the Springwell Solar Farm</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>DCO.2.28 the ExA, amongst other things, is mindful of:</p> <ul style="list-style-type: none"> • the written answer provided on the government's behalf by Lord Wildson of Sedgfield on 16 June 2025 to the question tabled by Lord Kirkhope of Harrogate on 2 June 2025 • the applicant's comments relating to project viability • the observations made about the asset value of the proposed development's components, albeit it would seem likely that the value of components would have depreciated after their installation, with any such depreciation becoming more marked towards the end of a replacement cycle <p>If the provisions of Requirement 20 were to be breached an offence would be committed and that could result in a prosecution being brought, pursuant to section 161(1) of PA2008. A person convicted of breaching or failing to comply with an order granting development consent would be liable to a fine under section 161(4) of PA2008. Under section 161(3) a defence to a prosecution is that "(a) the breach or failure to comply occurred only because of an error or omission in the order". Were there to be a breach of Requirement 20, irrespective of whether a successful prosecution was brought and the guilty person or persons was/were fined, that would not as a matter of course guarantee the decommissioning and restoration of the land affected by the proposed development. In the event of injunctive relief being sought and an</p>	<p>As noted above the Council will provide a fuller response to matters engaged as a result of the Springwell DCO on 22nd May and which may include further commentary on this matter.</p>	<p>decision letter (Planning Inspectorate Reference: EN010149) that the imposition of a requirement for a decommissioning bond is not necessary or appropriate.</p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>injunction being issued, any subsequent contempt of court resulting in a prison sentence would also not necessarily result in the site's decommissioning.</p> <p>The ExA remains concerned that neither Requirement 20 nor the dDCO in general would adequately provide for the decommissioning of the land affected by the proposed development. Accordingly, the applicant, on a without prejudice basis, should provide wording for inclusion within Requirement 20 establishing a mechanism for funding the decommissioning of the proposed development once it ceased to be operational.</p>		
DCO.3.14	Applicant NKDC LCC	<p>Schedule 15 (Procedure for the discharge of requirements)</p> <p>c) All - with respect to paragraph 5 (Fees) should the discharge fees quoted in the made DCO for the Springwell Solar be used in paragraph 5(2)? If so, is a further adjustment required to take account of the annual indexation increase for planning application fees introduced by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023, given an annual indexation increase recently took effect on 1 April 2026?</p> <p>d) Applicant – with respect to the fees to be paid for discharging requirements, the ExA notes your response to ExQ2 DCO.2.31 [REP3-045], in which you have expressed the view that the fees cited in paragraph 5 of Schedule 15 should not be increased annually in</p>	<p>Referring to its answer to question GC.3.01 earlier in this document, the Council cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date. Without prejudice to that position, the Council offers the following comments to assist the Examining Authority.</p> <p>NKDC previously set out its position on discharge application fees in paragraphs 2.35 – 2.53 of REP4- 022. This included which category of fee rate should apply to each Requirement discharge. The Council considers that the fees for discharge of applications set out in any DCO for the Proposed Development should be in line with the fee schedule introduced by The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023.</p> <p>Although not directed at NKDC, the Council confirms its agreement with the thrust of the Examining Authority's question b), in that fees should be subject to annual indexation, consistent with the Government's approach to planning applications under the Town and Country Planning Act 1990.</p>	<p>As stated in the Applicant's Response to Deadline 4 Submissions [REP5-025], the fee structure in paragraph 5(2) has been revised in line with the increases which took effect on 1 April 2026. These revisions are reflected in the Draft DCO [REP5A-006] submitted at Deadline 5A. These revisions also bring the first application for the discharge of Requirements 7, 10, 14 and 15 under the fee level set out in paragraph 5(2)(a), as previously requested by NKDC. The Applicant has removed the first application for the discharge of Requirements 9 and 11 from the scope of this sub-paragraph, in line with the approach taken in the Springwell Solar Farm Order 2026.</p> <p>With regards to indexation, the Applicant maintains its position as previously set out in the Applicant's Response to Deadline 3 and 3A Submissions [REP4-018]. However, at the ExA's request, in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] the Applicant provided the following wording for an indexation provision on a without prejudice basis:</p> <p>Schedule 15 (Procedure for discharge of requirements), paragraph 1 (Interpretation) - insert the following definitions:</p> <p><u><i>"Index" means the Consumer Price Index published by the Office for National Statistics or any official publication substituted for it or any replacement or modification of such index in force from time to time;</i></u></p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>line with the consumer price index because: <i>"...the Proposed Development must be commenced within five years from the date that the Order comes into force. The majority of the Requirements set out in Schedule 2 will be discharged prior to or during the construction period, which is anticipated to take place between 2031 and 2033. The only Requirement which will be discharged at a later date is Requirement 20 which provides for approval of the Decommissioning Environmental Management Plan. Further, the fees due will not be affected by inflation in the same way in which, for example, costs of construction would be..."</i></p> <p>However, within the five year commencement period (Requirement 2) there could still be an appreciable inflationary effect with resourcing implications for the planning authorities, as has been recognised within the fee regulations applying to applications submitted under the provisions of the Town and Country Planning Act 1990 (as amended). Accordingly, the ExA considers wording for an indexing mechanism should be submitted, on a without prejudice basis, for consideration by the ExA.</p>	<p>Following on from this, the Council considers that paragraph 5 of Schedule 15 to the Fosse Green DCO should be reworded as follows:</p> <p>5.—(1) Where an application is made to the relevant planning authority for a discharge, a fee is to apply and must be paid to the relevant planning authority for each application.</p> <p>(2) The fee payable for each application under sub-paragraph (1) is as follows—</p> <p>(a) a fee of £2,535 £2,676 for the first application for the discharge of each of the requirements 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 20;</p> <p>(b) a fee of £578 £610 for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement 4 in respect of the requirements listed in paragraph (a); and</p> <p>(c) a fee of £145 £309 for any application for the discharge of—</p> <p>(i) any other requirements not listed in paragraph (a);</p> <p>(ii) any application under requirement 4 in respect of requirements not listed in paragraph (a); and</p> <p>(iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement.</p> <p>(3) Where an application under sub-paragraph (1) is made and a fee payable on or after 1 April 2027, then section 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended by the Town and Country Planning (Fees for applications, Deemed Applications, Requests and Site Visits (England) Amendment Regulations 2023) will apply as modified by this Order, so that "the relevant amount" means the fee payable under sub paragraph (2)(a), (2)(b) or (2)(c) above.</p> <p>(34) Any fee paid under this Schedule must be refunded to the undertaker within four weeks of—</p>	<p><u><i>"Index Linked" means increased or decreased in accordance with the following formula:</i></u></p> <p><u><i>amount payable = the fee specified in paragraph 5(2) multiplied by (A/B) where:</i></u></p> <p><u><i>A = the figure for the Index that applied when it was last published prior to the date the payment is due; and</i></u></p> <p><u><i>B = the figure for the Index that applied when it was last published prior to the date of this Order coming into force.</i></u></p> <p>Schedule 15 (Procedure for discharge of requirements), paragraph 5 (Fees) - insert a new sub-paragraph (4): <u><i>The fees payable under sub-paragraph (2) are to be Index Linked.</i></u></p>

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>(a) the application being rejected as invalidly made; or (b) the relevant planning authority failing to determine the application within the decision period as determined under paragraph 2(1) and (as relevant) unless— (i) within that period the undertaker agrees, in writing, that the fee is to be retained by the relevant planning authority and credited in respect of a future application; or (ii) a longer period for determining the application has been agreed pursuant to paragraph 2(1) or of this Schedule (as relevant).</p>	
ENC.3.02	Applicant NKDC LCC	<p>Ecological Advisory Group The changes made to the FLEMP [REP3-028] and the applicant's response to Deadline 3 and Deadline 3A submissions (page 11 in [REP4-018]) indicate that the councils would not have a role on the ecological advisory group (or similar). The FLEMP (paragraph 7.1.9) describes the key function of the group as reviewing monitoring data on habitats and species to inform future management plans. Monitoring reports would be sent to the councils and the Lincolnshire Wildlife Trust for information.</p> <p>In responding to ExQ2 ENC.2.09 in [REP3-055], NKDC has referred to the approaches taken for the Springwell and Beacon Fen schemes. NKDC's submission includes an extract from the draft Outline LEMP for Springwell which identifies that a representative from NKDC and LCC would be on the ecological steering group. NKDC's submission also includes the dDCO for Beacon Fen (submitted at Deadline 8) and Requirement 7 of that dDCO requires that the ecological steering group would include representatives from each of the relevant planning authorities.</p>	<p>Referring to its answer to question GC.3.01 earlier in this document, the Council cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date.</p> <p>Nevertheless, and without prejudice to that position, the Council has set out comments on question c) and related matters of funding in Appendix C to this submission, in order to assist the Examining Authority</p>	Please refer to the Applicant's response to Appendix C of NKDC's submission below.

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
		<p>a) Applicant - Explain the rationale for excluding representatives from NKDC and LCC on the ecological advisory group and what role is envisaged for the councils in terms of monitoring and advising on any corrective action required to ensure that the mitigation and enhancement measures secured through the LEMP would be achieved.</p> <p>b) Applicant - Paragraph 7.1.9 of the FLEMP sets out that the terms of reference for the ecological advisory group (or similar) would be agreed as part of the agenda for the first group meeting. Based on the current drafting of the FLEMP, the councils would not be members of the group and so would have no input into the group's terms of reference. The ExA is of the view that at least draft terms of reference for the ecological advisory group (or similar) should be included in the FLEMP. This should include confirmation of when it would be established and how long it would be in place.</p> <p>c) NKDC and LCC - comment on the applicant's approach to the ecological advisory group.</p>		
ENC.3.03	Applicant NKDC LCC	<p>Biodiversity Net Gain (BNG) Paragraph 2.6.2 of the FLEMP [REP3-028] states that the applicant has committed to deliver a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units using DEFRA's Statutory Biodiversity Metric (Version 1.0.4). That is consistent with statements in paragraph 1.4.6 of the BNG Report</p>	<p>For developments under the Town and Country Planning Act 1990, biodiversity net gain plans are assessed in accordance with the statutory metric which would apply at the time the gain plan is approved, which may be different from the one used when the planning application was submitted.</p> <p><u>That said, the Council accepts that at present, NSIP proposals are not subject to statutory BNG rules; and that overall the gains proposed are significant.</u> Therefore the</p>	<p>The wording of Requirement 8(2) of Schedule 2 of the Draft DCO [REP5A-006] will be updated to include specific reference to DEFRA's Statutory Biodiversity Metric (Version 1.0.4). This amendment will be reflected in the iteration of the draft DCO to be submitted to the Examination at Deadline 7 (9 June 2026).</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 its implications as to how</p>

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		<p>[REP3-024]. Requirement 8 of the dDCO [REP3A-004] requires the BNG percentages to be based on the metric used to calculate those percentages specified in the BNG Report. Paragraph 2.9.2 of the BNG Report states that the calculation will be updated as part of the detailed design stage for the proposed development. Comment on whether there is a need to add wording to the FLEMP, the BNG Report and/or Requirement 8 to establish that the achievement of the BNG percentages specified in Requirement 8 would be based on the metric extant at the time the LEMP would be submitted for approval. If so, provide suggested wording.</p>	<p>Council is prepared to take a pragmatic view, and suggests that the wording of Requirement 8 is amended as follows:</p> <p>(2) The landscape and ecological management plan must be substantially in accordance with the framework landscape and ecological management plan and for that part of the authorised development to which it relates must include details of how the plan proposals will contribute to the achievement of a minimum of 30% biodiversity net gain in habitat units, 50% biodiversity net gain in hedgerow units and 10% biodiversity net gain in watercourse units for all of the authorised development during the operation of the authorised development based on the Department of Environment, Food and Rural Affairs' Statutory Biodiversity Metric (Version 1.0.4) metric used to calculate those percentages specified in the Biodiversity Net Gain Report, or if this is withdrawn or replaced, a biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body).</p>	<p>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.</p> <p>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>
ENC.3.05	Applicant NKDC LCC	<p>NPS EN-1 and the approach to BNG NKDC and LCC consider that if the full benefit of the BNG claimed is to be given weight/positive weight, the methodology and guidance for calculating BNG should be followed [REP4-021] and [REP4-020]. As highlighted by the councils, the BNG Report [REP3-024] does not currently meet the Statutory Biodiversity Metric trading rules because of the loss of a plastic-lined agricultural reservoir classified as "Lake – Reservoir" habitat. Comment on whether the applicant's approach to assessing BNG conflicts with the requirements of NPS EN1 such as those set out in paragraphs 4.6.2, 4.6.6, 4.6.7, and 5.4.19.</p>	<p>NKDC understands that the Applicant has now decided to retain the agricultural reservoir, so it is no longer necessary to address this point</p>	<p>The Applicant acknowledges this response.</p>
FS.3.01	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan – operation and decommissioning In [REP3A-037] reference is made to the Framework Soil Management Plan (FSMP) [REP4-010] not addressing the</p>	<p>As part of the detailed SMPs, it is important that a schedule of condition for each development area is prepared prior to entry. This will include a series of soil health measures, such as:-</p>	<p>The Applicant acknowledges this comment. As noted by NKDC, this suggestion is consistent with the 8th bullet in paragraph 5.7.1 of the Framework SMP [REP5A-018] and will be addressed in the detailed SMP. The detailed SMP will be prepared following consent and, by virtue of Requirement 15 of Schedule 2 to the draft DCO [REP5A-006],</p>

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		<p>proposed development's operational and decommissioning phases.</p> <p>In response, the applicant in [REP4-018] states that "post construction", as covered in section 6 of the FSMP, is the operational phase and that the FDEMP is intended to capture all mitigation measures for the decommissioning phase, including those in relation to soils, with mitigation related to soils during decommissioning presented in Table 7 of the FDEMP [REP3-020].</p> <p>However, section 6 of the FSMP appears to be focussed on describing the use of soils and does not address, for example, soil protection measures during maintenance or replacement activities. Table 7 of the FDEMP identifies the mitigation/enhancement measure as being the SMP.</p> <p>Comment on whether the FSMP should provide a more explicit framework for the management measures that would be adopted to manage the soil resource during the proposed development's operation and decommissioning and if so, what should be included, for example measures to deal with soil compaction in areas under the proposed solar stations and the BESS.</p>	<ul style="list-style-type: none"> • Visual evaluation of soil structure (VESS) • Soil texture • Earthworm counts • pH • Nutrient status (typically N, P and K and some micronutrients and any contaminants) • Soil organic matter / soil carbon % • Bulk density • Infiltration/ hydraulic conductivity • Water holding capacity • Aggregate stability • Porosity • Soil structure + aggregate distribution <p>This will enable a preparation of a suitable baseline of soil health, against which a soil handling programme – including proposals for stockpiling – and any future restoration can be assessed. This is consistent with the 8th bullet in paragraph 5.7.1 of the FSMP (REP4-010).</p>	<p>will be submitted to and approved by NKDC (as the relevant planning authority), in consultation with Lincolnshire County Council and Natural England. The detailed SMP must be substantially in accordance with the Framework and must be implemented as approved.</p>
FS.3.02	Applicant	<p>Framework Soil Management Plan – soil stockpiling</p> <p>Paragraph 5.7.1 in the FSMP [REP4-010] identifies a generally acceptable height of 2 to 4 metres for soil stockpiles and that wet soils must be stockpiled to a minimum height due to risk of compaction.</p> <p>Clarify what is meant by "<i>a minimum height</i>" for wet soils.</p>	<p>Although not directed at the District Council, the following comments are offered in response to this question.</p> <p>The final sentence of the 9th bullet point in paragraph 5.7.1 as currently worded could be read to mean that wet soils should not be placed in stockpiles of less than some minimum height, otherwise the risk of compaction would be increased. The Applicant may be able confirm, but NKDC suspects that what is meant is that where wet soils are being stockpiled, those stockpiles should be of the</p>	<p>This text was amended in the Framework SMP submitted at Deadline 5A [REP5A-018]. As explained by the Applicant in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. FS.3.02), this was a typo and should have said "maximum".</p> <p>The Applicant agrees with NKDC on needing to avoid handling when soil is too wet. The Framework SMP [REP5A-018] states "The soil moisture content must also be taken into account during soil stripping and is dependent upon the soil textures. Soil may be irreparably damaged if handled when too wet (i.e. at or near to the plastic limit),</p>

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			<p>lowest height possible, so as to minimise the risk of compaction.</p> <p>However, NKDC would make the following points:</p> <p>a) Soils should not be handled when wet – that is consistent with the DEFRA and AHDB soil guidance, and would avoid the issue altogether. The FSMP should be amended to make it clear that this is a 'golden thread' running through the document</p> <p>b) Soils should be stockpiled according to the recommendations in the final site-specific SMP – which should include a height range for different soil types, taking into account their wetness characteristics and susceptibility to damage, including by compaction</p>	<p>causing structural damage and potentially becoming compacted.” (Paragraph 5.3.2). The specialist soil consultant will make an “assessment of the soil condition before, during and after the works in accordance with agreed soil handling methods”. Paragraph 6.8.2 clearly states “ All soil resources to be reinstated must be handled only when dry or slightly moist.” Paragraph 5.4.1 also adds “ Stripping of topsoil must only occur in the right weather conditions, not in adverse weather conditions, such as sustained heavy rainfall (>10mm in 24 hours)”. This is repeated in 5.5.1. The Applicant has updated Paragraph 5.3.3. of the FSMP for Deadline 6 to include new wording around soil wetness tests.</p> <p>The Applicant notes the suggestion that soils should be stockpiled according to recommendations included in the final SMP, for different soils and conditions. As noted above, the provision of a detailed SMP, to be substantially in accordance with the Framework, is secured under Requirement 15 of Schedule 2 to the draft DCO [REP5A-006]. By virtue of the same Requirement, the detailed SMP must be submitted to and approved by NKDC (as the relevant planning authority), in consultation with Lincolnshire County Council and Natural England and must be implemented as approved.</p>
FS.3.03	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan</p> <p>Given the importance of the SMP for avoiding soil deterioration, comment on whether there are other matters which should be included in the FSMP [REP4-010] to provide a clear framework for inclusion within a detailed SMP.</p>	<p>NKDC recommends that the following matters should be addressed by amendments to the FSMP:</p> <ul style="list-style-type: none"> • Where the word 'guidance' is used in the FSMP, this should be qualified with a requirement that the guidance will be followed. • In section 5.3.3 of the FSMP, it is stated that 'Details of the on site soil moisture assessment techniques shall be outlined in the SMP.' It is recommended the FSMP is amended to specify guidance to be followed when carrying out these soil moisture assessments prior to handling. • Section 5.4.1 of the FSMP states that 'Soils on site comprise topsoil to between 20cm and 35cm depth, with some variability anticipated across the site. The majority of the topsoil on site falls within the Heavy texture and is therefore less susceptible to degradation and compaction when handling. However the DEFRA guidance indicates that heavy/clay textured soils are more susceptible to 	<p>The Framework SMP [REP5A-018] has been updated to amend Paragraph 3.1.2 so that where it refers to the guidance, it adds “which shall be adhered to”.</p> <p>With regard to Section 5.3.3. the Applicant intended to cover this matter in the detailed SMP. Text has been added to this paragraph of the Framework SMP (submitted to the Examination at Deadline 6) to confirm that: “This may include mix of rapid instrument-based measurements and/or manual tests to assess soil and material moisture. The consistency of the soil can be determined in the field by a soil specialist and/or the Environmental Manager (who will be subject to specialist soil training) prior to any soil handling activity. A field suitable method for assessing whether soils are in a dry and friable condition based on plastic limits is set out in Part One (Supplementary Note 4 – Table 4.2) of the Institute of Quarrying's Good Practice Guide for Handling Soils in Mineral Working, and this approach together with the associated rainfall protocols will be adopted. It is a simple, on-site manual test that involves collecting a golf-ball sized amount from the working depth, removing stones over 20mm, and checking if it breaks apart easily between fingers, cannot be rolled into a coherent ball, and</p>

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			<p>degradation and compaction when handling. This paragraph should be amended to reflect this.</p> <ul style="list-style-type: none"> Section 5.5.1 of the FSMP suggests that the heavy subsoils are resistant to structural damage but this is not the case. Trafficking on the site when wet or even 'moist', will lead to subsoil compaction and damage. This paragraph should be amended to reflect this. 	<p>is suitable for handling, moving, and reinstatement. It is testing whether the soil is below the plastic limit and therefore friable, allowing soil handling to proceed, or if the plastic limit is exceeded and structural damage could occur to the soil."</p> <p>NKDC's comment regarding Paragraph 5.4.1 of the FSMP is noted. The Defra guidance states, "Lighter soil (e.g. free draining sandy soil) can generally be moved at higher moisture content with less risk of damage when compared to a heavy soil (e.g. clayey soil)." The Applicant has updated paragraph 5.4.1 of the FSMP (submitted to the Examination at Deadline 6) as follows, "<i>The majority of the topsoil on site falls within the Heavy texture and is therefore susceptible to degradation and compaction when handling handled wet and above the plastic limit</i>". This does not affect the mitigation or monitoring proposed in the management plan.</p> <p>NKDC's comment regarding paragraph 5.5.1 of the FSMP is noted. The relevant paragraph of the Framework SMP has been amended (submitted to the Examination at Deadline 6) as follows: "<i>The majority of the subsoils fall within the Heavy texture and are resistant to structural damage is therefore susceptible to degradation and compaction when handled wet, above the plastic limit</i>".</p>
GC.3.01	Applicant NKDC LCC Other Interested parties and other persons	<p>The Secretary of State's decision with respect to the Springwell Solar Farm</p> <p>The ExA is aware that the application for the Springwell Solar Farm was determined by the Secretary of State (SoS) on 8 April 2026 and that a Development Consent Order (DCO) has been made for that development.</p> <p>d) All - the making of the Springwell Solar Farm DCO may have implications for the cases that have been made by the applicant, NKDC, LCC, other interested parties and other persons up until 8 April 2026. If you consider the making of the Springwell Solar Farm DCO has had</p>	<p>Background</p> <p>1. The Examining Authority's Third Written Questions (ExQ3s) included questions for which responses should or could include material related to the Springwell Solar Farm decision issued on 8th April 2026. In advance of Deadline 5A, NKDC informed the ExA that, in light of a potential legal challenge to the Springwell Solar Farm decision, the Council would not at that point be responding in full; but that the intention was to submit further responses by 22nd May 2026.</p> <p>2. The aforementioned challenge to the Springwell Solar Farm decision by way of Judicial Review has been made jointly by NKDC together with Lincolnshire County Council (LCC). While the challenge remains undetermined, NKDC's ability to fully respond to the ExA's</p>	<p>Background</p> <p>The Examining Authority should note that, whilst the Applicant is aware that NKDC and LCC have filed a joint claim for Judicial Review of the Springwell Solar Farm decision, the Applicant has not been provided with nor had sight of the grounds of this claim.</p> <p>Definition of "maintain"</p> <p>Although the definition of "maintain" was not considered in the context of a 60-year operational lifetime in the Springwell decision, a 60-year operational lifetime has precedent in The Tillbridge Solar Order 2025, The Gate Burton Energy Park Order 2024 and The Mallard Pass Solar Farm Order 2024. The definition of "maintain" in the latter was considered by the ExA and the Secretary of State (SoS). The SoS determined that the provisions of Article 5(3) of that DCO adequately ensured that maintenance works could only be undertaken within the extent of the effects assessed in the environmental statement.</p>

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		<p>any implications for the case you have made about the proposed development prior to that order's making, written submissions should be made explaining how you consider your case has been affected. Following the making of the Springwell Solar Farm DCO, the ExA particularly wishes to be informed about any implications there might be for the consideration of the proposed development with respect to:</p> <ul style="list-style-type: none"> • defining: the commencement of the proposed development; maintenance; and permitted preliminary works; • the imposition of requirements and the provisions of management plans and any other control documents, including the approach to decommissioning; • the relationship between the Springwell Solar Farm and the proposed Navenby substation; • the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and • any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC's responses to ExQ2 [REP3-055]). <p>(If any party has included references to the making of the Springwell Solar Farm DCO in their Deadline 5 submissions then rather than repeating what they may have stated in those submissions in</p>	<p>Third Written Questions - most notably question GC.3.01, as to how the Springwell decision may affect our case in respect of Fosse Green – is limited in some instances, where the topics are the subject of the legal challenge. Additionally, in light of the challenge, the weight the Springwell decision has on other planning decisions at this time may also be reduced.</p> <p>3. Nevertheless, this document offers further responses where possible, in order to assist the ExA in its deliberations. The following abbreviations are used:</p> <ul style="list-style-type: none"> - ER – the Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero by the Examining Authority into the Springwell Solar Farm NSIP - rDCO – the form of DCO recommended in the ER - SoS – Secretary of State for Energy Security and Net Zero - DL – the decision letter of the SoS for the Springwell Solar Farm dated 8 April 2026 - Springwell DCO – the made DCO dated 8 April 2026 <p>The submission is accompanied by the following appendices:</p> <ul style="list-style-type: none"> - Appendix A - Scoping Opinion 25/0699/EIASCO - Appendix B – Oaklands Farm Solar Park Decision Letter - Appendix C – Oaklands Farm Solar Park made DCO <p>Question GC.3.01</p> <p>5. The ExA requested comments on the effects of the Springwell decision on the NKDC's case, particularly in respect of:</p> <ul style="list-style-type: none"> - defining: the commencement of the proposed development; maintenance; and - permitted preliminary works; - the imposition of requirements and the provisions of management plans and any other control 	<p>Additionally, the definition of "maintain" made clear that the whole of Work No. 1 (the solar PV generating station) could not be replaced at the same time as part of maintenance (see paragraphs 4.16 and 4.17 of the SoS Decision Letter in relation to the Mallard Pass Solar Farm Order 2024). The draft DCO [REP5A-006] for the Proposed Development includes the same measures to limit the extent of maintenance to that which has been assessed in the environmental statement and the same restriction in the definition of "maintain" to make clear that the whole of Work No. 1 of the Proposed Development cannot be replaced at the same time.</p> <p>The Applicant also notes that NKDC has not indicated any concerns with the definition of "maintain" and the controls in Article 5(3) of the Springwell Solar Farm Order 2026. The replacement of panels has been adequately addressed in the environmental assessment for the Proposed Development and the draft DCO [REP5A-006] contains similar controls to those in the Springwell Solar Farm Order 2026. Therefore, whilst the maintenance which will be undertaken in respect of the Proposed Development differs to that in respect of the Springwell Solar Farm, the extent of the maintenance has been assessed and is adequately controlled in the same way as the Springwell Solar Farm Order 2026.</p> <p>Springwell ER Proposed Requirement 23 – Restriction on Commencement of Development; and the Relationship between Springwell Solar Farm and the Proposed Navenby Substation</p> <p>The Applicant maintains its position as previously set out. As stated in the Technical Note for the Proposed National Grid Substation Near Navenby (Navenby Technical Note) [REP3-046] (which reiterates information set out in the Applicant's Planning Statement [AS-098]) "the proposed Navenby Substation is supported in policy and subject to mitigation measures being appropriately applied, is expected to receive planning consent subject to satisfying all material planning considerations in accordance with policy requirements."</p> <p>The Applicant acknowledges that the Scoping Opinion issued by NKDC in relation to the proposed substation near Navenby is in the public domain and this has been considered by the Applicant – for example, this scheme has been considered where relevant within the cumulative assessment presented in the ES, based on the publicly available information within the Scoping Opinion. In addition, the</p>

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		<p>responding to this question you should simply make a cross reference to what you have stated in those Deadline 5 submissions.)</p> <p>b) For applicant – it may become necessary for the ExA to refer to either the made Springwell Solar Farm DCO and/or the SoS's decision during the remainder of the examination and/or when reporting to the SoS following the examination's close. Accordingly, the ExA requests that you submit copies of the made Springwell Solar Farm DCO and the SoS's decision letter so that they can be allocated document reference numbers and added to the examination library.</p>	<p>documents, including the approach to decommissioning;</p> <ul style="list-style-type: none"> - the relationship between the Springwell Solar Farm and the proposed Navenby substation; - the fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO; and - any matters that might have been addressed through the applicant and other parties entering into an agreement under section 106 of the Town and Country Planning Act 1990 (a draft copy of which having been appended to NKDC's responses to ExQ2 [REP3-055]). <p>6. The Council sets out its position on each of these issues below.</p> <p>Definition of 'maintain'</p> <p>7. In relation to the definition of 'maintain' and hence maintenance, it is noted that the Springwell ER (paragraphs 4.4.16 – 4.4.18) concluded that the definition of this term and the controls in Article 5(3) of the rDCO were acceptable; and this definition was accepted by the SoS. NKDC does not raise any direct concerns for Fosse Green regarding the definition given to 'maintain' in the Springwell DCO. However, the Council points out that the circumstances for the Springwell decision are different from those at Fosse Green, particularly in respect of the proposed operational timescale of 60 years for Fosse Green. The Council maintains its position on this point as set out in paragraph 27.7 of its Local Impact Report (REP1-056); and as further developed in paragraphs 2.39 – 2.42 of REP4-021 responding to the ExA's Second Written Question DCO.2.01.</p> <p>8. Therefore NKDC considers that when making its recommendation for Fosse Green, the ExA should:</p> <p>a) bear in mind that the definition of 'maintain' in the Springwell DCO did not address issues around the 60 year operational phase and wholesale panel replacement stage for Fosse Green; and</p>	<p>appraisal set out in section 3.4 of the Navenby Technical Note [REP3-046] is based on the information contained in the Scoping Report and provides a consideration of the principle of the development in line with the Central Lincolnshire Local Plan, the National Planning Policy Framework and the Energy National Policy Statements.</p> <p>The Applicant considers that it has complied with the requirements of paragraph 4.11.8 of NPS EN-1 particularly given the caveat in footnote 160 which acknowledges that an applicant can only assess and consider information which is available at the requisite time.</p> <p>The Approach to Decommissioning</p> <p>The Applicant notes the decision in Oaklands Farm Solar Park and that this development has a 40 year operational lifetime. As noted above, a 60 year operational lifetime for a solar farm has precedent in several made DCOs including The Gate Burton Energy Park Order 2024.</p> <p>With regards to ensuring that decommissioning of the Proposed Development is undertaken within a specified period, NKDC should note the amendment made at Deadline 5A so that Requirement 20(3) of Schedule 2 to the draft DCO [REP5A-006] stipulates that the DEMP must include a timetable for decommissioning. NKDC is the relevant planning authority for the discharge of this Requirement and thus will need to approve the detailed DEMP and, by extension, the timetable within which decommissioning must be completed. It should be noted that other made DCOs such as the Gate Burton Energy Park Order 2024 do not include a DCO requirement for the detailed DEMP to include a timetable for decommissioning.</p> <p>The Applicant is not aware of any solar NSIPs with a 60 year operational lifetime which have a requirement to secure funding for decommissioning and maintains its position that no such requirement is necessary as detailed in previous submissions.</p> <p>The Applicant maintains its position with regard to early cessation and considers this to be adequately addressed within the Framework OEMP. It should be noted that, similarly to the Proposed Development, the Framework Operational Environmental Management Plan produced for The Gate Burton Energy Park Order 2024 does not include a provision requiring decommissioning works to be</p>

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			<p>b) consider whether the wording of the definition should be changed to impose a limit on replacement within any 12 month period; and</p> <p>c) consider whether, as an alternative, the parameters of the Framework Operational Environmental Management Plan should be changed to include such a limit.</p> <p>Springwell ER proposed requirement 23 – restriction on commencement of development; and the relationship between the Springwell Solar Farm and the proposed Navenby substation</p> <p>9. NKDC strongly disagrees with the SoS's decision (see paragraph 4.14 of the DL) not to impose requirement 23 included in the rDCO for Springwell. As such, NKDC is challenging the SoS decision not to follow the recommendation of the ExA and impose the requirement.</p> <p>10. NKDC note and agree with the conclusions of the Springwell ExA in ER paragraphs 4.4.49, 4.4.51 – 54, that a requirement preventing commencement of development until such time as the National Grid Navenby Substation (NGNS) has been granted planning permission is necessary. Furthermore, a restriction on the commencement of construction was considered to meet the tests for requirements (necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects) in compliance with paragraph 4.1.16 of NPS EN-1.</p> <p>11. NKDC are of the opinion that the SoS did not give adequate reasons in respect of:</p> <ol style="list-style-type: none"> 1) the removal of recommended requirement 23; and 2) the decision not to reduce the weight to the principle of the development having removed the recommended requirement 23. <p>12. The Springwell ER noted the potential for adverse environmental effects to occur as a result of site preparation works and through commencement of the proposed development without the delivery of its benefits. This formed the rationale for rDCO requirement 23, which would have prohibited commencement of development,</p>	<p>commenced if that development ceases generation before the end of its operational lifetime.</p> <p>Fees to be Paid to the Relevant LPA for Discharge of DCO Requirements</p> <p>The Applicant maintains its position. As noted by NKDC, the Applicant has, at the request of the ExA, provided wording on a without prejudice basis and considers this to be appropriate should the ExA be minded to include such a provision when making its recommendation to the SoS, without prejudice to the fact that the Applicant does not consider this necessary. It is noted that NKDC intends to comment on the Applicant's without prejudice wording at Deadline 6.</p> <p>s106 agreement – BNG Monitoring and EAG Funding Contributions</p> <p>With regards to the position in Springwell, the Applicant notes that, at the time of entering into the s106 agreement, the Springwell applicant was not aware of the ExA's conclusion that a funding contribution would not materially affect the weight of the planning balance and that funding for the monitoring of BNG delivery was not needed. At the time of the SoS's decision on the Springwell Solar Farm, the s106 had been completed, and therefore, it would have been redundant for the SoS to state whether this was deemed necessary.</p> <p>Consideration of Food Production and Food Security</p> <p>The Applicant disagrees with NKDC. The EIA Regulations require the assessment of 'likely significant effects' and it is not the responsibility of the Applicant to present an assessment on all matters including those that do not fall into this category. It is acknowledged that PINS requested that "potential effects on farm businesses, loss of agricultural production and implications for food security from both the Solar and Energy Storage Park and Grid Connection Corridor should be considered where there is potential for significant effects to occur." The Applicant considers the key wording in the Scoping Opinion [APP-119] to be the phrase "where there is potential for significant effects to occur".</p> <p>The Applicant considers there to be no potential for significant effects on food production. The Applicant has previously responded on this issue in REP1-046 and REP2-031, which noted that the key document on UK food security is the Defra UK Food Security Report 2024; this</p>

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			<p>including any permitted preliminary works, until such time as the National Grid Navenby Substation (NGNS) had been granted planning permission. The ER expressly stated that this restriction met the tests for requirements (necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects) in compliance with paragraph 4.1.16 of NPS EN-1. NKDC agree with those conclusions.</p> <p>13. The Council considers that the decision of the SoS not to impose rDCO requirement 23 recommended by the ExA for Springwell was ill-founded and flawed, and this forms part of the current legal challenge to the decision. Consistent with this view, NKDC maintains its position in respect of Fosse Green that a requirement similar to Springwell rDCO requirement 23 should be imposed.</p> <p>14. The Council disagrees with the position reached by the SoS, who adopted the conclusions of the Springwell ExA in the Springwell decision that there were no obvious reasons why planning permission for the NGNS would be refused. The Council also disagrees with the consequent conclusion that the requirements of paragraph 4.11.8 of NPS EN-1 have been satisfied (DL paragraph 4.14). As such NKDC is challenging the SoS' decision regarding the application of NPS EN-1 4.11.8.</p> <p>15. Paragraph 4.11.8 of NPS EN-1 imposes an additional burden on an applicant when an element of the proposed project is not part of the DCO application. It requires explaining the reasons for the separate application and confirmation that there are no obvious reasons for why other elements are likely to be refused. Whilst footnote 160 recognises that a proportionate approach should be taken, in order to demonstrate policy compliance the applicant must discharge its positive burden. There must, on a rational application of the policy, be a sufficient amount of information on which to discharge that burden.</p>	<p>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. Paragraph 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, of which approximately 278ha (687 acres) of the Principal Site (i.e. approximately 26%) comprises Subgrade 3a BMV land <u>and the remainder is all non BMV grade land</u>. Furthermore, as set out in the Applicant's Response to Local Impact Reports [REP2-031], communications with landowners in 2024 show that approximately 50% of the Principal Site is currently used for human food production, with about 40% used for bio-fuels and the remaining 10% for other uses such as animal feed. The indicative layout presented in Figures 3-2A and 3-2B [REP5-005 and REP5-006] illustrates that up to 48% of the Principal Site is available for arable production during operation, meaning that the operational Proposed Development has the potential to maintain similar levels of food production as the existing baseline. A minimum 181ha of arable land will be retained within the Principal Site, including approximately 116ha of Subgrade 3a BMV land secured through the Framework LEMP for bird mitigation [REP5A-022]. It is therefore unlikely that the Proposed Development will result in an impact on food production. It is estimated in Section 12.10 Cumulative Assessment of this same chapter that all the consented and currently proposed solar NSIPs in Lincolnshire, together with the Proposed Development, account for an estimated 1.4% of the BMV land in Lincolnshire (of which the Proposed Development contributes approximately 0.08%, where it should be noted that the BMV within the Order Limits comprises Subgrade 3a BMV land, with no Grade 1 or 2). The Proposed Development is reversible, except for relatively small areas used for habitat creation which may not be removed during decommissioning. Given the above context and as the Applicant has noted in REP1-046 and REP2-031, the effect on UK food production has been adequately assessed and has been found to be negligible.</p> <p>BMV land sealing over / permanent loss of agricultural land The Applicant has already acknowledged the SoS decision to consider land as permanently lost in respect of certain components of the Springwell Solar Farm such as the BESS, substations and collector compounds (see the Applicant's Response to Deadline 5 Submissions [REP5A-038]). The Applicant is not aware whether the applicant for the Springwell Solar Farm has made any commitments to return soils to their current state or if there were specific reasons this could not be</p>

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			<p>16. The Council's opinion is that it cannot be positively demonstrated that there are no obvious reasons for likely refusal if there is not sufficient information on which that separate element can be meaningfully assessed. In the absence of sufficient information, our opinion is that the only reasonable and rational application of NPS EN-1 paragraph 4.11.8 is that the applicant's positive burden cannot be discharged and therefore a policy conflict arises.</p> <p>17. For ease of reference NKDC's position on the need for this requirement and more broadly on the application of NPS EN-1 paragraph 4.11.8 can be found in the following submissions to the Fosse Green examination:</p> <ul style="list-style-type: none"> • Local Impact Report (REP1-056) - suggested additional requirement in the table on page 95, and paragraphs 28.1 – 28.7 • Written Representation (REP1-057) – paragraphs 8.1 – 8.8 • NKDC Responses to Examining Authority First Written Questions (REP2-045) <ul style="list-style-type: none"> – responses to GC.1.14 and DCO.1.29 • Statement of Common Ground with NKDC (REP4-013) – matters 4.1.3, 4.2.2 and 4.3.1 • NKDC Comments on Submissions from Other Parties at Deadline 3 (REP4-021) – paragraph 2.44 <p>18. The Council asks the ExA to note that its comments made at paragraphs 11 – 14 of REP5A-044 – i.e. that the merits of the Permitted Preliminary Works Environmental Management Plan (REP5-026) do not overcome the need to impose on the Fosse Green DCO a restriction equivalent to requirement 23 in the rDCO for Springwell.</p> <p>19. NKDC can confirm that a planning application for the proposed Navenby substation has now been received (12th May 2026) from National Grid Electricity Transmission (NGET) as follows:</p>	<p>achieved, which may have led to this outcome. However, it should be noted that the Springwell Solar Farm differs from the Proposed Development due to the presence of 86ha (213 acres) of Very High sensitivity land (comprising Grades 1 and 2) within its Order limits. Of this, 14ha (35 acres) is solar PV areas which will potentially use crushed gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited.</p> <p>As noted in the Applicant's Response to Deadline 4 Submissions [REP5-025], it is understandable why a developer, ExA or the 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 reiterates that the Order Limits of the Proposed Development does not include any Grade 1 and 2 BMV agricultural land, with the BMV within the Principal Site (which totals 1,055ha (2,607 acres)) comprising approximately 278ha (687 acres) of Subgrade 3a land. Therefore, the Applicant is able to commit to reinstating the soil during decommissioning to its current value in the Framework Soil Management Plan [REP5A-018], avoiding the need to consider it as permanent loss of agricultural land.</p>

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			<p><i>'Proposal: Proposed electricity substation comprising the construction of a 400kV AIS substation and associated works, new access off Heath Lane and access road to the substation, provision of four temporary passing places on Heath Lane, drainage, landscaping and BNG, together with overhead line works including the provision of four new towers and associated works comprising the removal of two existing overhead line towers and the termination of overhead lines using termination gantries within the substation.</i></p> <p><i>Location: Land To The North Of Heath Lane Navenby LN5 0AY'</i></p> <p>20. The planning application is currently invalid pending the submission of additional documentation, and as such is not yet in the public domain. As a result, upon validation additional environmental information will become available for consideration and to inform the assessment of both cumulative effects and compliance with paragraph 4.11.8 of EN-1. Notwithstanding the above, NKDC continues to highlight, consistent with our representations in relation to Springwell, that the NGET Scoping Opinion (25/0699/EIASCO) is in the public domain. For ease of reference, this document is attached as Appendix A.</p> <p>21. NKDC recommends that the applicant and ExA continue to monitor and have regard to the status of the NGNS planning application while the Fosse Green DCO remains undetermined. Furthermore, the cumulative assessment should be updated, where necessary, to reflect this newly available information prior to any decision being made on the Fosse Green DCO.</p> <p>The approach to decommissioning</p> <p>22. NKDC has already set out its views on the approach to decommissioning for Fosse Green, including the aspects of timescales, funding, and dealing with premature cessation of electricity generation. These issues were first addressed in the Council's LIR REP1-056 at paragraphs 25.29 – 25.33, and have since been developed in the following submissions:</p>	

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			<ul style="list-style-type: none"> • NKDC Comments on the Draft DCO (REP1-058) - additional requirement to provide financial security for decommissioning (page 7) • REP2-045 NKDC Responses to Examining Authority's First Written Questions - DCO.1.24 dealing with decommissioning in the event of premature cessation of generation, and the timescale for decommissioning. • REP3-055 NKDC Responses to Examining Authority's Second Written Questions DCO.2.28 - funding for decommissioning; • REP4-021 NKDC comments on the Applicant's response to ExQ2 Questions - DCO.2.19 (absence of provisions in the Framework Operational Environmental Management Plan to address early cessation of generation), and DCO.2.28 (funding for decommissioning) • In REP4-013 Statement of Common Ground with NKDC - at matter 4.2.13 the Council raised concerns in relation to the absence of a decommissioning security, and also sought additional wording to deal with potential periods of outage and early cessation of generation. <p>23. NKDC notes the SoS's comments and conclusions on the need or otherwise for a decommissioning fund / bond in relation to the Springwell Solar Farm. The SoS concluded that it was not necessary to impose a requirement for a bond, consistent with the views expressed by the ExA in the ER.</p> <p>24. However, the Springwell ER, DL and made DCO do not appear to address the related issues of early cessation of generation and the timescale for decommissioning. This is perhaps because, for Springwell, section 2.16 of the Outline Operational Environmental Management Plan sets out procedures for the notification of extended outages of generation longer than 12 months; together with the submission and approval of a decommissioning plan if this continues for a further 24 months.</p>	

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			<p>25. It is also noted that in dealing with decommissioning, the Springwell decision documents (for instance at paragraphs 4.4.60 – 4.4.61 of the Springwell ER, and at paragraph 4.12 of the Springwell DL) refer to and rely on the Oaklands Farm Solar Park decision, for which copies of the SoS's decision letter (Oaklands Farm DL) and the made DCO (Oaklands Farm DCO) are appended to this submission. For Oaklands Farm, it is highlighted that:</p> <p>a) The Oaklands Farm development is for a 40 year operating period. The Council considers that the uncertainties and risks regarding the securing of decommissioning are greater for a development such as Fosse Green which proposes a 60 year operating period.</p> <p>b) Requirement 64(8) of the Oaklands Farm DCO stipulates that decommissioning must be completed within two years of the approval of a decommissioning environmental management plan. This was specifically referred to in the Oaklands Farm DL at paragraph 4.41. No such requirement has been proposed for Fosse Green, despite being requested (see for instance pages 17 – 18 of REP2-045, where NKDC provided its response to the Examining Authority's First Written Question DCO.1.24).</p> <p>e) Requirement 64(4) of the Oaklands Farm DCO sets out a process to deal with premature cessation of electricity generation for each part of the development, involving notification followed by the submission of a decommissioning environmental management plan over a set timetable. The ExA for Oaklands Farm considered these provisions appropriate (see paragraph 4.20 of the Oaklands DL) to avoid unnecessary delay in a return to agricultural uses, and to limit adverse effects in areas that would not benefit from electricity generation or storage.</p> <p>f) It was on this basis that the SoS agreed in the Oaklands Farm DL that requirement 64 for decommissioning would accord with relevant paragraphs of NPS EN-3.</p> <p>g) The SoS did not agree with the ExA for the Oaklands Farm development that a requirement for a decommissioning fund was necessary. However, that</p>	

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			<p>decision was also made on the basis of the particular circumstances of the Oaklands Farm case, which included the factors a) – c) above (see paragraphs 4.41 – 4.45 of the Oaklands Farm DL).</p> <p>26. Consequently, NKDC considers that the circumstances around the decisions not to impose a decommissioning funding requirement for Oaklands Farm and Springwell were materially different from those at Fosse Green.</p> <p>27. Conversely, NKDC notes that for Oaklands Farm and Springwell there were controls in place to require the completion of decommissioning within defined time periods both following periods of extended outage / premature cessation of generation, and the end of the full operational lifespan of the development. For Fosse Green, no measures and controls are proposed by the Applicant to deal with extended outage / premature cessation of generation; or to ensure decommissioning is completed within an identified timescale (either following premature cessation, or at the end of the full operational period).</p> <p>28. Therefore NKDC considers that the Springwell decision documents (ER, DL and DCO) should be treated with care when making judgements around what is required for Fosse Green in order to secure satisfactory decommissioning. NKDC maintains its position that the following are required:</p> <ul style="list-style-type: none"> - Secured funding for decommissioning – which could be in a different form to a bond - Provisions to address decommissioning in the event of premature cessation of generation from any part of the development - A time limit on decommissioning works <p>The fees to be paid to the relevant local planning authority when discharging requirements imposed under the terms of the made DCO</p> <p>29. NKDC has set out its position on the requirement discharge fees on a number of occasions during the examination for Fosse Green, notably at length in REP4-</p>	

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			<p>022 Comments on Submissions and Information from Other Parties at Deadline 3A, paragraphs 2.35 – 2.53.</p> <p>30. The Council notes that in its most recent submissions on this matter (REP5A-037 Applicant's Response to the Examining Authority's Third Written Questions DCO.3.14) the Applicant has now agreed to revise the fee structure in line with the increases in fees charged for applications under the Town and Country Planning Act 1990. This revised fee structure is now reflected in the draft DCO for Fosse Green (REP5A-006, Schedule 15 paragraph 5(2)). This is welcomed.</p> <p>31. However, the Applicant remains opposed to applying indexation to these fees. The only justification provided appears to be that for some inexplicable reason the Applicant considers that inflation does not significantly adversely impact on local authorities (please see Applicant's response to Examining Authority's Second Written Questions (REP3-045) DCO.2.31 on page 34).</p> <p>32. In its submission REP5A-046 NKDC Responses to the Examining Authority's Third Written Questions DCO.3.14, the Council suggested revised wording for this part of Schedule 15 to the dDCO. This included the insertion of a replacement paragraph 5(3) to apply an annual increase to the fees in line with the provisions 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. That wording was adapted from the equivalent provision in paragraph 5(3) of Schedule 16 of the made Springwell DCO. Indexation had been suggested by NKDC during the course of the Springwell examination, and included in the final draft version of the DCO. No changes were sought to those parts of the DCO by either the ExA in its ER, or by the SoS in his DL.</p>	

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			<p>33. NKDC therefore requests that the Examining Authority adopts the Council's suggestion, and amends the wording of paragraph 5 of Schedule 15 to the draft DCO for Fosse Green in line with the Springwell made DCO.</p> <p>34. At the request of the ExA, the Applicant has suggested on a without prejudice basis in its Deadline 5A submissions alternative wording for indexation of application fees. The Council will respond to that suggested wording at Deadline 6.</p> <p>s.106 agreement - BNG monitoring and EAG funding contributions</p> <p>35. NKDC has previously set out its position on the need for a contribution to fund the Council's independent verification monitoring of the biodiversity net gain elements of the Fosse Green proposed development. In turn, this is linked to NKDC's request to participate in the proposed Ecological Advisory Group (EAG), which together the Council sees as ensuring that the full benefit of the BNG claimed in the application will be delivered, so that the values in requirement 6 can be effectively enforced.</p> <p>36. For Springwell, the ER concludes at paragraph 6.4.59 that the agreed Ecological Steering Group (ESG – equivalent to the EAG for Fosse Green) contribution would be beneficial, but would not materially affect the planning weight to be afforded to biodiversity matters. Also, the ER concluded at paragraph 6.4.60 that the BNG monitoring contribution sought (but not at that point agreed via the S106 Agreement, which was still in draft) was not necessary by way of agreeing with the applicants position that the funding for monitoring of BNG delivery was not needed.</p> <p>37. The Springwell DL notes at paragraph 4.21 that the ESG contribution had been secured, but does not mention monitoring specifically. NKDC notes that the SoS does not give a view the necessity or otherwise of the contribution. NKDC would also like to make it clear that the final level of</p>	

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			<p>contribution negotiated and agreed with the applicant for Springwell was designed to cover both the Council's BNG verification monitoring and its participation in the ESG.</p> <p>38. Clearly, the ER's observations and recommendations as summarised above were made at a 'point in time', with the subsequent Springwell DL (paragraph 4.20) noting that 'on 20 March 2026, the Applicant confirmed that the parties signed the Section 106 Agreement and were arranging a completion call'. The following paragraph notes that 'the Secretary of State considers that funding for the ESG is secured and also notes that the beneficial measures with regard to biodiversity are secured in the Order' and as such that 'the significant beneficial effects on biodiversity receptors accordingly attract moderate positive weight to the matter of biodiversity in the planning balance'.</p> <p>39. There is nothing in either the Springwell ER or the DL which sets out that either the ExA or the SoS consider the securing of funding for BNG monitoring via the s106 Agreement (either at drafting or completion) to conflict with the statutory tests for planning obligations. The Council would have expected this to have been expressly stated in the ER and the DL if that was the case. It was not. Similarly, the applicant for Springwell, in engaging positively with the host authorities in the preparation and completion of the s106 Agreement, also did not find that the obligation failed to meet the statutory tests otherwise they would have refused to engage on this matter. They did not.</p> <p>40. It is also important to note that subsequent to the Springwell decision on 8th April 2026, The Infrastructure Planning (Fees)(Amendment) Regulations 2026 (S.I. 2026/513) were laid before Parliament on 15th May, and will come into force on 8th June 2026. Among other things, regulations 3 and 4 of the Amendment Regulations insert a definition of "local authority" into regulation 2, and adds local authorities into Schedule 2 (Prescribed Public Authorities) of The Infrastructure Planning (Fees) Regulations 2010 (S.I. 2010/106). The effect of this amendment and regulation 12A will be to enable local</p>	

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			<p>authorities to recover the costs of the provision of relevant services in relation to nationally significant infrastructure projects. This will bring NSIPs into line with developments under the Town and Country Planning Act 1990.</p> <p>41. This amendment to the fee regulations did not exist at the time the Springwell decision was made. Its effect is consistent with the case NKDC has been making for Council BNG monitoring costs for Fosse Green to be met by the Applicant. NKDC most recently presented its case on BNG and EAG issues in REP5A-046, Appendix C, which responds to the Examining Authority's Third Written Question ENC.3.02. This includes a table of BNG monitoring costs, which has been calculated on the basis of the applicant's most recent BNG Report (REP5-015) and the published Central Lincolnshire Local Plan: Biodiversity Net Gain Guidance for Planners, Ecologists & Applicants, May 2024 (which was included as Annex 1).</p> <p>42. As set out above, for Springwell, NKDC reached agreement with the Applicant over BNG issues, and a financial contribution was secured in a s.106 Agreement. The Council considers that the incoming fee regulation amendment for NSIP cost recovery supports the view that a funding contribution is justified, and will henceforth make it necessary for developers to provide this support for BNG monitoring, consistent with non-NSIP developments.</p> <p>Consideration of food production and food security</p> <p>43. Both the ExA and the SoS in the Springwell decision concluded that the applicant should have assessed the impacts of the development on food production and food security within its Environmental Statement (ER paragraph 8.4.14, and DL paragraph 4.51). NKDC is of the opinion that further information in respect of the impact of the development on food production should have been sought in accordance with Regulation 20 of the EIA Regs; and the ExA should have suspended consideration of the application until it was provided with further information. The failure to suspend consideration of the application</p>	

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			<p>amounted to a procedural irregularity and this forms part of the on-going legal challenge to the Springwell decision.</p> <p>44. For Fosse Green the Scoping Opinion issued by PINS and submitted as part of the application (APP-119) provides the following comments:</p> <p><i>3.6.8 The ES should identify the agricultural land uses that will be displaced by the Proposed Development. Potential effects on farm businesses, loss of agricultural production and implications for food security from both the Solar and Energy Storage Park and Grid Connection Corridor should be considered where there is potential for significant effects to occur. This should consider both effects alone and cumulatively with other projects. Effects such as severance to farm access or changes to the scale and long-term viability of farm holdings affected by the Proposed Development should also be considered.</i></p> <p><i>3.6.9 The ES should demonstrate how any retained agricultural land will be available for future productive use and consider the potential economic effects of any changes in land use patterns as a result of the Proposed Development.</i></p> <p>45. NKDC raised the issue of loss of arable production from farmland, and its potential impacts on the agri-food sector and food security in its Local Impact Report (LIR, see paragraphs 14.41 – 14.42, and 23.17).</p> <p>46. However, the applicant's assessment within ES Chapter 12 Socio-economics and Land Use (AS-016) does not cover the full range of issues identified in the scoping opinion referred to above. In its response to the Examining Authority's First Written Question FS.1.10 on this topic (REP2-029) the Applicant supplied further information which is noted.</p>	

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			<p>47. However, NKDC reiterates the concerns raised in its LIR; and questions whether the impact of the development on food production and food security, as identified in the Scoping Opinion, has been adequately assessed within the ES. In light of the on-going challenge to the Springwell DCO decision, the Council urges the ExA to consider and address this issue, and ultimately satisfies itself that the ES does adequately address the matters set out in the adopted scoping opinion.</p> <p>BMV land sealing over / permanent loss of agricultural land</p> <p>48. At paragraph 8.4.4 of the Springwell ER, the question of whether land occupied by fixed solar equipment (BESS, substations, collector compounds etc) should be considered permanent loss of agricultural land, consistent with previously made DCOs that took this approach, including Heckington Fen, Mallard Pass, Gate Burton and Cottam solar farm projects.</p> <p>49. In the case of Springwell, the ExA considered that soil compaction under large areas of hardstanding could result in long term effects on soil quality, raising questions on the ability to return the land back to its previous ALC classification of BMV land (paragraph 8.4.16 of the ER). Taking a precautionary approach, the ExA therefore considered that such losses should be considered permanent, which would be consistent with the aforementioned solar projects and the approach to this matter taken by the local authorities.</p> <p>50. In the Springwell decision, the SoS agreed (paragraphs 4.49 and 4.50 of the DL) with the ExA's approach, stating that sealed over areas within the development should be considered permanently lost when taking a precautionary approach to land under large areas of hardstanding and infrastructure.</p> <p>51. In its Local Impact Report (REP1-056) at paragraphs 14.45 – 14.39 the Council discussed the impacts of the proposed Fosse Green development on soils and</p>	

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			<p>agricultural land quality, including those related to areas of land which might be 'sealed over' by hardstandings, concrete and tracks (see in particular paragraphs 14.25 and 14.32). The LIR concluded in paragraph 14.42 that doubts remained around the difficulty of identifying the quantum of such areas, contributing to a finding of negative impact on BMV land. Similar points were raised in the Council's Written Representation (REP1-057) in paragraphs 3.13, 3.14 and 3.18.</p> <p>52. The position of the SoS in the Springwell decision is consistent with the views expressed by NKDC during the Fosse Green examination in this regard. NKDC asks the ExA to ensure it has sufficient clarity in the applicant's submissions to address this point.</p>	
HE.3.04	Applicant NKDC	<p>SoCG – built heritage assets The SoCG between the applicant and NKDC [REP4-013] indicates that NKDC maintains its view that the applicant's assessment underestimates the effects on the following listed buildings: Morton Manor; Morton Grange; River Farmhouse; and Grange Cottage. NKDC considers that those assets should be the subject of further analysis in order to inform a bespoke mitigation strategy. As set out in the SoCG, the applicant considers that the assessments undertaken are appropriate.</p> <p>This matter is identified as "<i>under discussion</i>" in the SoCG (item 4.6B.3). Provide an update on this matter including identifying whether it has been resolved, is likely to be resolved before the close of examination (this should include an explanation of what further work would be required from the applicant including likely timescales for completion if relevant), or if this is a matter which cannot be agreed.</p>	<p>NKDC responds below to both question HE.3.04 and HE.3.05 together, as it considers there is considerable overlap between the two.</p> <p><u>Failure to address potential impacts on Morton Manor, Morton Grange and River Farmhouse as separate heritage assets</u></p> <p>The assessments included in Chapter 7 of the ES Cultural Heritage (APP-032) and Appendix 7-D Detailed Heritage Asset Setting Assessment (APP-127) include assessments of the heritage assets named above. However, concerns were raised regarding the impact on the settings of these assets, as settings assessments to date have been undertaken from a number of static locations only – and do not address issues such as movement through the locality.</p> <p>The only additional work undertaken has been the Heritage Technical Note (REP3A-026). No contact has been made by the Applicant's heritage advisor with NKDC's Conservation Officer since the officer provided feedback on the draft Heritage Technical Note on 17th</p>	<p>The Applicant considers that these points have been adequately addressed in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. HE.3.04), and the Applicant's Response to Deadline 4 Submissions (NKDC – Heritage Technical Note) [REP5-025]. The Applicant maintains its previously stated position that the assessment within Appendix 7-D Detailed Heritage Asset Setting Assessment of the ES [APP-127] accurately considers the significance, setting and the likely effects of the Proposed Development upon those designated heritage assets. Detailed responses to the concerns raised by NKDC, and justification as to why additional settings assessments would not be required to inform the assessment of the effect of the Proposed Development has been provided in the Applicant's Response to Local Impact Reports [REP2-031]. The Applicant considers that the Heritage Technical Note [REP3A-026] sufficiently addressed the intended points, including the concerns raised by NKDC regarding the study area (clarification on those matters was presented in [REP5-025]).</p> <p>As noted by NKDC, this matter is therefore not currently agreed, and is likely to remain as such.</p>

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HE.3.05	NKDC	<p>Built Heritage Assets</p> <p>The purpose of the applicant's Heritage Technical Note [REP3A-026] is identified as responding to matters raised in the Local Impact Reports [REP1-053 and REP1-056] relating to the study area used and a group value assessment for farmsteads.</p> <p>In the context of the Heritage Technical Note's purpose and the assessments included in Chapter 7 of the ES (Cultural Heritage) [APP-032] and Appendix 7-D (Detailed Heritage Asset Setting Assessment) [APP-127], clarify what is meant by the statement made in [REP4-022] that "<i>Despite requests that these get treated separately from the farmsteads study, Morton Manor, Morton Grange and River Farmhouse have only been considered in the farmsteads study as part of a group value exercise ...</i>".</p>	<p>March 2026 (also see the Council's comments on ExQ2 question HE.2.01 on page 23 of REP3-055).</p> <p>The Heritage Technical Note (REP3A-026) subsequently submitted for Deadline 3A (24th March 2026) has not addressed NKDC's concerns raised about the draft document. The Note omits any further setting assessments of these individual assets, and only includes them as part of a wider, group farmsteads assessment. This farmsteads group assessment was written to address the concerns raised by LCC, and does not address the points raised by NKDC. Further detailed analysis of the impacts on the settings of each individual asset has been requested for a number of months, the requests outlined in NKDC's LIR and on numerous occasions since. Indeed, our concerns as to the evidential basis for the settings assessment and the rationale for selecting the study area go back to our formal response to the Applicant's Scoping Report (18/7/23) and as such it is disappointing and frustrating that the Council continues to have to repeat these requests at this stage of the Examination.</p> <p>This further assessment should include a wider setting assessment to including the impact on the setting of the heritage assets including approaches towards and away from the heritage assets. Movement from Morton Manor and Morton Grange specifically along The Avenue will be affected. Currently the changes the solar array would have on the appreciation of the landscape setting of The Avenue, and how this would impact further impact the setting of the heritage assets has not been considered. Similar concerns can be found for River Farmhouse, Norton Disney and Grange Cottage in Aubourn. These are in very close proximity to solar arrays, but the assessments do not consider movement, and only assess setting from immediate environments, and are only considered from static locations.</p> <p><u>Statement of Common Ground</u></p> <p>As the Examining Authority will be aware, in addition to the issues around the specific heritage assets identified</p>	

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			<p>above, NKDC also remains concerned at the absence of any proper analysis and justification for limiting the extent of the study area. Repeated requests for additional clarity have not been addressed, and there is an over-reliance on the views of Historic England, which has a different remit.</p> <p>The lack of progress on both the study area point and the individual heritage asset setting assessments was verbally relayed to the non-heritage specialists in the Applicant team in a meeting on 24th April 2026. However, the Council has received no further information from the Applicant on this matter to date.</p> <p>NKDC considers that it has been clear on what additional work needs to be undertaken; and if the Applicant seeks additional clarity, then contact should be made with the Council's Conservation Officer. It is up to the Applicant to decide how long it would take to carry out this further work. But in the view of the Council it is not a significantly large piece of work, and could be completed within a few days by a qualified individual if the Applicant were to commit time and resources to it.</p> <p>Therefore this matter cannot be agreed at the present time. The Council remains open to discussion, but in the absence of any evidence to the contrary, currently assumes that the Applicant is unwilling to address the points raised above.</p> <p>On that basis, it seems to the Council that this is a matter which is unlikely to be agreed prior to the end of the examination. However, the onus is still very much on the Applicant to resolve these matters.</p>	
LV.3.02	NKDC	<p>Relationship between the proposed development, the Lincoln and Witham Landscape Recovery Project (LWLRP) and Witham Valley Country Park (WVCP) The council in its post Issue Specific Hearing 3 note providing background</p>	<p>The Council has provided an overlay plan in Appendix D showing relationship between the Witham and Lincoln Landscape Recovery Project, the Witham Valley Country Park, and the Order Limits.</p>	<p>The Applicant assumes that reference to 'Appendix D' in this response should read 'Appendix C' of NKDC's Responses to Examining Authority's Third Written Questions and requests for information [REP5A-046].</p> <p>In response, the Applicant would note that Requirement 8 of Schedule 2 to the draft DCO [REP3A-004] secures the provision of a detailed</p>

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		<p>information about the LWLRP has advised of an intention to submit: a plan ("mapping") superimposing the proposed Order Limits and the boundary for the WVCP onto a plan showing the extent of the area covered by the LWLRP; and further timescale information relating to the LWLRP [paragraphs 3 and 12 in REP3A-030]. The submission of that information would assist the ExA's understanding of the interrelationships between the proposed development, the LWLRP and the WVCP. Accordingly, the ExA requests that the additional information referred to in [REP3A-030] is submitted as soon as possible.</p>	<p>The Council is able only to provide a little further information at this stage, because although the project is moving forwards, it might be described as being in its relative infancy. Timescales for implementation remain largely uncertain at the present time. The final funding bid will be submitted to DeFRA at the end of June 2026; and a decision is anticipated before the end of October, but this is not guaranteed. If successful, the project will launch in earnest from that point onwards, and cover a duration of 30 years, providing the blended finance model of private/public finance is secured.</p>	<p>LEMP, which is to be substantially in accordance with the Framework LEMP, to be submitted to and approved by the relevant planning authority (being NKDC) in consultation with other prescribed consultees including LCC.</p> <p>Therefore, noting the infancy and limited information available for the LWLRP and WVCP, the Applicant would suggest any relevant information may be more appropriately addressed during the preparation of the detailed LEMP.</p>
PE.3.01	NKDC	<p>Hours of construction</p> <p>During Issue Specific Hearing 3, the applicant stated that no noisy works would be undertaken in the final hour of the day (18:00 – 19:00) (page 26 of [REP3-042]). In responding to the action points arising from Issue Specific Hearings 3 and 4, NKDC recommends that the FCEMP includes a restriction that there is to be no audible noise from the proposed development at sensitive receptors between the hours of 18:00 – 19:00 [REP3-051].</p> <p>Comment on whether the change made to NV-C1 of the FCEMP [REP4-008] would address your recommended restriction.</p>	<p>Whilst the change made to NV-C1 is welcomed, the Council does not consider that this fully addresses the point.</p> <p>In providing a fuller answer to this question, NKDC notes the comments of the Applicant (page 16 of REP5- 025) in response to the Council's request for the 'no audible noise' request which states as follows:</p> <p><i>'The suggestion of "no audible noise at sensitive receptors" is considered subjective (and therefore unenforceable) and disproportionately restrictive to end-of-day activities, hence the Applicant's choice of wording.</i></p> <p>The Applicant has indicated that the activities and works taking place in the extra hour would not be noisy, so it is of some surprise to the Council that the applicant has taken the view that it would be disproportionately restrictive to have no audible noise during that limited period of the working day. This is particularly the case as the majority of the site is a significant distance from substantial residential areas.</p> <p>NKDC also points out that in relation to construction activities, the Council's practice is as follows:</p>	<p>The Applicant notes the comment from NKDC and has updated NV-C1 of the Framework CEMP (which has been submitted to the Examination at Deadline 6) to state: <i>"The construction noise monitoring scheme shall include the measurement and reporting of noise levels over this period to demonstrate that average noise levels between 18.00 and 19.00 at noise sensitive receptors are below the exiting ambient environment (L_{Aeq})." The Applicant considers this to be an appropriate and enforceable control for noise levels during this period.</i></p>

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			<ul style="list-style-type: none"> • its starting position is that all works should end at 18:00, in line with the Council's standard construction times guidance • to sometimes allow an extra hour at the end of the normal afternoon working period as a goodwill gesture to assist with works progressing faster, and to reduce the length of time residents are exposed to noise. • that this 'end of day extra hour' would be used for quieter winding-down activities and not involve what might be classed as noisy works – such that the extra final hour would be used for activities such as tidying, closing down etc). <p>All of the above, including the request for a 'no audible noise' criterion at sensitive receptors between the hours of 18:00 and 19:00 was succinctly set out in the Council's response to Issue Specific Hearing 4 Action Point 7 (paragraphs 8 – 10 of REP3-051).</p> <p>It is also pointed out that noise assessments and enforcement cases involve an element of professional judgement, and it is not considered that the 'no audible noise' criterion is unenforceable.</p> <p>Therefore NKDC maintains that NV-C1 should include a restriction that there would be no audible noise at sensitive receptors between the hours of 18:00 – 19:00.'</p>	
PE.3.03	Applicant UK Health Security Agency NKDC LCC	<p>BESS safety</p> <p>A number of statements have been made in sections 2 and 3 of ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176] about potential emissions in the event of a BESS fire. For example, paragraph 2.1.7 states that only hydrogen fluoride would likely be present at concentrations of concern at distances of more than a few tens of metres from the fire. That is based on a report that included gas sample measurements from</p>	<p>On this matter NKDC defers to the views of Lincolnshire Fire and Rescue Service, which it is anticipated will be submitted via Lincolnshire County Council. For the avoidance of doubt NKDC does not have any unresolved concerns in relation to the matter of Unplanned Emissions from the BESS, however as above would refer the EXA to the advice of the UKHSA and LFR on this matter.</p>	<p>The Applicant acknowledges this comment and has responded to the responses provided by LCC to the ExA's Third Written Questions in Table 3-1.</p>

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		<p>batteries subjected to external and internal ignition tests for BESS with a capacity of up to 100 kilowatt hours (Kwh). BESS of 100Kwh are markedly smaller than the proposed BESS, which would have a capacity of 480 megawatt hours. The distance of "tens of metres" is also referred to in the applicant's Health and Wellbeing Summary Statement (paragraph 3.9.22 of [REP3-047]).</p> <p>Comment on the reasonableness of the assumptions presented in the Unplanned Emissions Assessment [APP-176] on which the assessment and findings are based, including their applicability to the scale of BESS proposed.</p>		
PE.3.05	Applicant UK Health Security Agency NKDC LCC	<p>BESS safety – health effects</p> <p>Paragraph 3.9.26 of the Health and Wellbeing Summary Statement [REP3-047] refers to the information presented in ES Appendix 14-G (Unplanned Emissions Assessment) [APP-176]. Paragraph 3.9.26 states <i>"The assessment identified that safe human health thresholds relating to the inhalation of fumes from a BESS fire would be met 200m from the BESS. There are no residential receptors within this distance from the BESS infrastructure proposed, whether a distributed or centralised BESS is brought forward"</i>.</p> <p>However, paragraph 2.3.5 in the FBSMP [REP3-030] states that the distributed BESS enclosures would be sited a minimum of 150m from residential structures offsite. Table 4 in [APP-176] identifies 150 to 200 metres as the indicative distance to achieve acute exposure guideline level (AEGl) -1 value for 100% of metrological conditions,</p>	<p>On most issues related to BESS safety, NKDC defers to the views of Lincolnshire Fire and Rescue. However, the Council would make the following points in relation to this question.</p> <p>It is noted that within the Design Approach document (APP-186) there is design commitment BA1 set out within Table A1, on page 82. This commits the development to a minimum separation distance between residential receptors and the centralised BESS of 200m. There is no such design commitment for a distributed BESS. The Proposed Development Parameters (REP5-009) do not include parameters for the siting of the BESS (centralised or distributed) relative to residential structures. Therefore the minimum separation distance for the distributed BESS is secured only through the FBSMP and Requirement 7, not through the design commitments or the development parameters.</p> <p>There would appear to be a straightforward solution available, which would be to amend the separation distance for the distributed BESS quoted in the FBSMP to 200m minimum; and to add an equivalent Design Commitment for the distributed BESS. It seems to the Council that this would represent a more precautionary</p>	<p>Regarding the minimum offset of the distributed BESS from residential receptors, 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 and Design Commitments (Appendix A of the Design Approach Document), which have been updated and submitted to the Examination at Deadline 6.</p> <p>With regard to NKDC's comments on the certified documents, the Applicant notes that this was raised by the ExA in its Rule 17 - Request for Further Information issued on 19 May 2026 [PD-028]. 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 draft DCO to be submitted 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.</p>

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		<p>based on 3 kilograms of hydrogen fluoride (HF) from a single cabinet fire. Paragraph 4.1.5 in [APP-176] identifies that "... the specification reached in detailed design will be required (by a requirement to the DCO) to be consistent with the parameters assumed in this study (i.e., 1kg to 3kg of HF from a single cabinet fire)..."</p> <p>Comment on the implications of the minimum distance of 150 metres referred to in the FBSMP for the consideration of health effects set out in the Health and Wellbeing Summary Statement.</p>	<p>approach to the health and safety issues raised by the BESS; and would make the Proposed Development consistent with the Health and Wellbeing Summary Statement. NKDC would support such amendments, which may help to allay public concerns regarding the BESS, including the perception of risk and harm from what is still a relatively new technology at this scale (see the Council's LIR (REP1-056), paragraph 25.22).</p> <p>Finally, the Council has noted that paragraph (2)(a) of Requirement 6 of the draft DCO (REP3A-004) requires that the detailed design must accord with 'the design commitments'. Article 2 of the draft DCO defines 'design commitments' as 'the document of that name identified in the table of Schedule 12 (documents and plans to be certified) and which is certified by the Secretary of State as the design commitments for the purposes of this Order'. However, there is no application document with the name 'design commitments'; rather, the design commitments are contained within Table A1 within the Design Approach document. Unless the Council is mistaken on this point, it is suggested that the draft DCO should be amended to reflect this.</p>	
NKDC – Appendix C: Question ENC.3.02 Ecological Advisory Group				
ENC.3.02	Applicant NKDC LCC	<p>Ecological Advisory Group</p> <p>The changes made to the FLEMP [REP3-028] and the applicant's response to Deadline 3 and Deadline 3A submissions (page 11 in [REP4-018]) indicate that the councils would not have a role on the ecological advisory group (or similar). The FLEMP (paragraph 7.1.9) describes the key function of the group as reviewing monitoring data on habitats and species to inform future management plans. Monitoring reports would be sent to the councils and the Lincolnshire Wildlife Trust for information.</p>	<p>1. This document is NKDC's response to ExQ3 ENC.3.02. Referring to the Council's answer to question GC.3.01, NKDC cannot specifically comment on the Springwell decision here, and reserves the right to add to its responses on this topic at a later date.</p> <p>2. This response is accompanied by the following Annex:</p> <p>ANNEX 1: Central Lincolnshire Monitoring Fee overview / Central Lincolnshire Local Plan: Biodiversity Net Gain Guidance for Planners, Ecologists & Applicants, May 2024</p> <p>ANNEX 2: Extracts from the final Draft DCO (Rev 9) for Beacon Fen Energy Park, submitted at Deadline 8 – Article 50 and Requirements 7 and 8</p> <p>ANNEX 3: Extracts from the outline LEMP for Beacon Fen Energy Park</p>	<p>The Applicant acknowledges NKDC's response and maintains its position regarding the programme of ecological monitoring, a funding contribution to BNG monitoring and the composition of the Ecological Advisory Group (EAG) provided in response to ENC.3.02, and detailed in the Applicant's Responses to the Examining Authority's Third Written Questions [REP5A-037] submitted to the Examination at Deadline 5A.</p> <p>With regard to the EAG Terms of Reference, the Applicant has provided draft Terms of Reference within the updated Framework LEMP submitted to the Examination at Deadline 6.</p>

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		<p>In responding to ExQ2 ENC.2.09 in [REP3-055], NKDC has referred to the approaches taken for the Springwell and Beacon Fen schemes. NKDC's submission includes an extract from the draft Outline LEMP for Springwell which identifies that a representative from NKDC and LCC would be on the ecological steering group. NKDC's submission also includes the dDCO for Beacon Fen (submitted at Deadline 8) and Requirement 7 of that dDCO requires that the ecological steering group would include representatives from each of the relevant planning authorities.</p> <p>a) Applicant - Explain the rationale for excluding representatives from NKDC and LCC on the ecological advisory group and what role is envisaged for the councils in terms of monitoring and advising on any corrective action required to ensure that the mitigation and enhancement measures secured through the LEMP would be achieved.</p> <p>b) Applicant - Paragraph 7.1.9 of the FLEMP sets out that the terms of reference for the ecological advisory group (or similar) would be agreed as part of the agenda for the first group meeting. Based on the current drafting of the FLEMP, the councils would not be members of the group and so would have no input into the group's terms of reference. The ExA is of the view that at least draft terms of reference for the ecological advisory group (or similar) should be included in the FLEMP. This should include confirmation of when it would be established and how long it would be in place.</p>	<p>4. The levels of biodiversity net gain which the Applicant claim as a benefit of the Proposed Development are set out in the Biodiversity Net Gain Report (BNG Report, REP5-016), and referred to as such in Requirement 8 of the draft Development Consent Order (dDCO, REP3A-005). It is intended that these levels of BNG will be delivered via the Framework Landscape and Ecological Management Plan (FLEMP, REP5-018). The relevant planning authority responsible for the enforcement of Requirement 8 - and hence for ensuring that the claimed level of BNG benefit is delivered - will be North Kesteven District Council (this is consistent with the position at Beacon Fen and Springwell).</p> <p>5. The dDCO deals with amendments to approved details such as the LEMPs in Requirement 4. Paragraph (2) of Requirement 4 requires the relevant planning authority to re-consult all consultees who were consulted on the original document. This would include Lincolnshire County Council, the Environment Agency and Natural England as a minimum; and also National Highways in certain situations.</p> <p>The Applicant's approach to the Ecological Advisory Group (EAG)</p> <p>6. The relevant paragraphs of the Framework Landscape and Ecological Management Plan (FLEMP, REP5-018) are relevant and repeated on the following page for ease of reference.</p> <p>7. Paragraph 7.1.7 offers walkover surveys of the site on 14 of the 60 year lifespan of the development; and states that one purpose will be for BNG condition assessments, indicating a 30 year management plan. Paragraph 7.18 refers to the surveys involving area and linear habitat management checks.</p> <p>8. Paragraph 7.1.9 refers to ten monitoring surveys, which initially would take place on years when the walkover surveys in paragraph 7.1.7 would not occur; and then</p>	

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		<p>c) NKDC and LCC - comment on the applicant's approach to the ecological advisory group.</p>	<p>would coincide with alternate walkover surveys for the remainder of the operational life of the development. The opening sentence implies that type of monitoring will examine flora and fauna in terms of species, rather than habitats; but later in the paragraph reference is made to the information being used to monitor habitats and help guide management plans – and that this is where the EAG would be involved. No connection is made between the EAG and BNG as such. Paragraph 7.1.12 refers to possible changes to the detailed LEMP(s) as a result of the 'post-construction monitoring'.</p> <p>9. The Council considers that this presents a somewhat confusing picture of what will take place and when.</p> <p>Extracts from the LEMP:</p> <p>7.1.7 A post-construction monitoring programme will be formalised, agreed and included within the detailed LEMP. Walkover surveys of the DCO Site will be undertaken between April and June in years 2, 4, 6, 10 and then every 5 years post-construction until year 60. This monitoring will also be used for the purposes of BNG Condition Assessments that requires a 30-year management plan.</p> <p>7.1.8 The surveys will involve inspection of the hedgerows, tree belt and trees, and grassland habitats to ensure they are being managed accordingly.</p> <p>7.1.9 Post-construction monitoring for flora, birds (breeding and non-breeding), riparian mammals, badgers and bats (bat box roosting and activity survey), inclusive of Invasive Non-native Species (INNS), will be undertaken in the respective seasons, in years 1, 3, 5, 10 and 15 post-construction and thereafter every ten years from years 20 to 60. These surveys are likely to involve similar methods to those used to determine the ecological baseline of the Proposed Development and will be overseen by an Ecological Advisory Group, or similar, whose purpose will be to oversee the post-construction ecological monitoring works, with the key function of the Group comprising review of monitoring data on habitats and species to inform future management plans (as necessary). As noted at paragraph 1.3.7 "Any long-term biodiversity monitoring and management requirements specified in this document will be carried out by the Applicant and/or a Contractor appointed by the Applicant". As such, the Ecological Advisory Group (or similar) will comprise the Applicant or Operations Contractor, Environmental Manager (as defined in the Framework Operational Environmental Management Plan (OEMP) [EN010154/APP/7.8 (Rev 3)] – ref. paragraph 6.1.2, 6.1.3 and 6.2.1), a suitably qualified and experienced ecologist, and if relevant to the Proposed Development any research institution(s) carrying out ecological studies onsite during operation. The Terms of Reference of the Ecological Advisory Group (or similar) will be drafted following receipt of any future consent and agreed as part of the agenda for the first group meeting. The monitoring reports for surveys during operation will be sent to the host authorities and the Lincolnshire Wildlife Trust for their information, along with a summary of any changes to management set out in the approved detailed LEMP.</p> <p>7.1.12 Results from the post-construction monitoring will feed into the management plan and, if required, management may be amended accordingly based on this monitoring. For example, replacement planting and/or changes to planting species where planting has failed to establish. Any material changes proposed to the approved detailed LEMP management proposals, in response to the findings of post-construction monitoring, will be sent to the host authorities for their review and approval prior to their implementation.</p>	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>Monitoring of BNG</p> <p>10. NKDC considers that monitoring of BNG from developments is an important element of the planning system, including NSIPs. As an overarching comment we would remind the applicant and Examining Authority that policy S61 of the Central Lincolnshire Local Plan requires the '... ongoing management of any new or improved onsite and offsite habitats, together with monitoring and reporting, will need to be planned and funded for 30 years after completion of a development'. In this regard there is specific reference to 'funding' (the Council's monitoring obligations) and as set out in previous submissions, NKDC has provided examples of where such funding has been secured in DCOs either made or with decisions pending elsewhere within the District.</p> <p>11. In summary: a. Planning Practice Guidance on Biodiversity Net Gain (Paragraph: 028 Reference ID: 74-028-20240214) states that local planning authorities can charge a fee for monitoring the delivery of biodiversity net gain in relation to permissions granted under the Town and Country Planning Act 1990. b. The Central Lincolnshire authorities have published guidance for applicants in relation to BNG, including a 'Monitoring Fee overview' document (copy provided at Annex 1 to this submission). The guidance confirms (page 33) that: i) Fees cover the hours spent reviewing monitoring submissions and conducting quality assurance site visits ii) The fee calculator will be updated every April</p> <p>12. Although BNG is not yet mandatory for NSIPs, the Applicant claims that its proposals for BNG should carry '.. substantial positive weight' in the planning balance – see Planning Statement AS-099 paragraph 7.3.6. The Council argues that as BNG is one of the few significant potential planning benefits of the Proposed Development, it is particularly important to ensure that it is secured and delivered in full. This includes reviews and independent verification checks by the relevant planning authority, in the same way that is required for all qualifying planning proposals under the 1990 Act. The very large scale of the</p>	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>Proposed Development, including the size of the BNG elements (and as above the planning weight which the Applicant seeks to ascribe to BNG delivery above 10%) only increases the need for this monitoring and quality assurance; and for the monitoring to be adequately funded.</p> <p>13. In their summary of consultation responses to the consultation on the implementation of biodiversity net gain (BNG) for nationally significant infrastructure projects (updated 15th April 2026), Defra recognise the need to ensure LPAs have sufficient resource and funding to carry out their role on BNG for NSIPs effectively and to prevent delays (section 6.7). Continuing, the response notes that MHCLG are working to bring in statutory backing for LPAs to charge to ensure full cost recovery.</p> <p>14. The Council's ongoing requirement for a financial contribution for quality assurance oversight of the applicant's BNG monitoring reports is therefore entirely consistent with the direction of travel that MHCLG are seeking to mandate. There is no indication at all that NSIP projects will be exempt from funding responsibilities; ergo that the same monitoring fee charging principles as applicable to TCPA 1990 schemes will be carried forward. This is very clearly recognised in the Defra consultation response summary and therefore the Council's continued request is entirely consistent with it.</p> <p>15. The version of the BNG Report (REP5-016) submitted by the Applicant at Deadline 5 is considered to have addressed almost all of the Council's previous concerns, with the exception of some relatively minor points which discussions indicate the Applicant will correct (please see NKDC's separate comments on BNG Report submitted at Deadline 5A). On the basis of those corrections having been made, the Council calculates that the BNG monitoring fee should be as set out in the table on the following page, based on a 20% sample each monitoring year, supported by AI mapping.</p>	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response																																																																		
			<table border="1" data-bbox="1181 359 1828 1213"> <thead> <tr> <th colspan="4">NKDC Calculation of BNG Monitoring Costs</th> </tr> <tr> <th>Area Habitats</th> <th></th> <th>Quantity</th> <th>Cost</th> </tr> </thead> <tbody> <tr> <td rowspan="3">Monitorable habitat - medium distinctiveness and above, or low distinctiveness with a moderate / above condition (all low difficulty in achieving)</td> <td>Created habitat</td> <td>473.02ha</td> <td></td> </tr> <tr> <td>Enhanced habitat</td> <td>50.74ha</td> <td></td> </tr> <tr> <td>Retained habitat</td> <td>15.68ha</td> <td></td> </tr> <tr> <td></td> <td>Subtotal Area Habitats:</td> <td>519.44ha</td> <td>£50,576</td> </tr> <tr> <td colspan="4">Hedgerows</td> </tr> <tr> <td rowspan="3">Monitorable habitat (all low difficulty in achieving)</td> <td>Created habitat</td> <td>19.03km</td> <td></td> </tr> <tr> <td>Enhanced habitat</td> <td>50.74ha</td> <td></td> </tr> <tr> <td>Retained habitat</td> <td>16.04km</td> <td></td> </tr> <tr> <td></td> <td>Subtotal Hedgerows:</td> <td>85.81km</td> <td>£6518.80</td> </tr> <tr> <td colspan="4">Watercourses</td> </tr> <tr> <td rowspan="3">Monitorable habitat (some at moderate difficulty of achieving)</td> <td>Created habitat</td> <td>0.00km</td> <td></td> </tr> <tr> <td>Enhanced habitat</td> <td>5.79km</td> <td></td> </tr> <tr> <td>Retained habitat</td> <td>0.64km</td> <td></td> </tr> <tr> <td></td> <td>Subtotal Hedgerows:</td> <td>6.43km</td> <td>£7,635.55</td> </tr> <tr> <td></td> <td>AI mapping</td> <td></td> <td>£25,190.35</td> </tr> <tr> <td></td> <td>BNG total lifetime fee:</td> <td></td> <td>£89,920.70</td> </tr> </tbody> </table> <p data-bbox="1166 1241 1878 1272">Composition and Terms of Reference for the EAG</p> <p data-bbox="1166 1283 1941 1465">16. In the paragraphs of the LEMP discussed above, the description of the postconstruction monitoring and survey programme, its relationship to the achievement of the BNG levels specified in Requirement 8 of the DCO, and to the EAG is somewhat unclear to the Council.</p> <p data-bbox="1166 1518 1941 1734">17. What the Applicant has made it clear is that it sees no role for the relevant planning authority in the EAG, which it views as – with the possible involvement of unspecified research institutions - an internal body. The Applicant states that the terms of reference of the EAG would be decided by the group itself.</p> <p data-bbox="1166 1787 1941 1854">18. On that basis, NKDC considers that the EAG would have little relevance to the possible grant of DCO because:</p>	NKDC Calculation of BNG Monitoring Costs				Area Habitats		Quantity	Cost	Monitorable habitat - medium distinctiveness and above, or low distinctiveness with a moderate / above condition (all low difficulty in achieving)	Created habitat	473.02ha		Enhanced habitat	50.74ha		Retained habitat	15.68ha			Subtotal Area Habitats:	519.44ha	£50,576	Hedgerows				Monitorable habitat (all low difficulty in achieving)	Created habitat	19.03km		Enhanced habitat	50.74ha		Retained habitat	16.04km			Subtotal Hedgerows:	85.81km	£6518.80	Watercourses				Monitorable habitat (some at moderate difficulty of achieving)	Created habitat	0.00km		Enhanced habitat	5.79km		Retained habitat	0.64km			Subtotal Hedgerows:	6.43km	£7,635.55		AI mapping		£25,190.35		BNG total lifetime fee:		£89,920.70	
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Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<ul style="list-style-type: none"> • as currently proposed, the EAG is not something which is properly secured by the DCO • it would be almost impossible for the Council to take enforcement action if the EAG were not set up • even if established, the terms of reference for the EAG would be entirely a post-consent matter for the undertaker • if the EAG did not properly scrutinise monitoring surveys and propose appropriate actions, this would not in itself be a clear breach of the Order, and therefore also very difficult to take enforcement action against. <p>19. NKDC strongly objects to this approach. The Applicant claims that its proposals for BNG should carry ‘.. substantial positive weight’ in the planning balance – see Planning Statement AS-099 paragraph 7.3.6. The Council argues that as BNG is one of the few significant potential planning benefits of the Proposed Development, it is particularly important to ensure that it is secured and delivered in full.</p> <p>20. The Council sees a body such as the EAG as one means of helping to achieve this aim, but only if it involves a collaborative approach. The EAG should be used to scrutinise the applicant's monitoring reports and recommend necessary changes to the LEMPs as a result. In that context, there is a clear positive role for relevant planning authority involvement in the EAG, ensuring early sight of the applicant's monitoring survey results, and enabling comparison with the Council's own verification monitoring (see section on BNG monitoring above) where relevant. The Council could then input to discussions on this information, and on any proposals for action – for instance changes to the management regime, replacement planting etc. In turn, this collaborative approach could help to minimise the potential for disagreements over required actions, and speed up the approval of LEMP changes where these are needed.</p> <p>21. This would potentially benefit both the Applicant and the wider public interest of securing delivery of the BNG benefits claimed in the application. Ultimately it might help</p>	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>to avoid the need for enforcement action against breaches of the DCO, which is in the interests of all parties.</p> <p>The EAG and BNG monitoring</p> <p>22. Throughout the examination, the Council has taken a consistent approach, requesting on a number of occasions that the Applicant makes a financial contribution so that the Council can carry out independent verification survey monitoring of the performance of the proposals for BNG, and take part in the EAG. As set out above in paragraphs 11 and 12, DEFRA and MHCLG's position appears to be in alignment with the Council on this matter. These include:</p> <ul style="list-style-type: none"> • REP1-056 - Local Impact Report, paragraphs 27.15, 27.18 and 27.19 • REP2-045 – responding to ExQ1 ENC.1.29 • REP3-055 – responding to ExQ2 ENC.2.09 • REP4-022 – paragraphs 3.4 – 3.21, together with Appendix C • REP5-030 – paragraphs 13 – 18, including providing an indication of the order of likely BNG monitoring fees <p>23. To grasp the opportunity to deliver the full amount of BNG claimed as a planning benefit, the Council therefore proposes the following:</p> <ol style="list-style-type: none"> 1. the DCO is modified to add a new, or amend an existing requirement to specifically secure the setting up of the EAG in connection with monitoring of BNG and other ecological measures 2. the FLEMP should be amended to include draft terms of reference for the EAG, either in the main text or in an appendix – with cross-referencing in the modified DCO – including a stipulation that NKDC and LCC are to be members of the group 3. Other consequential changes should be made to the FLEMP text to refer to the above points 1 and 2 4. Provision should be made for the funding of the Councils' participation in the ESG – either through an additional article in the DCO, or through a s.106 agreement 5. Provision should be made for the funding of the Council's own BNG survey monitoring, again either 	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>through an additional article in the DCO, or through a s.106 agreement. As set out above and below, for simplicity the use of an Article as adopted at the Beacon Fen Energy Park would be the preferred option and could be easier to conclude between parties.</p> <p>24. The Beacon Fen Energy Park provides a useful example of how this can be achieved. The examination into this proposal closed on 23rd February 2026. A copy of the Final Draft DCO (Rev 9) was submitted at Deadline 8, and extracts including Article 50 and Requirements 7 and 8 are repeated at Annex 2 to this document.</p> <p>25. Together, Requirements 7 and 8 would secure the submission and approval of a detailed LEMP, substantially in accordance with the outline LEMP submitted to the examination, and specifically requiring terms of reference for the 'Ecological Steering Group' (ESG, equivalent to the Fosse Green Energy EAG) – including representation for each relevant planning authority. Extracts from the outline LEMP for Beacon Fen are provided as Annex 3 to this submission, including draft terms of reference for the ESG, and which would involve as a minimum one representative from each of NKDC and Lincolnshire County Council.</p> <p>26. The funding for council attendance at the ESG was included within the sums referred to in article 50(1) (a) and (b). It should be noted that the sum for NKDC is much larger than that for the County Council, as it also provides for a financial contribution for NKDC to carry out its own BNG monitoring surveys, acting as a verification check on the applicant's monitoring results. The Applicant agreed to this approach.</p> <p>27. Including funding provisions for EAG attendance and BNG verification monitoring in an article within the DCO, as is the proposal for Beacon Fen, would save time and legal costs. Because of outstanding uncertainties regarding the number of EAG meetings the Council might attend (please see earlier paragraphs), it has not been possible to provide a fixed sum for that portion of NKDC's</p>	

Question Number	Question to	Question	IP Response (NKDC)	Applicant's Response
			<p>costs under item (a) below. However, the suggested wording for such an article is set out below1.</p> <p>50.—(1) Prior to the commencement of the authorised development the undertaker must make funding contributions—</p> <p>(a) to North Kesteven District Council in the sum of £XXX;</p> <p>(b) to Lincolnshire County Council in the sum of £XXX;</p> <p>(c) to North Kesteven District Council in the sum of £XXX;</p> <p>and</p> <p>(d) to North Kesteven District Council in the sum of £XXX.</p> <p>(2) Each of the relevant planning authorities is to allocate the funding contributions referred to in paragraphs (1)(a) and 1(b) to the reasonable costs of their representative in being part of the Fosse Green ecological advisory group pursuant to the landscape and ecological management plans approved pursuant to requirement 8.</p> <p>(3) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(c) to carry out biodiversity net gain monitoring surveys</p> <p>(4) North Kesteven District Council is to allocate the funding contribution referred to in paragraph (1)(d) to officer time, materials or other measures for establishing, publicising and maintaining its Stepping Out (or successor) programme including taking photography of new path sections, creating PDF maps available for public download, making and installing wayfinding signage, rubbish bins, and footfall counters, and maintaining sections of routes outside the Order Limits.</p> <p>(5) The funding contributions referred to paragraph (1) shall be adjusted on each anniversary of the date this Order comes into force up until the point of payment by a percentage equal to the index value of the Consumer Price Index (CPI) most recently published prior to that anniversary, provided that in no event shall any annual adjustment exceed 5%.</p>	

Table 3-3: Applicant's Response to the responses provided by the Environment Agency [REP5A-050] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (Environment Agency)	Applicant Response
WE.3.01	Applicant LCC Environment Agency	<p>Assessment of effects - water run-off, operational phase</p> <p>a) Applicant: Page 85 of the Flood Risk Assessment [REP3-012] states that the research by Cook and McCuen notes boundary swales, as well as good, vegetated ground cover, is a suitable mitigation measure to counter any non-significant increase in runoff from a solar panel field. What consideration was given to boundary swales around the solar array areas to address runoff from the panels in addition to suitable planting?</p> <p>b) All: In responding to ExQ1 WE.1.05(b) concerning the monitoring of water run-off from the proposed solar panels, the applicant in [REP2-029] stated that this would be picked up as part of the monitoring identified in section 6.9 of the FSMP. The second bullet point in paragraph 6.9'1 of the FSMP [REP4-010] addresses monitoring of soil conditions and refers to the "created green space areas". Comment on whether the wording of the second bullet point in paragraph 6.9.1 of the FSMP is sufficiently clear to ensure that the monitoring would apply to the areas under the solar panels? If not suggest appropriate wording.</p>	<p>Whilst the Applicant in their response to ExQ1 [REP2-029] suggests that monitoring during the operational phase will be in section 6.9 of the Framework Soil Management Plan (FSMP), we believe this is specifically in relation to soil compaction and channelisation of water. As we stated in our response to ExQ1 [REP2-049], water quality monitoring is committed to in the Framework Operational Management Plan (FOEMP) [REP1-033 & REP1-034 – now REP5-013 & REP5-014], and we are named consultees in the Draft DCO Requirement 13 [REP2-005 – now REP3A-004]. Therefore, our position remains the same as in our Deadline 2 Submission [REP2-049], which is that we consider the mitigation measures and monitoring are sufficient from a water quality perspective.</p> <p>If alternative wording is required, we would make the following suggestion, which is the same as in Table 6, section 3.5 in the FOEMP [REP3-019]:</p> <p><i>Specific requirements and frequency of monitoring will be confirmed in the detailed OEMP(s) and the Water Management Plan (WMP), as relevant.</i></p>	<p>The Applicant agrees that the mitigation measures and monitoring committed to are sufficient from a water quality perspective, and notes that, as set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. WE.3.01), paragraph 6.9.1 of the Framework SMP [REP5A-018] has been updated (submitted into Examination at Deadline 5A) to note the inclusion of planted areas beneath panels with regards to monitoring of soil conditions.</p>

Table 3-4: Applicant's Response to the responses provided by Historic England [REP5A-051] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (Historic England)	Applicant Response
HE.3.01	Applicant Historic England	<p>SoCG – archaeology</p> <p>In the SoCG between the applicant and Historic England submitted [REP3A-011] some matters are identified as being under discussion:</p> <ul style="list-style-type: none"> • 4.1.3 - acceptability of the Methodology for Appendix 7-G: Detailed Gradiometer Survey Report • 4.1.4 - acceptability of the Methodology for Appendix 7-H: Written Scheme of Investigation for an Archaeological Evaluation • 4.1.11 - acceptability of mitigation measures in relation to buried archaeology proposed during operation and contained within Management Plans <p>In the applicant's Deadline 3A submissions' covering letter [REP3A-001] it is stated that the applicant, LCC and Historic England "<i>are in agreement that the Framework Written Scheme of Investigation, together with the subsequent work and activities secured under Requirement 11 of Schedule 2 to the draft Development Consent Order [REP2-005], can adequately manage the risk of discovering as yet unknown buried remains, with a suite of mitigation options available to avoid or adequately minimise adverse effects during construction, operation (including maintenance) and decommissioning of the Proposed Development.</i>"</p> <p>Confirm whether that means that the three areas identified as being under discussion in the SoCG [REP3A-011] are now agreed. If not, explain what further</p>	<ul style="list-style-type: none"> • 4.1.3 Historic England is content with the iterative approach set out in the Framework Archaeological WSI and the reporting of investigations undertaken thus far (as set out in the updated documentation submitted up to deadline 3a). • 4.1.4 Historic England is content with the iterative approach set out in the Framework Archaeological WSI and the reporting of investigations undertaken thus far (as set out in the updated documentation submitted up to deadline 3a). • 4.1.11 There is a remaining need for a mechanism to secure the effective integration of the soils management plan and the ecological management plan with the archaeological approach set out in the framework WSI and avoid conflict between competing considerations between these or other relevant plans. Works subject to these three considerations need to be coordinated via the CEMP as design develops through the post DCO period into construction, operation and decommissioning including any works associated with reinstatement to previous land uses. <p>We are working with the applicant to update the SoCG to reflect the above latest position.</p>	<p>The Applicant acknowledges that the measures within the various environmental management plans and site specific WSIs will need to align. The Applicant will nominate a Project Manager after receipt of any consent who will coordinate the preparation of the respective management plans and WSIs, along with the discharge of any other pre commencement Requirements. The relevant planning authorities will then be responsible for reviewing any submissions intended to fulfil these Requirements, under the Draft DCO [REP5A-006], and therefore the opportunity to check and confirm that these plans have been coordinated.</p>

Question Number	Question to	Question	IP Response (Historic England)	Applicant Response
		assessment would be required to address any remaining areas of disagreement and identify the timescale for completing any such assessment.		

Table 3-5: Applicant's Response to the responses provided by National Grid Electricity Transmission plc [REP5A-052] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (NGET)	Applicant Response
GC.3.04	Applicant NGET	<p>Implications for the proposed development were the proposed Navenby substation not to be consented and/or constructed</p> <p>NGET in responding to ExQ1 GC.1.14 has commented "<i>NGET considers that the deliverability of the proposed solar farm 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</i>" [REP2-051]. The applicant's response to ExQ1 GC.1.14 included in [REP2-029] states "<i>...Under the commercial agreement between the Applicant and NGET, should no new substation at Navenby be available, it would fall to NGET to find an alternative point of connection for the Proposed Development. This connection point would then be pursued by the Applicant subject to a separate consent, as is not uncommon in the offshore wind context ...</i>".</p> <p>The answers to ExQ1 GC.1.14 appear to be inconsistent with one another and the parties should confirm what the situation would be should the proposed Navenby substation not be consented and/or constructed, particularly whether NGET would be bound by the terms of the commercial agreement that the parties have entered into to make an alternative point of connection available to the undertaker for the proposed development.</p>	<p>NGET does not consider that the answers to ExQ1 GC.1.14 are inconsistent. NGET has a commercial agreement with the Applicant that requires NGET to provide the Applicant with a point of connection for the Proposed Development. In the event that the proposed Navenby substation does not come forward, NGET would be required to provide the Applicant with a reasonable alternative connection point but it would be for the Applicant to get to that alternative connection point and secure all appropriate consents. The deliverability of the Proposed Development in the event that the Applicant was required to connect into an alternative connection point is a matter for the Applicant to clarify however NGET agrees with the Applicant that this situation is not uncommon. As previously set out by NGET in its Written Representations for Deadline 1 and in its response to ExQ2 GC.2.01, a substation in the location of the proposed Navenby substation is critical for providing additional capacity on the transmission network in order to meet wider customer demand.</p>	<p>The Applicant notes that NGET's response aligns with that of the Applicant in the Applicant's Response to the Examining Authority's First Written Questions [REP2-029] (ref. GC.1.14) and the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. GC.3.04).</p>
DCO.3.13	Applicant NGET	<p>Part 8 of Schedule 14 (Protection of National Grid Electricity Transmission Plc as electricity undertaker)</p> <p>a) Both - in paragraph 85(3) (Application) what does the</p>	<p>a) Reference to paragraph 11(3)(b) is an error and should be a reference to paragraph 95(4)(b). NGET confirms that it is happy for the Applicant to make this amendment in the next draft of the DCO;</p>	<p>The Applicant has made appropriate amendments to the draft DCO [REP5A-006] with regards to items (a), (b) and (d) and these are reflected in the iteration of the draft DCO submitted at Deadline 5A.</p>

Question Number	Question to	Question	IP Response (NGET)	Applicant Response
		<p>reference to "... (but without prejudice to 11(3)(b))" mean?</p> <p>b) Both - in paragraph 86 (Interpretation) what does the abbreviation "NGESO" stand for? Although the abbreviation is used on several occasion it has not been stated in long form in paragraph 86. Why is it necessary to make any reference to NGESO, given the only reference to it is within paragraph 86?</p> <p>c) Applicant - Paragraph 90(2) states "Regardless of any provision in this Order or anything shown on the land plans, the undertaker mu[s]t not unless otherwise agreed in writing acquire any land forming part of the Navenby Site". Given the wording of paragraph 90(2) and the expectation that works relating to the construction of the proposed Navenby substation by NGET would precede the construction of the proposed development, explain why it would be necessary for the undertaker to be granted powers of compulsory acquisition relating to the site for the proposed Navenby substation because such powers could not be used in connection with the implementation of the proposed development without the use of that land being agreed with NGET, in effect negating any benefit of the acquisition powers sought? It appears that a commercial agreement entered into by NGET and the undertaker pursuant to the provisions of paragraph 90</p>	<p>b) The abbreviation should be updated to "NESO" and NESO stands for the "National Energy System Operator". Reference to NESO is required to ensure that the origins of the System Operator Transmission Owner Code are clear given the importance of this document to securing the safe and efficient operation of the electricity transmission system. NGET considers that wording to clarify the long form of NESO should be added to the next draft of the DCO and confirms that it is happy for the Applicant to make this change.</p> <p>c) Whilst question DCO.3.13 is directed at the Applicant, the drafting of paragraph 90(2) is of particular importance to NGET and should be retained as drafted within the DCO.</p> <p>This drafting ensures that it is clear on the face of the order that the undertaker cannot acquire any land forming part of the Navenby Site without the agreement of NGET. The ability of any party to use compulsory acquisition powers over land forming part of the Navenby Site would undermine the safe and efficient operation of the electricity transmission system and create a risk to infrastructure that is critical to ensuring the security of electricity supply. The drafting of paragraph 90(2) removes any risk of that happening.</p> <p>d) NGET agrees that both Article 34 and Article 35 should be referred to within paragraph 95(4)(b). NGET confirms that it is happy for the Applicant to make this amendment in the next draft of the DCO.</p>	<p>With regards to item (c), the Applicant maintains that, as set out in the Applicant's Response to the Examining Authority's Third Written Questions [REP5A-037] (ref. DCO.3.13), it must retain powers of compulsory acquisition of new rights over the relevant land to enable it to secure all required interests in land for the purposes of the Proposed Development.</p>

Question Number	Question to	Question	IP Response (NGET)	Applicant Response
		<p>could obviate the need for the compulsory acquisition of land forming part of the site for the proposed Navenby substation.</p> <p>Both - Within paragraph 95(4)(b) (Indemnity) a cross reference is made to Article 35 (Consent to transfer the benefit of the Order). However, under Article 34 (Benefit of the Order) in respect of proposed Work No. 5B (high voltage connection works for the proposed Navenby substation) NGET is intended to be a beneficiary of any made DCO for the proposed development. Is there a need to amend paragraph 95(4)(b) so that either Article 34 is referred to rather than Article 35 or both Articles 34 and 35 are cited?</p>		

Table 3-6: Applicant's Response to the responses provided by National Highways Limited [REP5A-055] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (NH)	Applicant Response
DCO.3.10	Applicant National Highways	<p>Part 5 of Schedule 14 (Protective provisions in favour of National Highways)</p> <p>With respect to:</p> <p>a) Paragraph 37(1) (Interpretation), is there a need to:</p> <ol style="list-style-type: none"> I. include the abbreviations “AMOR” and “NOMS” because they are not repeated within any other paragraph in Part 5? II. include a definition for “road space” within paragraph 37 in the interests of precision, given a definition for “road space booking” has been included and that term has been used on multiple occasions within Part 5 whilst the extent for the affected road space has not been defined? <p>b) Paragraph 42(f) (Prior approvals and security) “CV” needs to be defined or replaced with its long form if only used once within Part 5.</p> <p>c) Paragraph 46 (Opening) in Part 5 of Schedule 14, clarify the purpose of this paragraph, given that while the proposed development might cause some interference with the operation of the existing strategic road network, it would not involve the opening of new sections of the strategic road network. If it is considered that paragraph 46 would be necessary, a clearer explanation of what is meant by the opening of the strategic road network should be provided within paragraphs 37 or 47. tParagraph 50(b) (Security), clarify whether meeting</p>	<p>a) i) These abbreviations are widely recognised industry terms and are used not merely as abbreviations, but as alternative references to the relevant documents and systems. However, if the Examining Authority considers it appropriate to remove such references, National Highways would not object to their deletion.</p> <p>ii) National Highways proposed the inclusion of the following definition for road space. “road space” refers to space on the strategic road network made available to the undertaker to undertake activities on, in, under, or over the strategic road network. Activities may include, but are not limited to, excavations, installation of utility apparatus, construction or maintenance works, and the implementation of temporary traffic management measures.</p> <p>b) National Highways are agreeable to replacing the reference at paragraph 42(f) to “CV” with “Curriculum Vitae”</p> <p>c) This provision will be relevant where the Strategic road Network is closed to traffic to facilitate works. Following such a closure, National Highways requires 56 days notice before it is open to traffic again. Whilst we do not consider additional wording is required, if the ExA consider it helpful, we proposed the wording in red below is added to paragraph 46 to make the drafting clearer:</p> <p>If the closure of the strategic road network is required to deliver the specified works, the undertaker must notify National Highways not less than 56 days in advance of the intended date of opening to the public of the strategic road network and the undertaker must notify National Highways</p>	<p>The Applicant notes NH's comments and confirms that the necessary amendments have been made to the draft DCO [REP5A-006] as reflected in the iteration submitted at Deadline 5A.</p>

Question Number	Question to	Question	IP Response (NH)	Applicant Response
		<p>obligations to make payments should be “... under paragraph 41 ...” or under a different paragraph within Part 5 because paragraph 41 (Works outside the Order limits) does not appear to relate to meeting payment obligations.</p> <p>e) Paragraph 51(1) (Commuted sums) “FS” needs to be defined or replaced with its long form if only used once within Part 5.</p> <p>f) Paragraph 55(1), (2) and (4) (Land), would there be any land within the extent of the strategic road network boundary affected by the proposed development that is currently not owned by National Highways that would be capable of being transferred to National Highways from the undertaker under the provisions of paragraph 55? If not then paragraphs 55(1), 55(2) and 55(4) should be deleted.</p>	<p>of the actual date the strategic road network will be opened to the public within 14 days of that date.</p> <p>d) The reference at paragraph 50(6) should be to paragraph 44. National Highways requests the Applicant updates this in their next iteration of the dDCO.</p> <p>e) “FS” stands for Financial Services. National Highways are agreeable to replacing “FS” with the long form within Part 5</p> <p>f) At this stage, National Highways is not aware of any land that is proposed or required to be transferred to it. However, Article 10(2) grants the Applicant the power to alter any street within the Order limits, which includes the National Highways network. If works are carried out on the strategic road network pursuant to these powers, it is possible that land may be required as a consequence of those works. For example, if the A46 were to be widened, National Highways would require the freehold of the land beneath the widened section of the carriageway.</p> <p>In light of this, National Highways requests that these provisions are retained. The design of the authorised development remains at an early stage, and it is therefore it is not clear whether there will be a need for National Highways to rely on these provisions within its protective provisions to secure any required transfer of freehold land. This drafting has been agreed by the Applicant.</p>	

Table 3-7: Applicant's Response to the responses provided by Natural England [REP5A-056] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (Natural England)	Applicant Response
FS.3.01	Applicant NKDC LCC Natural England	<p>Framework Soil Management Plan – operation and decommissioning</p> <p>In [REP3A-037] reference is made to the Framework Soil Management Plan (FSMP) [REP4-010] not addressing the proposed development's operational and decommissioning phases.</p> <p>In response, the applicant in [REP4-018] states that "post construction", as covered in section 6 of the FSMP, is the operational phase and that the FDEMP is intended to capture all mitigation measures for the decommissioning phase, including those in relation to soils, with mitigation related to soils during decommissioning presented in Table 7 of the FDEMP [REP3-020].</p> <p>However, section 6 of the FSMP appears to be focussed on describing the use of soils and does not address, for example, soil protection measures during maintenance or replacement activities. Table 7 of the FDEMP identifies the mitigation/enhancement measure as being the SMP.</p> <p>Comment on whether the FSMP should provide a more explicit framework for the management measures that would be adopted to manage the soil resource during the proposed development's operation and decommissioning and if so, what should be included, for example measures to deal with soil compaction in areas under the proposed solar stations and the BESS.</p>	<p>Section 6.9 of the FSMP outlines maintenance/aftercare protocols, which are generally welcomed. However, the protocols set out here focus on the ongoing monitoring and aftercare of soils; does not set out how the soil resource will be protected during wider site maintenance activities.</p> <p>The purpose of the SMP is to set out how the mitigation commitments described within the Environmental Statement will be delivered during construction, operation and decommissioning, tailored to the soil and site properties.</p> <p>NE note that the risk to soils is minimal during the operational phase. However, continued tracking for maintenance activities, or soil handling required during equipment replacement or cable repair, has the potential to impact soils. As such, measures should be implemented via the SMP to avoid impacts to the soil resource as far as practicable. This need not be extensive within the FSMP, but should set the framework for it's inclusion within the final SMP, noting the Final SMP 'must be substantially in accordance with the framework soil management plan' (Draft DCO Requirement 15).</p> <p>The decommissioning phase has the potential to damage the soil resource, with impacts likely to be similar to those expected during construction. The SMP should include measures to avoid these impacts as far as practicable. Again, this need not be extensive within the FSMP, but should set the framework for it's inclusion within the final SMP, noting the Final SMP 'must be substantially in accordance with the framework soil management plan' (Draft DCO Requirement 15).</p> <p>NE would reference that many other similar projects include consideration of soil impacts during operation and decommissioning within their oSMPs: Great North Road Solar (REP3-066), Springwell Solar (REP3-043), Cottam Solar (REP3-010).</p>	<p>The Applicant updated the Framework Soil Management Plan (FSMP) [REP5A-018] at Deadline 5A in response to this question, updating the title of Sections 5 and 6 to reflect that it applies to all phases of the Proposed Development. The control measures presented in these sections therefore now apply to construction, operation and decommissioning.</p>

Question Number	Question to	Question	IP Response (Natural England)	Applicant Response
FS.3.03	Applicant NKDC LCC Natural England	Framework Soil Management Plan Given the importance of the SMP for avoiding soil deterioration, comment on whether there are other matters which should be included in the FSMP [REP4-010] to provide a clear framework for inclusion within a detailed SMP.	Aside from the comments made above with regard to consideration of the operational and decommissioning phases of the project, Natural England raise no further comments; generally note that the methods and measures set out within the oSMP are fit for purpose.	The Applicant notes this response.

Table 3-8: Applicant's Response to the responses provided by Network Rail Infrastructure Limited [REP5A-057] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
LR.3.01	Network Rail	<p>Land plots for which Network Rail has an interest</p> <p>The ExA notes: the response provided by Network Rail to ExQ2 DCO.2.29 in [REP3-066]; Network Rail's relevant representation [RR-205]; and the contents of the signed SoCG between Network Rail and the applicant [REP3A-018] which refer to Network Rail possessing rights in respect of Land Plots 13/3 and 13/6 as shown on the Land Plans [AS-104]. The ExA further notes that the Book of Reference [REP4-004] records that for Land Plots 13/3 and 13/6 there are Category 1 owners and/or occupiers.</p> <p>a) With respect to Land Plots 13/3 and 13/6, which appear to relate to a stretch of overgrown disused railway track in a cutting, identify what accommodation rights owed to unknown third party beneficiaries would be affected by the proposed development and explain how <i>"...any extinguishment, interference and/or suspension of these rights could negative[ly] impact Network Rail's ability to comply with such obligations to maintain the accommodation works"</i> and <i>"... may interfere with the safe and efficient operation of the Railway and could cause a serious detriment to the carrying on of Network Rail's statutory undertaking."</i> as referred to in [RR-205].</p> <p>b) Explain how the conveyance of Land Plots 13/3 and 13/6 in 1977 to the extant Category 1 owners and/or occupiers might be prejudiced by the implementation of the proposed development and why the inclusion of</p>	<p>a) The Rights described in our previous representations, appear to relate to accommodation rights owed to unknown third-party beneficiaries. Accommodation rights are rights owed to third party beneficiaries arising out of works which were required to accommodate neighbouring land severed when the railway was originally constructed and which Network Rail may still owe to neighbouring owners. Any extinguishment, interference and/or suspension of the Rights could negatively impact NR's ability to comply with such obligations to maintain the accommodation works, should the Applicant's proposed rights to lay cables interfere (e.g. if while laying the cables NR cannot access the Property to conduct works on accommodation works) as the benefit of the Rights subsists. Should NR's Rights not be protected adequately, it could result in NR breaching these obligations and incurring unnecessary costs as a result of claims for failing to meet its obligations, which they could not easily recover. While the Applicant has indicated they do not intend to extinguish the rights identified and proposes they are to co-exist with any rights to be acquired, the draft Order does not include any explicit protection for Network Rail's Rights, nor does it preclude any extinguishment or interference.</p> <p>b) The rights in the conveyance, are ones which NR has the burden of compliance with and satisfying their obligations in respect of the accommodation works. Should these be interfered with, extinguished or otherwise suspended in a manner which prevents NR from complying, as a consequence of the proposed development, Network Rail could be in breach of their obligations under the conveyance. It should be noted that these obligations may be owed to neighbouring owners and persons unknown, who may not be identified at present. As such these unknown beneficiaries may be prevented from exercising their rights despite nominally having the benefit of them. Further, it is not appropriate for NR's to be entirely reliant upon other parties electing to exercise such</p>	<p>The Applicant notes the comments provided by Network Rail and is engaging in discussions with regards to the requested Side Agreement. The Applicant notes that Network Rail's rights relate to historic conveyances and do not relate to any operational railway infrastructure. However, in line with Network Rail's request, the Applicant is seeking to agree an appropriate form of side agreement to provide protection for Network Rail's rights within the Order Limits of the Proposed Development. As noted in Network Rail's submission, such an agreement will negate the need for protective provisions for the protection of Network Rail to be included in the draft DCO [REP5A-006].</p>

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
		<p>protective provisions in favour of Network Rail in any made DCO for the proposed development would more appropriately protect Network Rail's interests as an alternative to any rights that could be exercised by the Category 1 owners and/or occupiers for Plots 13/3 and 13/6?</p> <p>c) With respect to the response to ExQ2 DCO.2.29 included in [REP3-066] explain what is meant by "<i>Given that the scheme is located within a railway corridor comprising operational railway and Network Rail land, Network Rail's standard form Protective Provisions must be included in the Order to ensure Network Rail's assets are properly protected during the construction and operation of the project as the Scheme ...</i>", given that none of the land within the proposed Order Limits, as shown on the Land Plan [AS-104], appears to be within a railway corridor comprising operational railway land.</p>	<p>rights, as they may ultimately choose not to do so, leaving NR vulnerable to claims for breach of obligation.</p> <p>At present, in the absence of any protective provisions, should the examining authority be minded to grant the Order, there are no provisions in the draft DCO which prevent such interference, suspension or extinguishment.</p> <p>NR would propose at a minimum, sufficient provisions which prevent the interference, suspension or extinguishment with their rights without consent are included.</p> <p>c) Although the Order Limits do not contain railway infrastructure, the scheme is surrounded by various railway lines adjacent to the boundaries. As such, construction traffic for the scheme may need to cross railway infrastructure such as a level crossing or bridge, which are owned by NR. If abnormal loads, or heavy goods vehicles are transversing railway assets this can cause damage to these assets, and/or may require further strengthening or reinforcement works to ensure safety of the railway underneath. However, as set out in the statement of common ground at 3.1.4, NR appreciate that the Applicant will have to engage with National Highways for transporting abnormal loads. NR's abnormal loads team has previously advised that developments involving Abnormal Indivisible Loads, will engage with National Highways and they will consult on bridges/level crossings. In light of this, and with regard to the specifics of this scheme, NR is content to close out its comments on this aspect of the matter.</p> <p><u>Side Agreement</u></p> <p>We would like to take this opportunity to provide an update in respect of discussions with the Applicant. Discussions are ongoing in respect of an appropriate side agreement to ensure the protection of network rail's rights as described in the book of reference. However, in the absence of such an appropriate agreement, Network Rail</p>	

Question Number	Question to	Question	IP Response (Network Rail)	Applicant Response
			will require it's preferred protective provisions to ensure adequate protection of the rights.	

Table 3-9: Applicant's Response to the responses provided by NatPower UK Limited on behalf of Navenby Energy Limited [REP5A-062] to the ExAs Third Written Questions

Question Number	Question to	Question	IP Response (NatPower)	Applicant Response
LR.3.02	Applicant Navenby Energy Limited	<p>Proposed BESS to the south of Hill Rise, west of Coleby</p> <p>a) Applicant - Comment on the contention made by Navenby Energy Limited in [REP3-070], as promoters of the proposed BESS to the west of Coleby and subject to the undetermined planning application 25/0533/FUL, that the proposed development "... creates a significant and unresolved land-use conflict". In responding to this question identify what design measures could be utilised to enable the proposed BESS and the proposed development to operationally coexist.</p> <p>b) Navenby Energy Limited –</p> <p>c)</p> <p>i. The applicant has summarised the details for this proposed BESS in section 2.2 of its Interrelationships Report [REP4-019]. In that summary the applicant has questioned where the intended point of connection to the transmission system would be for the proposed BESS. Clarify where the intended point of connection for the proposed BESS would be.</p> <p>ii. Explain precisely why "...the easternmost field cannot accommodate a cable easement for the technical and operational reasons set out above" [foot of page 3 in REP3-070].</p>	<p>Question LR3.02 b) i - <i>The applicant has summarised the details for this proposed BESS in section 2.2 of its Interrelationships Report [REP4-019]. In that summary the applicant has questioned where the intended point of connection to the transmission system would be for the proposed BESS. Clarify where the intended point of connection for the proposed BESS would be.</i></p> <p>The intended point of connection for the proposed BESS is to be the proposed Navenby National Grid 400kV substation.</p> <p>Question LR3.02 b) ii – <i>Explain precisely why "...the easternmost field cannot accommodate a cable easement for the technical and operational reasons set out above" [foot of page 3 in REP3-070].</i></p> <p>As set out in the Objection Letter, the Interested Party's concern is not solely the extent of the easement sought by the Applicant, but the operational consequences arising from the location and width of that easement within the easternmost field.</p> <p>The Interested Party is progressing a Long Duration Energy Storage ("LDES") project through Ofgem's Cap and Floor Scheme (the "Scheme") and is currently at the final Project Assessment stage.</p> <p>A key requirement of the Scheme is the ability to demonstrate not only a viable initial layout, but also the availability of realistic expansion land capable of accommodating future infrastructure necessary to increase storage duration and discharge capacity to the National Grid.</p> <p>The easternmost field forms the only contiguous and operationally suitable expansion area available to the Interested Party for that purpose. The Applicant's proposed cable easement would traverse and materially constrain that field.</p>	<p>The Applicant's position with regard to these points is set out in its response to NatPower's previous submissions (Any further information requested by the Examining Authority under Rule 17 of the Examination Procedure Rules) [REP5-028]. The Applicant maintains that there is a viable technical solution which would allow the Proposed Development and NatPower's BESS project to co-exist within the Order Limits of the Proposed Development. The Applicant's indicative plan demonstrating that technical solution is provided at Appendix 2 to that submission.</p> <p>The Applicant and NatPower are working in cooperation and discussions are ongoing in respect of a formal cooperation agreement between the parties.</p>

			<p>The field cannot accommodate the easement for the following technical and operational reasons:</p> <ul style="list-style-type: none"> • the easement would physically constrain the layout and future expansion of above-ground LDES infrastructure and associated plant; • the operational stand-off and protection requirements associated with the cable corridor would restrict the placement of equipment, access routes, foundations and ancillary infrastructure necessary for future expansion phases; • the presence of the easement would fragment the only viable expansion area into severed parcels, thereby preventing the delivery of a coherent and operationally efficient extension to the scheme; and • as a consequence, the Interested Party would be unable to demonstrate deliverable future expansion capacity as required under the Ofgem Scheme assessment criteria. <p>Accordingly, the concern is not merely one of reduced developable area, but that the Applicant's proposed easement would sterilise the only operationally suitable expansion land available to the Interested Party and thereby prejudice compliance with the requirements of the Scheme.</p> <p>The Interested Party and the Applicant have continued to engage constructively following submission of the Objection Letter in order to explore whether a mutually acceptable solution can be identified. The Interested Party is confident that a solution will be found.</p> <p>Conclusion</p> <p>To summarise the above, the Interested Party will continue to engage positively with the Applicant in the hope that the Objection Letter can be formally withdrawn before the closing of the examination on 15 June 2026.</p>	
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