

Section A

This section deals with the Applicant's response to the ExA's Rule 17 request for further information regarding overplanting (REP6-031).

A.1 It is disappointing that the Applicant has **failed to produce any calculation showing justification of a 1.6 overplanting ratio using solely NOCT data** despite now being asked on a number of occasions. I have repeatedly shown calculations demonstrating that an overplanting ratio of 1.17, effectively reducing to 1.02 in year 30, is acceptable. The Applicant has not suggested that my calculations are incorrect, the Applicant has instead ignored my submissions.

A.2 In response to the ExA (REP6-031 Page 2) the Applicant states, *"The ExA is correct in its statement that the same number of solar panels would be required in both the STC and NOCT scenarios to achieve the maximum output of 240MW(ac) at the end of the anticipated 30-year lifetime for installed solar panels."* **This statement and no previous statement from the Applicant justifies the ACTUAL NUMBER OF PANELS.** REP4-031 Paragraph B.1.1 shows that for either STC or NOCT, starting at Year 1 with an overplanting ratio of 1.2 results in an effective overplanting ratio in Year 30 of at least 1.0. The Applicant was asked why, at REP3-036 Table 2, STC was not shown to end at an effective overplanting ratio of approximately 1.0 in Year 30; the question was ignored.

A.3 To reiterate: REP3-036 5.3.7 states *"Since the purpose of overplanting is to ensure that generating levels are maintained in the real world, it is NOCT output rating that is used to derive the level of overplanting required."* REP3-036 Table 5.2 for NOCT commences at 1.17 in Year 1 ending at 1.02 in Year 30 ie for NOCT:

	Effective DC Capacity (MWp)	Effective Overplanting
Year 1	279.89	1.17
	↓	↓
Year 10	268.75	1.12
	↓	↓
Year 20	256.90	1.07
	↓	↓
Year 30	245.57	1.02

This demonstrates that applying NOCT starting in Year 1 with a 1.17 overplanting ratio, results in a Year 30 effective DC capacity output of 245.57 MWp with 1.02 effective overplanting. Allowing for a 98% DC to AC conversion rate (REP2-029 Page 10) gives a 240.66 MW(ac) output in Year 30.

A.4 Quite simply, the overplanting ratio should be no higher than 1.2 yet the Applicant has inflated this by 33%. This is some 139,250 panels more (fixed south facing option) and, more importantly, an additional approximate 125ha of land needlessly consumed.

Section B

This section deals with the Applicant's response to the ExA's Rule 17 request for further information (PD-031).

B.1 Further to the ExA's question to Phillips 66 (P66) regarding potential AC interference from the cable crossing affecting the pipeline, it is noted that the concern of P66 is regarding the aggregate impact of AC interference to the pipeline arising from the Fosse Green Energy circuit in addition to the existing AC interference from the overhead lines.

B.2 REP5-027 page 4, depicts the lowest overhead power lines as being 25.5m above ground level. At REP5-036 paragraph 11, PRAX/P66 state that the minimum separation between the Fosse Green Energy circuit and the outermost conductor of the existing NGET OHL (National Grid Energy Transmission Overhead Line) is to be 30m (this is reiterated by the Applicant at REP6-032). It is assumed this separation distance has been calculated as the minimum required that would result in an acceptable level of AC interference to the pipeline. Therefore, the Fosse Green cable must be **at least 4.5m below ground level** (30 – 25.5m).

B.3 Yet at REP6-032 the Applicant only refers to a minimum 600mm separation between the Fosse Green Energy (FGE) circuit and the pipeline. As the pipeline sits at a depth of 900mm and assuming that the FGE circuit is 600mm below it, the FGE circuit will be at a depth of circa 2m below ground level (allowing up to 500mm for diameter of the pipeline). Therefore, on the data provided, the **FGE circuit needs to be a further 2.5m deep than currently stated**. At that level (4.5m below ground level), Horizontal Direct Drilling will be going through limestone bedrock; this will transmit significant vibration and, most likely, lead to fracking of the rock, neither of which appear to have been assessed by the Applicant.

[It is noted that the diagram on page 4 of REP5-027 shows the lowest OHL support at 25.5m above ground level. Depending upon at which point between pylons the FGE circuit crosses the pipeline, the looping of the OHL may further reduce this separation distance.]

Section C

This section provides comment on the Applicant's Response to Deadline 5A Submissions. All quotes in italics and page numbers refer to REP6-030 unless otherwise stated.

Decommissioning Costs

C.1 Pages 24 and 39 state *“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.”* This commitment to delivering a project was not evident at Mallard Pass where the same Applicant has sold the land before the start of any construction. Windel Energy specialises in “taking renewable sites from early origination up to “ready to build” status – this is hardly a statement of long-term commitment. Details are not so obvious for Recurrent Energy, but a number of solar projects have been sold subsequent to successful application in the UK, Argentina and Australia. Page 12-17 to APP-037 states *“The Applicant is **committed** to setting aside money for decommissioning the Proposed Development.”* As the Applicant has evaded this question about how the money will be set aside on a number of occasions, a similar ‘commitment’ *“to responsibly delivering the Proposed Development throughout its entire lifetime, inclusive of its decommissioning”* can only carry little evidential weight.

C.2 Page 39 states *“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, ”* There cannot be any **experience** of decommissioning of large scale projects in the UK, as none has taken place. The Applicant states *“The decommissioning costs provided”*. Where are they provided? Where is the detail? What is the *“foreseeable data”* referred to on Page 39 and where can it be found?

Storm Damage and Contamination

C.3 Page 43 states *“.... Contamination risk depends heavily on how runoff is managed”*. REP3-014 Paragraph 4.1.1 states *“.... It is assumed that rainfall currently permeates into the ground where it falls”* The next paragraph states *“This Framework Surface Water Drainage Strategy (Drainage Strategy) for the Principal Site aims to mimic the natural drainage conditions as far as possible”* The next paragraph, regarding mounting of the solar panels states *“This prevents sealing the ground with an impermeable surface beneath the solar panels, allowing rainfall/runoff to infiltrate to ground ...”* This clearly suggests that, other than the management of firewater for a BESS incident, any contamination resulting from storm damage to the solar panels will be allowed to permeate in the ground with potential pollution to the Protected Drinking Water Area. Whilst, providing some risk assessment regarding contamination from firewater, the Applicant appears to have provided no risk assessment regarding the potential impact of heavy metal contamination arising from damage, including storm damage, to solar PV panels.

Hedgerows/PRoW & Population Level Health

C.4 At Page 44 the Applicant refers to the response to a previous IP. The response to the IP does not address all the issues I raised.

Food Security

C.5 At page 94, in disagreeing with NKDC *“The Applicant considers there to be no potential for significant effects on food production.”* The Applicant again refers to *“the key document on UK food security is the Defra UK Food Security Report 2024...”* To repeat myself, on 20 Jan 2026, the Government published a national **security** assessment *“Global biodiversity loss, ecosystem collapse and national security”*. I have referred to this document on a number of occasions and the Applicant has repeatedly ignored my comments. **Given this is a Government document, 13 months more recent than the Defra 2024 Paper, which includes a stark warning about food security, it is beyond belief that the Applicant does not consider it to be significant in a debate regarding FOOD SECURITY.**

Section D

‘Temporary’ Nature of the Proposed Development

D.1 The Applicant has pointed out the temporary nature of this 60 year proposal. Yet the Applicant acknowledges it may be longer; regarding decommissioning activities the Applicant states (REP6-012 Paragraph 2.3.1) *“Should the Proposed Development be judged viable to continue operating at this point additional consents beyond the remit of this DCO application would be required.”* Given this statement, and given the requirement to present a realistic worst-case approach in accordance with the Rochdale Envelope, the Applicant cannot possibly predict whether subsequent DCO consents would still grant a ‘temporary’ status to that development. Hence, the ES which is based upon a time-limited 60 year consent for environmental impact, needs to consider the potential for a much longer period with associated greater impacts.

D.2 Given that, if approved, the proposed National Grid Navenby Substation would be an existing point of contact in 60 years time, there is a significant likelihood the proposed development will morph into a follow-on energy generation facility.

Section E

E1. Given that this is the final Deadline, it is worth noting a number of instances that has typified the challenges in addressing this examination. The following table lists just **a few** of the areas encountered:

Category	Comments	Reference
Errors	The Applicant appears to pride itself on professional judgement. The, contradictions, inconsistencies and factual inaccuracies, exacerbated by the poor standard of paperwork, has made it highly challenging or impossible to follow any lines of logic. Overall, the standard of documentation is not what would be expected of a “Design Champion”.	REP6-006 (Page 15)
	Chapter 12 paragraph 12.10.5 sets out 25 schemes taken from the short list of developments and which	REP4-018 (Page 71)

	were taken into account in assessing the cumulative impact of other developments. The Brant BESS scheme was not included in the list. The Applicant states <i>"The Brant BESS scheme ... was omitted in error."</i>	
	Link 11 Traffic Flows: <i>"The adjusted magnitude for Link 11 should be Medium (rather than low)."</i> The previous magnitude assessment was either an error or a misjudgement.	REP4-018 (Page 73)
	The Applicant states <i>"There are no HGV movements in the AM & PM hours..."</i> This would make for a quiet construction period. Does the Applicant mean AM & PM peak hours?	REP4-018 (Page 73)
	<i>"The Applicant did not intend to suggest the new planting will entirely screen the proposal in year 1 and acknowledges a typo in REP2-030."</i> 'Regarding the typo, the wording in REP2-030 was <i>"There are no significant medium- or long-term visual effects anticipated on residents of Witham St Hughs as, by Year 1 (and by extension at Year 15) of operation, the proposed landscaping would have matured such that views of solar PV infrastructure within the Principal Site would be screened."</i> It is difficult to see how a mere typo could change the meaning of this statement.	REP2-030
	The Applicant incorrectly infers that the PRAX/BPA pipeline carries gas not aviation fuel.	REP5-027
	<i>"Chapter 12, Socio Economic and Land Use [AS-012] explains that the installation of solar PV cannot lead to a significant effect on soils."</i> AS-012 is 'Historic Environment'. Does the Applicant mean APP-037?	
	The advertisement in the Lincolnshire Echo for the hearings scheduled for March, incorrectly referred to the previous hearings in January. Regardless of who was at fault (the Echo state they only print what is sent to them) it is clear that the Applicant did not even check that this important notification was correct. The Applicant's failure to check the published data immediately and take remedial action, was compounded by the absence of any obvious visual notifications in the local area.	
	The Framework LEMP has been updated to correct the drafting error at paragraph 5.3.58,	REP5A-023
Contradictions	Hedgerow removal. Draft DCO totalled 1.98km of hedgerow removal. APP-194 totalled 3.48km of hedgerow removal. Both of these documents, published at the same time, show a discrepancy of 1.5km or 76% of the DCO figure.	APP-016 APP-194

	Funding for Decommissioning. • All aspects of the Proposed Development are included in the Funding Statement, but decommissioning was not included in the list of activities. • The Applicant acknowledged that decommissioning costs are not included in the Funding Statement. • The Funding Statement was updated to include the word “decommissioning” with no increase in the capital cost of the project.	APP-021 REP1-047 (Page 352) REP2-030 (Para 1.1.8)
	The Applicant initially said there would be off-site use of soils. Then the Applicant said there would be no off-site use of soils.	REP4-011
	BESS Import/Export: <i>“As the lifetime generation figure of the BESS is significantly less than that of the Proposed Development, it is reasonable to assume that the battery will only store and discharge energy generated by the Proposed Development.”</i> At REP2-029 this statement is contradicted by the Applicant stating that the BESS would provide an export AND import capability ie. The battery will store energy from the grid in addition to the proposed development.	APP-031 (Para 6.4.76) REP2-029 (GC. 1.08)
	REP1-038 dated 20 Jan 2026, states ‘No site visit was undertaken as part of this assessment and report.’ Then the Applicant states in REP4-018 that the ALC survey reported at APP-161 (dated Oct 2024) a site visit was carried out to undertake the ALC survey. The fact that the later document states no site visit was carried out, suggests that the data underpinning the Report at REP1-038 was desk based and not as a result of any field work.	REP1-038 REP4-018 APP-161
	Swales: In response to WE. 1.03, the Applicant states ... <i>the swales provide a secondary containment and temporary storage function. ...</i> REP2-030 states <i>“The Solar Stations, BESS Compound, and Onsite Substation will include some areas of concrete pads, therefore sealing the ground, within gravel compounds. The swales and access tracks will be crushed stone or gravel and therefore still able to drain, and not sealed as such.”</i> This contradiction is both confusing and concerning. Are the swales in close proximity to the BESS able to contain firewater or still able to drain?	WE. 1.03 REP2-030 (Page 5)
	The Applicant states <i>“Multiple customers, including the Applicant, approached NGET requesting connections in the vicinity of Navenby.”</i>	REP3-046 (Para 3.6.8)

	<i>“..... the Applicant was offered and subsequently secured a point of connection at the proposed National Grid substation near Navenby”</i> So, did the Applicant approach NGET, or was the Applicant offer a point of connection by NGET?	APP-185 (ES2)
	Permissive Path, Clay Lane, Bassingham There are 3 versions of the Clay Lane Permissive Path: • Shown completely within Clay Lane. Figure 3-2A Indicative Fixed South Facing Site Layout Plan and Figure 3-2B Indicative Single Axis Tracker Site Layout Plan. • Shown partially on & partially off Clay Lane. FLEMP Appendix A Figure 7.15.1 (note there is no legend for permissive paths on Sheet 9 but on other sheets the pink dotted line is marked as a permissive path). • Shown completely off Clay Lane. Streets, Rights of Way and access Plan, Sheet 9.	REP5-006 Sheet 3 REP-007 Sheet 3 REP5-017 Sheet 9 REP5-004 Sheet 9
Misleading Statements	Overplanting: The Applicant’s justification of the 1.6 ratio appears to be based on the mathematical impossibility that $1.17 = 1.6$. Sir Issac Newton, who lived only a few miles away would be proud if such an equation could be proven.	
	Initially, it was stated there would be no HGV traffic through Haddington. Then it was stated that there would be 84 daily HGV movements through the village. The latest figure is 109 daily movements.	REP4-018 (Page 72)
	AILs: The Applicant’s response to National Highways (NH) regarding Abnormal Indivisible Loads (AIL) REP1-033 paragraph 2.3.2 & APP-038 para 13.7.65 states no Abnormal Indivisible Loads (AILs) will be required for component replacement during operation. This was reiterated by the Applicant at ISH4 (Session 1, time 24.08+). APP-199 Para 5.7.1 states <i>“A 46.6m length vehicle to deliver the transformer to the Principal Site”</i> REP1-033 Table 2 gives a design life of transformers at 30-40 years. Does a transformer require transporting by an AIL? Is the design life of a transformer 30 to 40 years? At the very least, this is misleading in that the document only list ‘transformers’ under ‘key equipment’ in Table 2; no different types of transformer nor any different design lives.	REP1-033 REP1-033 Table 2
	The Applicant states that the NGET Tech Note clarifies the situation in the event the substation does not go	REP4-018 (Page 9)

	ahead. The Tech Note appears to provide no such clarification.	REP3-046
	Permanent Sealing: The Applicant commented referring to the proposed Springwell development “.... <i>It is noted that Springwell Farm differs from the Proposed Development by the presence of 86ha (213 acres) of Very High sensitivity land comprising Grades 1 and 2 within its Order Limits. 14 ha (35 acres) of this is solar PV with the potential for crushed gravel access tracks and impermeable concrete pad foundations on which Solar Stations will be sited.</i>” This is misleading in that the ExA recommendation report and the Sec of State decision letter on the issue of permanent sealing was in relation to the large areas of hard infrastructure on Grade 3a land. (Planning Inspectorate, Springwell, APP-051 Chap 11 Table 11-12 (Page 29) refers). <i>“The Applicant does not consider it has changed position on the issue of permanent sealing [of land].”</i> The Applicant has changed its position on many occasions.	
	Load Factor: The Applicant’s lifetime output figure to the grid can only result from a load factor of 15.4% but the Applicant maintains it is closer to 10%.	
Unanswered /Inadequately answered Issues	Food Security: not adequately addressed.	
	Energy Security: The Applicant quotes the need for energy security as justification for the proposed development but has, on a number of occasions, failed to respond when challenged.	
	Cheap Energy: not answered.	

E.2 Given the above, it is difficult to conclude that the proposed development is supported by a sound evidence base or that its impacts have been properly assessed. The Applicant has had multiple opportunities across successive deadlines to correct these deficiencies which it has failed to do in some critical areas. The Planning Act 2008 requires that decisions be based on **robust, reliable, and coherent evidence**. Given that the Applicant’s evidence is at times inconsistent, contradictory, and factually incorrect, the weight to be afforded to the evidence in these areas should be carefully considered.

PHILIP HEARD: IP NUMBER [REDACTED] : FOSSE GREEN DEADLINE 7 SUMMARY

Overplanting

In responding to the ExA's Rule 17 request for further information regarding overplanting (REP6-031), the Applicant merely states that the number of solar panels required would be the same for either STC or NOCT (REP4-031 Paragraph B.1.1 had already shown this). The applicant has consistently failed to justify the actual number of panels required. REP4-031 Paragraph B.1.1 shows that for either STC or NOCT, starting at Year 1 with an overplanting ratio of 1.2 results in an effective overplanting ratio in Year 30 of at least 1.0. It is disappointing that the Applicant has failed to produce a simple calculation showing justification of a 1.6 overplanting ratio using solely NOCT data.

Cable Crossing AC Interference

Further to the ExA's Rule 17 request for information (PD-031) regarding potential AC interference from the cable crossing affecting the pipeline, it is noted that the separation distance between the Fosse Green Energy (FGE) circuit (the 'cable') and the closest existing National Grid Energy Transmission Overhead Line must be at least 30m. The height of the lowest OHL pylon support is 25.5m above ground level; therefore the FGE circuit needs to be at least 4.5m below ground level. The Applicant appears to be proposing to position the circuit at 600mm below the pipeline, which sits at 900mm below ground level; this is within the 30m required separation distance.

Decommissioning Costs

The Applicant is "**committed** to responsibly delivering the Proposed Development throughout its entire lifetime, inclusive of its decommissioning." This commitment to delivering a project was not evident by the same Applicant at Mallard Pass. Equally, the Applicant has shown none of its **commitment** ".... to setting aside money for decommissioning the Proposed Development."

Storm Damage and Contamination

The Applicant appears to have provided no risk assessment regarding the potential impact of heavy metal contamination arising from damage, including storm damage, to solar PV panels.

Food Security

The Applicant has continued to ignore the most recent Government publication "Global biodiversity loss, ecosystem collapse and national security" which presents a stark warning regarding food security.

'Temporary' Nature of the Proposed Development

Notwithstanding the 60 year 'temporary' time-limited nature of the Proposed Development, the Applicant recognises the likelihood of continued energy generation. Given that an existing point of contact to the grid would be available at the time of potential

decommissioning, it is highly likely the land will remain industrialised and this worst-case scenario should have been reflected in the ES.

Documentation

The Planning Act 2008 requires that decisions be based on **robust, reliable, and coherent evidence**. Given that the Applicant's evidence is at times inconsistent, contradictory, and factually incorrect, the weight to be afforded to the evidence in these areas should be carefully considered.