



By email to:

FosseGreenEnergy@planninginspectorate.gov.uk

[REDACTED]
Senior Infrastructure Officer
Planning Services
Lincolnshire County Council
County Offices
Newland
Lincoln LN1 1YL
[Email:nsips@lincolnshire.gov.uk](mailto:nsips@lincolnshire.gov.uk)

Date: 09 June 2026

Dear Sir/Madam,

**Application by Fosse Green Energy Park Limited for an Order Granting Development
Consent for the Fosse Green Energy Park Project.
Deadline 7 Submissions for Lincolnshire County Council (LCC)**

LCC comments on Deadline 6 documents

Please see the below comments from LCC on Deadline 6 documents submitted into the Fosse Green examination. Where no further comments have been made in relation to a particular topic or document, LCC's position as stated at previous deadlines stands.

REP6-018 - Framework Landscape and Ecological Management Plan

7.1.9 and Appendix C: The Council welcomes the inclusion of a draft Terms of Reference (ToR) for the proposed Ecological Advisory Group (EAG) at REP6-018, Appendix C. The Council maintains its previously stated opinion (REP4-020) that the membership of the EAG should include representatives of the Host Local Authorities alongside representatives of the Applicant's Team. The Council also notes that details of how the group will be funded, as requested in The Council's response to ExQ3 ENC.3.02 (REP5A-043), are absent from the document.

The Council also notes that in PD-028 the ExA requests that *"...in the interests of consistency the provisions of the FLEMP should be more reflective of the equivalent Springwell management plan."* The Springwell OLEMP includes a draft ToR for a proposed Ecological Steering Group. This draft ToR includes specific reference to the inclusion of the host Local Authorities in the membership of the group and outlines details of how the group will be funded. The Council therefore argues that the current version of the FLEMP (REP6-018) is not consistent with the Springwell OLEMP.

In PD-028 the ExA recognises the importance of the Council's ability to monitor the delivery of ecological enhancement measures throughout the life of the development if positive weight is to be given to these measures. The Council is concerned that without the involvement of the host Local Authorities in a properly funded EAG, monitoring of the delivery of ecological mitigation and enhancement measures is likely to result in unfunded costs being incurred by the host Local Authorities. Without independent monitoring, the Council argues that the proposed ecological enhancements should not be given positive weight.

REP6-026 - Permitted Preliminary Works Environmental Management Plan

The Council reiterates its previously stated opinion (REP5a-041) that a mechanism for agreeing the scope of pre-commencement ecological surveys with relevant consultees should be included.

REP6-016 - Biodiversity Net Gain Report

The Council notes the updates in REP6-016 and confirms that outstanding issues relating to BNG have now been resolved.

REP6-030 - Applicant's Response to Deadline 5A Submissions – incl. IP D5A Submissions, comments on Applicant D5A submissions, responses provided by IPs to the ExA's Proposed Schedule of Changes to the dDCO, responses by IPs to the ExQ3s, and other submissions

Framework LEMP pg.17 - The Council notes there is no commitment from the applicant to make the requested text changes to the LEMP, no commitment to re-planting after establishment period ends, no change to 'matching' species (5.3.11), and no mention of replacement planting in Long Term Maintenance descriptions. There is no willingness to avoid plant failures seen in other schemes by extending the establishment period to 15 years. The applicant's argument is that other NSIP consented schemes are 5 years so they will not change their approach.

However, in the context of recent extreme weather, the Council's position is that this timeframe is inadequate to guarantee the proposed planting outcomes assumed in the 15-year LVIA assessment. Therefore, LCC and the Applicant's positions remain unchanged.

Applicant's response to deadline 4 submissions, pg.17-19 – the Council notes no new reassurances that the applicant will take responsibility for ensuring planting succeeds over a 15-year establishment period, no modifications to the species lists, no change in position on the 'Stepping Out Walks, and no agreement on cumulative impacts. Therefore, LCC and the Applicant's positions remain unchanged.

GC.3.06 - Annual maintenance schedules. Response to LCC comments on pg. 56 – The Council welcomes the addition to the FOEMP of the phrase "*and proposed waste management route*" to the contents of the annual planned maintenance schedule in response to our previous comments. However, the Council remains of the view that a year in advance is insufficient notice to plan provision of suitable waste management capacity.

Response to NKDC comments pg.80 – The Applicant refers to their previous responses regarding how they will manage their PV panel replacement programme. As previously confirmed by the Applicant (in the Statement of Commonality), a table in Appendix C of REP3-045 seems to confirm that they intend to replace 20% of panels p/a over 5 years. However, it is debatable whether this achieves the level of guarantee which NKDC are seeking.

The Council acknowledge the applicant's response to our comments on Question PE.3.07 in relation to visitor accommodation. However, as we have set out in responses made since in responding to question PE.3.07, we have concerns remaining in respect of the impacts of the temporary workforce's impact upon visitor accommodation capacity. We therefore maintain our position as set out in response to question PE.3.07.

For the archaeological section of this document the Council has not altered its position from its response to deadline 6 (02 June 2026) as such, deadline 6 comments stand.

Closing Comments

As represented within Lincolnshire County Councils Statement of Common Ground (SoCG) and Statement of Commonality (SoC) there are several matters that remain not agreed. Where reference to specific topic areas has not occurred below, the Council's comments within the SoCG/SoC stand.

Soils and Agriculture

The Council's position regarding soils and agriculture is that there is a clear conflict and tension with Central Lincolnshire Local Plan policies S14 and S67 and the Overarching National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy Infrastructure (EN-3), in relation to agricultural land impacts which needs to be factored into the planning balance. It is noted paragraph 2.10.29 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) confirms that land type is not a determining factor, and the Council fully accept that agricultural land impacts are one of a number of material planning considerations that the Examining Authority needs to consider and weigh in the overall planning balance. The Council also recognises that onshore and offshore electricity generation methods that do not involve fossil fuel combustion are considered to be Critical National Priority (CNP) infrastructure by virtue of the 2024 NPSs.

Nevertheless, taken collectively those policies remain clear and consistent in reiterating that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, poorer quality land should be preferred to higher quality land. In addition, whilst dating from 2015, the Written Ministerial Statement reference HCWS488 sets out that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. The Written Ministerial Statement (15 May 2024) is also an important and relevant consideration. This WMS emphasises elements of the 2024 NPSs and specifically mentions Lincolnshire in regard to clustering of solar farms and the need to give consideration to the cumulative impacts on agricultural land due to a number of solar farms in a small geographical area.

The updated NPPF (December 2024) remains an ‘important and relevant’ matter for the purpose of determination under section 104 of the PA 2008. The NPPF should be given significant weight as national planning policy. The updated NPPF notably removed footnote 63 that supported policy at Section 15 “Conserving and enhancing the natural environment” with regard to the availability of land for food production. To understand the context of the removal of footnote 63, it is helpful to refer to the “Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation” (12/12/2024). The Government response to question 82 (the removal of footnote 63) states that the reason for proposing the removal of the text was because it was unclear whether it “provided material benefit, especially as it gives no indication of how local authorities were to assess and weigh the availability of agricultural land when making planning decisions”. As many representations echoed these concerns, the footnote was removed.

The Government, however, go on to state that national policy remains clear that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. The removal of the text in footnote 63 does not change this commitment. LCCs position is that the removal of footnote 63 does not change the policy context for the determination of the Fosse Green Energy Park Project. The Government remains clear in that food security is important for our national security, and where the significant development of agricultural land is necessary, poorer quality land should be used in preference to land of a higher quality.

Lincolnshire has the largest combinable crop output of any UK county, with about 12% of England’s arable crop area. Its combination of climate, soil type and topography make the county ideal for a variety of crops with 437,591 ha of land given over to agriculture and horticulture in Lincolnshire, and producing by value circa 10% percent of England’s cereal, 25% of vegetables and 14% of industrial crops (sugar beet, oil seed rape and protein crops). This has led to the area having the UK’s leading concentration of fresh produce processors, traders and technology suppliers. This high level of production is vital to the county’s economy, with a total crop output of over £1,564 million and a total livestock output of £555 million in 2023. To preserve fresh produce and minimise supply chain distance, highly productive food hubs have built up in the south of the county. The importance of this sector for the local economy is reflected in the number of jobs it generates with an agricultural workforce of 12,000. Across the County, based on above total crop output values above, it is estimated that cumulatively (taking account of existing and potential NSIP and TCPA solar schemes) potential loss of crop income could be in the region of £50 million annually

LCC consider that the potential impacts on Best and Most Versatile (BMV) agricultural land in respect of the Proposed Development and cumulatively with other solar Nationally Significant Infrastructure Projects (NSIPs) that are emerging/known about in Lincolnshire are of concern. LCC will seek to protect high quality agricultural land in Lincolnshire (Grades 1, 2 and 3a) from development in accordance with its Energy Infrastructure Position Statement adopted 5 December 2023.

LCC considers the effects of the impact on 3a land, using the IEMA guidance, to be a Significant Effect. Notwithstanding the applicant’s reference to ‘temporary’ effects, the removal of 282.9

ha of grade 3a BMV land for a significantly extended period of time (60 years) from productive agricultural use warrants serious consideration in the overall assessment of impacts, particularly when viewed in cumulative terms with other solar developments across Lincolnshire. The effect at County level described in the application as 'not significant' is also questioned in view of the query of derivation of significance based on IEMA guidance.

Waste Matters

The Council still has areas of disagreement relating to waste matters. The Council continues to raise concerns over the potential cumulative impact of waste arising from NSIP and TCPA scale solar projects within Lincolnshire. The Council's concerns are not necessarily concerned exclusively with decommissioning, but also with the ongoing annual failure rates of solar panels cumulatively across the NSIPs that Lincolnshire is hosting and TCPA schemes which are operational, under construction or approved.

The Council continues to raise concerns surrounding recycling facilities for solar waste, as above this concern also relates to annual failure rates rather than to decommissioning alone. At present there are limited recycling facilities across the UK for solar waste. LCC has concerns that these facilities would not be present nor operational in time for waste arising from Fosse Green Energy Park and other solar projects across Lincolnshire.

The Applicant continues to cite the Examiner's Recommendation for the East Yorkshire Solar Farm, that: *"While the capacity of facilities to deal with the decommissioned solar PV panels is still evolving, I see no reason to disagree with the Applicant's view that the system will respond to demand over time. There is nothing to suggest that the type or number of panels involved in the application scheme would lead to particular difficulties in this regard."* However, as per LCC's previous responses, the Council still hold the view that the cumulative quantity of waste PV panels from this and other NSIP-scale projects mean that sufficient suitable recycling capacity is not guaranteed to be available.

Socio-economics

The Council maintains its position in respect of the impacts likely to arise from the temporary workforce staying within the area, and the travel to work area identified within which the overnight accommodation capacity has been calculated.

The Council considers that the applicant has overestimated the travel to work area, resulting in a higher number of overnight bed spaces being taken into account. The Council have concerns regarding the capacity of overnight accommodation to cater for the temporary workforce numbers quoted by the applicant. This concern increases significantly when the scope for overlapping construction periods with other nearby NSIP projects and/or a more realistic 60-minute travel to work area is also considered.

The fact that each NSIP project will have a different travel to work area is not disputed, however, there is little regard for the overlapping of travel to work areas of different proposals, and the overlap of construction periods.

The Lincolnshire visitor economy relies on the availability of overnight accommodation, especially during the summer months are at the time of major events within the City and wider County. The Council consider that there is a likelihood of construction demand having a negative impact on the availability of bedspaces to accommodate other visitors to such events.

It is therefore our position that in light of our outstanding concerns our position remains unchanged and we will have to agree to disagree with the applicant's position.

Archaeology

The issues flagged in response to the Applicant's documents submitted for all deadlines remain outstanding. The Council acknowledges that a sentence has been added to the Framework CEMP and reiterate that an Archaeological Clerk of Works as well as an agreed Archaeological Management Plan is required.

The Council note for example that the latest version of the Framework Decommissioning Environmental Management Plan (Rev 5) (REP6-012) continues to state that decommissioning activities are not anticipated to have a direct physical impact upon buried archaeological remains. LCC continue to disagree. The decommissioning activities are currently unknown and may involve a range of impacts on surviving archaeology, for example works that would go below the archaeological horizon such as subsoiling to ameliorate soil compression and restore soil health prior to reversion of the land for arable use.

There has been no further direct engagement between the Councils and applicant's archaeologist since the Framework Written Scheme of Investigation was shared with us on the 12th of March.

The Council are however pleased to see that section 3.2 of this document states that *'an Archaeological Clerk of Works (ACoW) will be engaged to oversee the relevant archaeological works and identify any potential construction, operation and decommissioning works which could affect the below ground archaeological remains.'*

This document also includes a commitment for informed archaeological evaluation and mitigation: *'as part of an iterative programme of informing the detailed design process, the provisional locations for those construction activities described above will be fed into the design for a programme of further trial trenching work'* (section 3.7) and that *'the results of the trial trenching will determine the scope of any further archaeological work (i.e. excavation) and / or opportunities to minimise and avoid disturbance to any discovered remains via preservation in situ'* (section 3.10).

The Council also recommend that there be an approved Archaeological Management Plan as is done with Ecology in NSIP schemes. This, along with the Archaeological Clerk of Works, would allow archaeology to become integrated into the standard NSIP process for future commitment and which can be easily referred to by the site management team and subcontractors rather than a suite of individual archaeological WSIs. The ACoW must be included in information sharing with the site management team for any works which would damage or destroy surviving archaeology.

All documents for developmental works with the potential to cause detrimental archaeological impacts should include detailed information including plans and sections as it becomes available through the evolving design process for the scheme.

As the site-specific impacts for these works are determined across the Order Limits this will inform the archaeological works required to establish the archaeological potential of areas to be impacted through sufficient evaluation to determine the presence/absence, extent, depth, significance and state of preservation of the archaeology. Site-specific understanding of archaeological potential will be essential once the full extent of developmental impact details have been determined across the scheme to allow those impacts which would destroy archaeology to be adequately mitigated.

Ecology

In relation to ecology and biodiversity, the Council welcomes the Applicant's general approach to ecological mitigation, as well as its commitment to delivering ecological enhancements and biodiversity net gain. However, the Council considers that the successful implementation of these commitments will require independent post-consent monitoring to ensure that they are delivered effectively and in accordance with the approved scheme. The Council also welcomes the Examining Authority's recognition in PD-028 of the importance of the Council's ability to monitor the delivery of ecological enhancement measures throughout the lifetime of the development, if these measures are to be afforded positive weight.

The Council is keen to work collaboratively with NSIP developers on ecological matters post-consent. A key mechanism for facilitating this collaboration is the establishment of regular communication channels, such as the proposed Ecological Advisory Group (EAG). However, the Applicant's current position regarding the membership and funding of the EAG would limit the Council's in this respect, and risks undermining the potential weight that could otherwise be attributed to the scheme's ecological benefits.

The Council therefore strongly urges the Applicant to reconsider its position and to commit to a more collaborative approach, working constructively with host local authorities and other relevant stakeholders through the EAG to ensure that the development achieves the maximum possible benefits for local wildlife.

Landscape and Visual

The Council also has areas of disagreement in relation to landscape and visual matters, full details remain with the SoCG and previous submissions into the examination.

By reason of its mass and scale, the Development would lead to Significant adverse effects on landscape character and visual amenity at all main phases of the scheme (construction, operation year 1, operation year 15). The Development has the potential to transform the local landscape by altering its character on a large scale across an extensive area. This landscape change also has the potential to affect a wider landscape character, at a regional scale, by replacing large areas of agricultural or rural land with solar development, affecting the current openness, tranquillity and agricultural character that are identified as defining characteristics of the area.

The Council disagree with the Applicant's conclusions on the cumulative assessment and judge that there may be significant cumulative landscape effects on regional landscape character areas and significant sequential cumulative visual effects on people travelling across the wider landscape as a result of other NSIPs in the area.

The Council would also highlight that the reliance on planted mitigation in a predominantly open landscape may introduce its own adverse effects, including changes to the perceived openness and rural qualities, and potential enclosure where currently absent.

Grid Connection

As the Council has stated throughout the examination, concerns remain surrounding the projects grid connection to the proposed National Grid Navenby Substation. The Council are of the view that a crucial aspect of this proposal is ensuring certainty about the grid connection. There is currently no existing grid connection available to the applicant for the Fosse Green Energy Park project and the development relies on connection to a new substation that is being promoted by National Grid at Navenby, which does not currently benefit from planning permission.

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.

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.

In conclusion the Council has set out the matters it considers that have not been addressed to its satisfaction in relation to soils and agriculture, waste matters, socio-economics, archaeology, ecology, landscape and visual and the project's grid connection into the proposed National Grid Navenby substation. Taking this into consideration with the identified unacceptable impacts on landscape character and loss of BMV land as a result of this project on its own and combined with the other Nationally Significant Infrastructure Projects locally and across Lincolnshire, when all these unacceptable impacts are all considered in the planning balance of the need for the scheme the only acceptable decision for the Secretary of State is to refuse this application for a Development Consent Order.