



Fosse Green Energy

EN010154

9.39 Applicant's Closing Statement

VOLUME

9

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Infrastructure Planning (Examination Procedure)

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1. Introduction

1.1 Purpose of the Closing Statement

- 1.1.1 This Closing Statement has been prepared by Fosse Green Energy Limited (the Applicant) to set out the Applicant's position on key matters which have arisen during the Examination of the application for a Development Consent Order (DCO) for the construction, operation, maintenance and decommissioning of the Fosse Green Energy Project (the Proposed Development).
- 1.1.2 This document does not introduce new information but provides a high-level summary of the Applicant's final position, with reference to its previous submissions, to provide clarity. This document does not set out the Applicant's full position with regard to each matter; the signposting fulfils this purpose. The matters have been included either because they are areas of outstanding disagreement between the Applicant and the local authorities (LAs) or statutory bodies, or because they are substantive matters which have been raised by the Examining Authority (ExA) or Interested Parties (IPs) during the Examination.
- 1.1.3 The signposting to the Applicant's previous submissions within this document is intended to assist the ExA and IPs in identifying the submissions that the Applicant considers relevant to the technical matter being discussed. This signposting is not intended to provide an exhaustive list of every submission on any given topic, but rather to draw attention to those that the Applicant considers to be of the most direct relevance.
- 1.1.4 This document does not take account of the submissions made by IPs at Deadline 6. The Applicant's responses to Deadline 6 submissions are set out in a separate document (Applicants Response to Deadline 6 Submissions **[EN010154/EXAM/9.38]**) which should be read alongside this Closing Statement as the Applicant's final position.
- 1.1.5 This Closing Statement does not deal with DCO drafting as a separate matter and, as such, it should be noted that the key remaining areas of disagreement with the LAs relate to:
- a. the interaction between the Proposed Development and National Grid's proposed Navenby Substation;
 - b. the definition of "maintain" (Article 2(1)) and Article 5 (power to maintain the authorised development);
 - c. the provisions of Article 40 (felling or lopping of trees and removal of hedgerows);
 - d. the provisions of Article 46 (procedure in relation to certain approvals etc.) in respect of the timescales provided;

- e. the drafting of Schedule 15 (procedure for discharge of requirements);
 - f. no provision for funding of BNG monitoring or participation by the LAs in the Ecological Advisory Group;
 - g. the provisions of Requirement 20 (Schedule 2) in that the drafting does not include a specific timetable for decommissioning works; and
 - h. no Requirement for the provision of a decommissioning fund.
- 1.1.6 This Closing Statement also does not deal with matters relating to compulsory acquisition and as such, the Applicant would highlight that:
- a. As set out in the final revision of the Schedule of Negotiations and Powers Sought submitted at Deadline 7, the Applicant has entered into voluntary option agreements the freehold owners of the land required for Solar PV and BESS infrastructure within the Principal Site and is in the process of finalising an option agreement with the final freehold owner for the Principal Site in respect of land required for the 33 kV interconnecting cables, which will also be utilised for the delivery of biodiversity net gain;
 - b. As also set out in the final revision of the Schedule of Negotiations and Powers Sought submitted at Deadline 7, the Applicant has agreed Heads of Terms for 10/14 of the landowners for the Cable Corridor; and
 - c. The Applicant has demonstrated that it is necessary, proportionate and justifiable to seek powers of compulsory acquisition under the DCO. As detailed in the final revision of the Statement of Reasons submitted at Deadline 7, the Applicant has demonstrated that the land for which compulsory acquisition powers are sought is required for the Proposed Development (or is required to facilitate it, or is incidental to it) and that there is a compelling case in the public interest for the inclusion of the compulsory acquisition powers within the DCO.
- 1.1.7 To conclude this Closing Statement, the Applicant has drawn together a summary of the relevant information on the key matters and presented the overall planning balance and case for the Proposed Development.
- 1.1.8 It should be noted that since the DCO application for the Proposed Development was submitted in July 2025, a revised suite of Energy National Policy Statements (NPSs) was published in December 2025 and designated in January 2026. Under the transitional provisions, the application will be determined in accordance with the suite of NPSs designated in January 2024 (the 2023 NPSs). However, under s104(2)(d) of the Planning Act 2008 (PA 2008) (Ref 1), the 2025 NPSs may be considered matters which are relevant and important to the Secretary of State's (SoS) decision. Accordingly, where appropriate, the Applicant has included reference to the 2025 NPSs. For clarity, references to the NPSs within this Closing Statement are to be taken as reference to the 2023 NPSs (being those which are directly relevant to the Proposed Development), unless indicated otherwise.

1.2 The Proposed Development and Application

- 1.2.1 The Proposed Development comprises the construction, operation, maintenance and decommissioning of a solar photovoltaic (PV) electricity generating facility with a capacity of over 50 megawatts (MW) and export / import connection to / from the National Electricity Transmission System. The Proposed Development is comprised of the Principal Site and the Cable Corridor and covers a total area of approximately 1,354 hectares (ha) (3,345 acres) located approximately 9km south and south west of Lincoln and lies within the administrative boundaries of North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC). The Principal Site is the area of the Proposed Development covered by the ground-mounted solar PV generating station including PV modules and associated development including Battery Energy Storage System (BESS) and associated infrastructure. The Cable Corridor is the area of the Proposed Development in which the 400 kilovolt (kV) and associated cables (the Grid Connection Cables) will be installed to facilitate connection to the proposed National Grid substation near Navenby.
- 1.2.2 A DCO is required as the Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(1) and 15(2) of the PA 2008 (Ref 1), as an onshore generating station in England with a capacity greater than 50 MW. The DCO application was submitted by the Applicant on 18 July 2025 and was accepted for examination on 15 August 2025.
- 1.2.3 The Applicant submitted a Change Request to make a minor modification to the Order Limits and minor amendments to the layout of the Proposed Development [**AS-103**]. The Change Request was accepted by the Examining Authority on 14 January 2026 (Annex B of [**PD-010**]).
- 1.2.4 A full description of the Proposed Development is provided in Chapter 3: The Proposed Development of the Environmental Statement (ES) [**REP1-015**] and the Location Plan [**AS-108**] shows the location and extent of the Proposed Development.

1.3 The Examination

- 1.3.1 The Examination opened on 6 January 2026 and the ExA intends to close the Examination on 15 June 2026. Before and during the Examination, the Applicant has worked positively to address and resolve matters raised by statutory consultees, IPs and members of the public. At each Examination Deadline, the Applicant has provided comprehensive responses to submissions from IPs.
- 1.3.2 The Applicant has agreed Statements of Common Ground (SoCGs) with key stakeholders and the latest positions are summarised in the Statement of Commonality submitted at Deadline 7 [**EN010154/EXAM/9.36**].

2. Summary of Key Matters

2.1 Need and Benefits of the Proposed Development

- 2.1.1 The Proposed Development will deliver a significant and vital contribution towards achieving the government's objectives for the UK energy system, which are to ensure that the supply of energy always remains secure, reliable, affordable and consistent with meeting the UK's legally binding greenhouse gas emission reduction target (paragraph 2.3.3, NPS EN-1) (Ref 2).
- 2.1.2 The Government's Clean Power Mission is to ensure that by 2030, UK electricity supplies are clean, and then stay clean as electricity demands increase significantly beyond 2030. Large parts of transport, heating and industry must decarbonise by switching from fossil fuels to low carbon electricity in the 2030s (pages 10-11,). The Government has established challenging capacity ranges for low carbon technologies, including flexible technologies, to support delivery of the Clean Power Mission. For large-scale solar, the capacity ranges are currently 45 gigawatts (GW) to 47GW by 2030, and 45GW to 69GW by 2035 (Ref 3, Connections reform annex (updated), Table 1). This strengthens the policy position (paragraph 2.10.10, NPS EN-3 (Ref 4)) that solar *"has an important role in delivering the government's goals for greater energy independence"*, and reinforces the Government's updated view that solar is at the heart of the Clean Power Mission (paragraph 2.10.2, NPS EN-3 (2025) (Ref 5)). Section 3 of this Closing Statement confirms that the Proposed Development comprises nationally significant low carbon infrastructure which is deemed to be Critical National Priority (CNP).
- 2.1.3 The Government reports that nearly 22GW of solar capacity was operational in the UK in April 2026 (Ref 6), meaning that a further 23GW to 47GW of large-scale solar schemes are needed to deliver the Government's current 2035 capacity range.
- 2.1.4 The Applicant has confirmed that NESO's Connections Reform process re-prioritised the solar component of the Proposed Development with a Gate 2 connection agreement, with a connection date to be confirmed but anticipated to be between 2031 and 2035 (Written Summaries of Oral Submissions Issue Specific Hearing 1 [REP1-046]). Therefore, the Proposed Development would play a vital role in supporting the Government's Clean Power Mission in keeping Great Britain's electricity supplies clean beyond 2030.
- 2.1.5 The Proposed Development will also help to reduce Great Britain's reliance on volatile fossil fuels, thus helping to protect consumers by shielding them from international energy price spikes and minimising energy-price-led inflationary effects (page 20, Ref 3).
- 2.1.6 Solar farms are one of the most established renewable electricity technologies in England and Wales, the cheapest form of electricity generation, and can be

built quickly (paragraphs 2.10.13 and 2.10.14, NPS EN-3, as reiterated in paragraphs 2.10.5 and 2.10.6, NPS EN-3 (2025)). Once operational, solar farms will help to reduce the wholesale cost of electricity (Section 6.3, Statement of Need **[APP-184]**).

- 2.1.7 The detailed design of the Proposed Development will seek to maximise the benefits it will bring to the decarbonisation, domestic energy security and affordability of electricity in the UK, adopting the latest technologies, within the parameters which have been assessed and secured. Section 5 of the Solar Technology Technical Guide **[REP3-036]** confirms that the Proposed Development incorporates overplanting, enabling it to contribute approximately 1% of the capacity of new large-scale solar schemes to meet the Government's 2035 capacity ranges. The Applicant has calculated (as set out in Section 9 of the Solar Technology Technical Guide **[REP3-036]**), that the Proposed Development would expect to contribute approximately 0.1% of estimated total UK electricity demand when it is energised.
- 2.1.8 This underpins both the unprecedented scale of new low carbon generation capacity needed to achieve clean power, and the important contribution the Proposed Development will make to that aim, including the significant beneficial effect on climate change through its greenhouse gas savings. Chapter 6: Climate Change of the ES **[REP3-006]** explains that the overall lifetime carbon saving relative to the current 2025 energy mix after considering embedded carbon emissions during manufacturing, transport and construction, and the operational and decommissioning stages, is 3,302,906 tCO_{2e} over the 60-year lifetime of the Proposed Development. In other words, the Proposed Development is predicted to avoid 3.3 million tonnes CO_{2e} compared with if the current energy mix were to continue as it is now. The carbon payback period (including if there is repowering) is approximately 4 years of operation.
- 2.1.9 Over the last decade, there has been significant decarbonisation of the grid. This trend is set to continue, but only if projects such as the Proposed Development are brought forward. The Proposed Development will make a meaningful contribution towards helping the UK meet its nationally and internationally binding targets including the UK's Carbon Budget¹ and the Nationally Determined Contributions in line with the Paris Agreement (2015) (Ref 7)² and directly supports the UK policy of decarbonising electricity generation, as laid out primarily in NPS EN-1 and NPS EN-3.

¹ The Climate Change Act 2008 set a legally binding target for the UK to ensure that the net UK carbon amount for the year 2050 is at least 80% lower than the 1990 baseline. This was revised in 2019 through the Climate Change Act 2008 (2050 Target Amendment) Order 2019 which increased the target to at least 100% lower emissions than the 1990 baseline. This is supported by legally binding 'carbon budgets' that place restriction on the total amount of GHGs the UK can emit over a 5-year period, along with support from the Climate Change Committee (CCC), an independent body to monitor progress.

² The Paris Agreement (2015) is a legally binding international treaty on climate change. Its overarching goal is to hold "the increase in global average temperature to well below 2°C above pre-industrial levels" and pursue efforts to "limit the temperature increase to 1.5°C above pre-industrial levels". Since 2016, countries have been submitting their national climate action plans, known as Nationally Determined Contributions (NDCs), with each NDC intending to reflect an increasing degree of ambition compared to its predecessor

- 2.1.10 A BESS has been proposed as associated development to support the operation of the solar site. If a Gate 2 connection agreement is received for the BESS, when operational at time of low grid demand the BESS will store excess energy produced by the Proposed Development and export it to the grid when demand is higher. When the BESS is not needed to support the solar site, the BESS will be available to support wider system balancing needs (Applicant's Response to the Examining Authority's First Written Questions **[REP2-029]** (Ref: GC1.08)).
- 2.1.11 The BESS will enhance utilisation of the Proposed Development's grid connection, reduce wasted output, and provide flexibility to support carbon emission reductions and security of supply and deliver electricity system savings (paragraph 3.3.6, NPS EN-1 and paragraph 3.3.6, NPS EN-1 (2025)).
- 2.1.12 At Section 11 of the Solar Technology Technical Guide **[REP3-036]** the Applicant confirmed that if a Gate 2 connection agreement is not received for the BESS, the solar development is commercially sound on a standalone basis, beneficial to the government's aims, and technically achievable. Therefore, the Proposed Development is entirely justified even if a BESS does not come forward.
- 2.1.13 In summary, an unprecedented capacity of large-scale solar generation is urgently needed in the UK. Flexible capacity is also needed in unprecedented capacities. The Proposed Development would contribute to the achievement of government's energy objectives. By doing so, the Proposed Development would help to address the climate change emergency that affects everyone's lives and the environment, by ensuring our energy supply is secure, low carbon and affordable.
- 2.1.14 The Proposed Development also provides other benefits, including:
- i. ecological enhancements such as habitat creation, improvement to soil health and the provision of biodiversity net gain (see Section 2.10 of this Closing Statement);
 - ii. the provision of permissive paths which supplement the existing Public Rights of Way (PRoW) network, link existing routes and create new and enhance existing connections to surrounding villages as well as integrating with the Stepping Out Network (see Sections 2.6 and 2.7 of this Closing Statement);
 - iii. employment generation during the construction and operational phases of the Proposed Development. The Framework Employment, Skills, and Supply Chain Plan **[APP-197]** identifies potential opportunities for activities relating to skills, supply chain and employment which the Applicant would take forward post-consent (see Section 2.9 of this Closing Statement).
 - iv. Economic benefits resulting from the total Gross Value Added (GVA) from construction, which consists of a contribution of £27.4 million to the national economy (see Section 2.8 of this Closing Statement).

2.2 Alternatives and Site Selection

- 2.2.1 NPS EN-1 does not contain a general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective, however given the requirement set out at Regulation 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) (Ref 8), the Applicant set out the alternatives relevant to the Proposed Development in Chapter 4: Alternatives and Design Evolution of the ES **[APP-029]**.
- 2.2.2 The alternatives considered include alternative sites, overhead lines or underground cables, alternative solar infrastructure technologies and alternative storage arrangements, layouts and cable corridors. Chapter 4: Alternatives and Design Evolution of the ES **[APP-029]** explains the reasons for the options chosen, taking into account the effects of the Proposed Development on the environment.
- 2.2.3 The Applicant's site selection process is set out in Annex A: Site Selection Report of the Planning Statement **[AS-098]**. IPs and LCC have raised concerns that because the Applicant was approached by landowners who were willing to provide land north of the A46 at Morton Manor and Housham Grange, the Applicant's site selection process was not policy compliant. . However, as explained by the Applicant in various submissions, (for example in Site Selection Table 7-12 (Pages 320-326) of the Applicant's Response to Relevant Representations **[REP1-047]**) and at the Issue Specific Hearing held on 6 and 7th January 2026 (see also Section 2.3 of the Written Summaries of Oral Submissions Issue Specific Hearing 1 **[REP1-046]**), the site selection process has considered whether the site is the most suitable taking into account operational requirements, national and local planning policy and environmental constraints and has, therefore, verified the location and site selection of the Proposed Development.
- 2.2.4 Annex A: Site Selection Report of the Planning Statement **[AS-098]** comprises a robust assessment that follows an established methodology for solar NSIPs which is based on the requirements of planning policy, including the need to demonstrate a sequential approach in respect of flood risk and Best and Most Versatile (BMV) land, and which takes account of planning and environmental constraints and operational requirements. The site selection process was informed by planning policy, notably NPS EN-3 that sets out from paragraph 2.10.18 to 2.10.48 the factors influencing site selection including irradiance and site topography, network connection, proximity to dwellings, and agricultural land classification and land type, including the consideration of brownfield land.
- 2.2.5 The site selection process comprised five steps which, in summary, include
- a. the identification of an area of search based on the point of connection at the proposed National Grid substation near Navenby;

- b. the exclusion of planning and environmental constraints in order to identify unconstrained land (e.g. BMV agricultural land, areas of Flood Zone 2 and 3, ecological sites and heritage assets);
 - c. the identification of potential alternative sites within the search area;
 - d. evaluation of these potential alternative sites against a range of criteria; and
 - e. the introduction of constraints to enable consideration of further sites.
- 2.2.6 Land availability was also considered in order to examine whether a deliverable site could be assembled, since this reduces or potentially avoids the need for compulsory acquisition powers to be used.
- 2.2.7 The Applicant also considered alternative site layouts put forward by IPs during statutory consultation. The Applicant explained in Section 4.9 of Chapter 4: Alternatives and Design Evolution **[APP-029]** of the ES the reasons for those alternative site layouts not being suitable for the purposes of the Proposed Development. Annex A: Site Selection Report of the Planning Statement **[AS-098]** concludes that the location of the Proposed Development comprises a suitable site compared with other potential alternative sites when taking into account planning and environmental constraints and operational considerations.
- 2.2.8 The location of the Proposed Development has therefore been assessed as being appropriate to deliver the Proposed Development.
- 2.2.9 Ultimately, the site for the Proposed Development has good suitability for solar development, meets the operational requirements and complies with the requirements of planning policy set out in NPS EN-1 (Ref 2) and NPS EN-3 (Ref 4).

2.3 NGET Navenby Substation

- 2.3.1 As set out in the Grid Connection Statement **[APP-200]**, the Applicant has a formal grid connection agreement with National Grid to connect the Proposed Development to the proposed National Grid substation near Navenby (the Navenby Substation).
- 2.3.2 National Grid Electricity Transmission (NGET) is seeking consent for the Navenby Substation by way of a planning application submitted to NKDC under the Town and Country Planning Act 1990 (TCPA). At the time of writing, this planning application has been submitted to NKDC and is awaiting validation.
- 2.3.3 The fact that planning permission has not yet been granted for the Navenby Substation is in no way a barrier to the granting of development consent for the Proposed Development. In accordance with paragraph 4.11.8 of NPS EN-1, the Applicant has demonstrated that there are no obvious reasons why planning permission for the Navenby Substation will not be granted. The Applicant's position is founded in policy. NGET is a statutory undertaker and is required to comply with the 'Horlock Rules'. This requires NGET to take a

responsible approach to siting, design and mitigation. Further, both national and local policy, overall, is supportive of the grant of planning permission. In case there is any doubt on this point, the Applicant has undertaken a policy appraisal of the Navenby Substation which is set out in the Technical Note for the proposed National Grid substation near Navenby **[REP3-046]**. In compliance with paragraph 4.11.8 of NPS EN-1, this policy appraisal was necessarily high level but, as the footnote to paragraph 4.11.8 of NPS EN-1 recognises, this is both proportionate and appropriate for the level of information currently available for the Navenby Substation in the public domain. The policy appraisal confirms that there are no obvious reasons as to why planning permission for the Navenby Substation will not be granted. There is therefore no justification for the imposition of a Grampian requirement in the terms sought by the LAs.

- 2.3.4 The Technical Note for the proposed National Grid substation near Navenby **[REP3-046]** also explains why a separate planning application has been made for the Navenby Substation, rather than it forming part of the Proposed Development. The reasons for this are clear and simple. The Navenby Substation will be delivered by NGET, a statutory undertaker with which the Applicant has no affiliation. NGET has specific statutory obligations in respect of the national electricity transmission system and therefore must retain control over the consenting process for the Navenby Substation. The consenting process for the Navenby Substation is also different to the Proposed Development and will be determined by NKDC under the TCPA regime. In addition, the Navenby Substation will serve multiple NSIP and TCPA schemes, not solely the Proposed Development. In other words, in applying the Wingfield criteria, it is clear that the Navenby Substation constitutes a separate project to the Proposed Development (see the Applicant's analysis of the applicability of *Raeshaw Farms Limited v Scottish Ministers* [2026] CSIH 10 in the Applicant's Response to Deadline 6 Submissions **[EN010154/EXAM/9.38]** (ref. P26-29)). Notwithstanding this, the Proposed Development includes the Cable Corridor for the grid connection, and, for clarity, both the Cable Corridor and the site of the Navenby Substation are included in the Order Limits.
- 2.3.5 In accordance with paragraph 4.11.9 of NPS EN-1, an environmental impact assessment of the cumulative impact of the Proposed Development and the Navenby Substation (see Chapter 15: Cumulative Effects and Interactions of the ES **[APP-040]**), based on information available in the public domain, has been undertaken to ensure compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) (Ref 8). As a result of the distance between the Navenby Substation and sensitive receptors, together with the temporary nature of the works associated with the Proposed Development in its vicinity and the scale of the Navenby Substation site relative to the Order Limits (and also the fact that the Navenby Substation is encompassed by the Order Limits), no significant cumulative effects are anticipated in the ES when considering the impact of the Navenby Substation in combination with the Proposed Development.

- 2.3.6 As set out above, a planning application for the Navenby Substation has been submitted by National Grid and is currently awaiting validation by NKDC. That application has already been the subject of a screening and scoping opinion by NKDC and will be subject to a full environmental impact assessment, including cumulative assessment with other relevant plans and projects, so there can be no question that the Navenby Substation will not be environmentally assessed or therefore that the case of *Raeshaw Farms Limited v Scottish Ministers* [2026] CSIH 10 has any relevance to the Proposed Development (notwithstanding submissions by IPs to the contrary).

2.4 Brant BESS

- 2.4.1 The Applicant continues to actively engage with the developer of the proposed Brant BESS, the site of which partially overlaps the Order Limits of the Cable Corridor. NatPower UK Limited has made submissions to the Examination on behalf of the developer for the proposed Brant BESS, Navenby Energy Limited and RE Squared Limited, hereafter referred to as NatPower. The Applicant's response to the initial submissions made by NatPower are set out in **REP5-028**.
- 2.4.2 As noted in the Deadline 5A submission made by NatPower **[REP5A-062]**, constructive engagement between the Applicant and NatPower has allowed the parties to identify and address any potential constraints between the Proposed Development and the Brant BESS to ensure the delivery and compatibility of the two projects.
- 2.4.3 The Applicant is confident that a viable solution has been found which would allow the Proposed Development and the Brant BESS to co-exist within the Order Limits of the Proposed Development. An indicative plan has been prepared by the Applicant to assist the Examining Authority and Interested Parties by demonstrating a layout which would facilitate the coexistence of the Proposed Development and the Brant BESS. Further details and the indicative plan can be found at Appendix 1 and Appendix 2 respectively of the Applicant's response to NatPower's initial submissions **[REP5-028]**.
- 2.4.4 The Applicant and NatPower are working to enter into a co-operation agreement to formalise the commitment and ensure that the Proposed Development and the Brant BESS can co-exist safely and successfully.

2.5 Phillips 66 Limited

- 2.5.1 The Applicant has engaged with British Pipeline Agency (BPA) (the agents for P66 and their predecessors) extensively in order to allay their concerns as to the continued safe and efficient operation of their assets alongside the construction and operation of the Proposed Development. Significant progress has been made, and the protective provisions included at Part 9 of Schedule 14 to the draft DCO **[REP5A-006]** are now largely agreed. The parameters for the pipeline crossing have also been agreed and are secured in the Proposed Development Parameters **[REP5A-014]** and the P66 Outline Specification **[REP6-032]**.

- 2.5.2 The key outstanding point relates to how potential AC interference from the Proposed Development should be assessed prior to detailed design and the circumstances in which the Proposed Development can be prevented from operating, or can be de-energised, if AC interference is found to exceed the British Safety Standards. Negotiations on this point are continuing, and it is hoped that it will be possible to reach agreement in this respect. Further details are set out in the Final Status of Negotiations with Statutory Undertakers **[EN010154/EXAM/9.37]**.

2.6 Good Design (including overplanting, flexibility and landscape)

- 2.6.1 The Applicant has sought to take into account feedback from consultees during the consultation and Examination processes and considers that the Proposed Development delivers a 'good design'. The design has evolved during the EIA process to avoid solar PV in areas that would have led to significant effects on historic properties in the vicinity of the site, such as Grange Cottage and River Farm farmhouse. Views of Lincoln Cathedral have also been preserved in the northern part of the site through the retention of a landscape corridor. The design was amended during Examination in response to feedback to exclude solar PV in Field 46, next to Grange Cottage, removing a likely significant effect at this receptor and responding to matters raised by Historic England on effects on the spire of Church of St Peter in Aubourn (see the Change Request **[AS-103]** which was accepted by the ExA on 14 January 2026 (Annex B of **[PD-010]**)).
- 2.6.2 A key environmental constraint for the Proposed Development is the ground nesting bird species onsite. As set out further below, in Section 2.10: Ecology, the Order Limits include areas of permanent grassland for bird mitigation (approximately 83ha (or 205.1 acres) and a significant portion of retained arable land (a minimum of 181ha (or 447.3 acres) is secured via the Framework Landscape and Ecological Management Plan (LEMP) **[REP6-018]**, which provides mitigation for ground nesting birds whilst also allowing current farming practices to continue. This retained arable land includes approximately 116ha (286.6 acres) of Subgrade 3a BMV land.
- 2.6.3 The Applicant has taken care to incorporate comments on permissive paths, with:
- a. new permissive paths added (following statutory consultation) between Thurlby and Bassingham in response to local community feedback,
 - b. permissive paths having been changed to reduce pressure on Tunman Wood in response to feedback from the Lincolnshire Wildlife Trust, and
 - c. new connections added for residents of Cathedral View Caravan Park to access a new permissive path network between villages in response to feedback from residents.
- 2.6.4 Additional changes were made to the permissive path network during Examination in response to feedback from NKDC on the Stepping Out Routes.

- 2.6.5 The Applicant considers the layout of the Proposed Development balances effects on communities and the environment with the delivery of a renewable energy generating project, for which there is a clear and obvious national need. The maximum parameters have been designed to avoid unnecessary effects, and flexibility has been incorporated into the design to ensure that the Applicant is not limited on technology choices during procurement.
- 2.6.6 The Proposed Development's design is aimed at maximising the renewable energy generation from the available grid connection whilst delivering a scheme that is sensitive to its environment. The inclusion of BESS and overplanting are additional benefits, which enhance the Proposed Development's efficiency by reducing conversion losses and maximising the utilisation of available solar energy. The level of overplanting is justified and uses a reasonable amount of land that is within the 2 - 4 acres (0.8 – 1.6 ha) per MW guideline outlined in NPS EN-3. The indicative design provided at Examination for the Proposed Development utilises 2.95 acres per MW (1.19 ha per MW) for the solar development areas, based on the maximum footprint allowed in the Application. The Applicant has provided further details and an explanation of the overplanting ratio in the Solar Technology Technical Guide **[REP3-036]**.
- 2.6.7 Alongside the solar PV and associated infrastructure, as a beneficial consequence of the proposals and mitigating potential impacts such as visual amenity or glint and glare, the Proposed Development will deliver approximately 20km of new native hedgerows, over 200 new trees, approximately 20ha (49 acres) of species rich grassland (outside of Solar PV areas), approximately 83ha (205 acres) of permanent grassland for bird mitigation purposes, and approximately 1.8ha (4.5 acres) of community orchard. There will also be the enhancement of approximately 50km of existing hedges and other habitat creation (e.g. species rich and permanent grassland). There is also a resultant Biodiversity Net Gain (BNG) increase due to this planting and change of land use, which is discussed in Section 2.10.

2.7 Permissive Paths / Stepping Out Routes and open areas

- 2.7.1 The Applicant has developed a Framework Public Rights of Way Management Plan **[REP5A-020]** to minimise impacts on existing PRoW and to provide additional permissive paths to be open to the public during the operational phase of the Proposed Development.
- 2.7.2 The majority of existing PRoW which pass through the DCO Site or run adjacent to the DCO Site Boundary are expected to be unaffected during the operational phase of the Proposed Development and as such, will at most require minor ongoing management measures post-construction.
- 2.7.3 During the operational phase, the Applicant will maintain access to all existing PRoW within the DCO Site, with existing width retained, if not increased. There will be at least 10 metres spacing either side of the centreline of each PRoW,

creating a minimum width of 20 metres, to avoid the perception of being 'channelled' into narrow passages between PV panels.

- 2.7.4 The Applicant has sought to avoid closures of PRow because of the Proposed Development as far as practicable. There are three sections of PRow within the DCO Site which are not suitable for members of the public to pass through and as such, will be permanently closed, though suitable permanent diversions will be delivered as part of the Proposed Development. The Streets Rights of Way and Access Plans **[REP5A-004]** indicate which PRow will be permanently closed as well as the corresponding proposed diversion route.
- 2.7.5 Where permanent diversion routes are implemented, the Applicant intends to minimise the disruption by only rerouting the PRow around the relevant land parcels before rejoining the existing PRow at the nearest appropriate location. The permanent diversions will lead to an additional 87m in length on Aubo|13/1, no additional length on TOTH|13/1, and for ThuN|2/1 an official change to the route currently being used by walkers.
- 2.7.6 The Applicant has sought to protect the Stepping Out Routes across the DCO Site as far as practical. The Landscape and Visual Amenity assessment **[AS-117]** identifies some changes to the visual amenity for some of these routes due to views of solar PV or new hedges, which is inevitable due to the change in landscape, however the Proposed Development re-routes parts of the Stepping Out Walks through fields without solar PV to minimise these effects.
- 2.7.7 The Applicant has agreed to provide funding for NKDC to survey the amended routes, update the council's Stepping Out Route brochures, purchase posts and way markers, and install these. The funding also facilitates the council's wish to create paths from Witham St Hughs across to Aubourn and from Hykeham to Aubourn into new Stepping Out Walks. The provision of this funding is secured in Article 48 of the final iteration of the draft DCO submitted at Deadline 7.
- 2.7.8 In total, the Proposed Development during operation will deliver 10.2km of permissive paths (a net increase of 8.4km) which people can use through the Order Limits during the operational lifetime of the Proposed Development. This is a beneficial impact for the local community, enhancing connectivity in and between local villages and allowing NKDC to promote additional Stepping Out Routes.

2.8 BMV Land, Economic Impacts and Food Security

- 2.8.1 The loss of agricultural land has been carefully considered through the site selection process (as set out in Appendix A: Site Selection Report of the Planning Statement **[AS-098]**) and minimised through the sensitive design of the Proposed Development to minimise the impact on BMV land and agricultural operations.

- 2.8.2 The Order Limits of the Proposed Development does not include any Grade 1 and 2 BMV agricultural land which is the most productive and best quality farmland in the UK. There is approximately 278ha (687 acres) of Subgrade 3a BMV land within the Principal Site (which totals 1,055ha (2,607 acres)), which constitutes 26% of the Principal Site. Over half (approximately 56%) of the BMV land in the Principal Site will be retained for arable farming or grassland uses during operation.
- 2.8.3 The Applicant commits to reinstating the soil during decommissioning to its current value in the Framework SMP **[REP6-014]**, and as such the loss of agricultural land required to deliver the Proposed Development infrastructure (e.g. solar PV arrays) is not permanent (as aligned with other made DCOs such as Gate Burton, Tillbridge, Sunnica, Longfield, for example). The soil is still present (it is not displaced) and following implementation of good soil handling and construction methods (as secured via the Framework SMP **[REP6-014]**) the soil will maintain the same Agricultural Land Classification (ALC) or recover to this status.
- 2.8.4 The extent of the areas considered as permanently lost are based upon the current landscaping designs presented in the Landscape Mitigation Plan, which forms Appendix A of the Framework LEMP **[REP6-018]**, whereby planting and habitat creation amount to a total use of 4.6ha (11.4 acres) of agricultural land (0.4% of the Principal Site)), of which 1.5ha (3.7 acres) is BMV land (Subgrade 3a) (0.1% of the Principal Site). Notwithstanding that, after decommissioning the landowners can revert this “permanent loss” land back to arable if they wish. The Applicant does not agree with NKDC’s stance that soil beneath tracks, Solar Stations, BESS and the Onsite Substation are permanently lost. This infrastructure will all be decommissioned at the end of the Proposed Development lifetime and returned to its current state. This soil is not Grade 1 or 2 land, which other solar DCO applications acknowledge can take a few years to reinstate to its prior quality following development, and can therefore be reinstated more rapidly and successfully during decommissioning. The Framework Soil Management Plan **[REP6-014]** includes good industry practice reinstatement practices and commits to returning the soil to its previous condition following decommissioning.
- 2.8.5 The resting of the soil during 60 years of operation from intensive farming is noted as likely to be beneficial to the soil resource, although not significant.
- 2.8.6 As set out further below in Section 2.10: Ecology, the Order Limits include a significant portion of retained arable land (a minimum of 181ha (or 447.3 acres) for bird mitigation, secured via the Framework LEMP **[REP6-018]**). This provides mitigation for ground nesting birds whilst also allowing current farming practices to continue. This retained arable land includes approximately 116ha (286.6 acres) of Subgrade 3a BMV land. Furthermore, to minimise the impacts of the Proposed Development on BMV land, Chapter 12: Socio-Economic and Land Use of the ES **[AS-016]** (ref. paragraph 12.6.4) sets out embedded mitigation measures including the use of panels at a height which could support sheep grazing (which would allow for this land to remain in productive agricultural use), and capitalising on the opportunity to improve

soil structure during the period of suspended agricultural activities throughout the operational phase of the Proposed Development.

- 2.8.7 Regarding food security, the Applicant considers there to be no potential for significant effects on food production and therefore no requirement to assess this in the Environmental Statement. 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. In addition, the Proposed Development is reversible, except for relatively small areas used for habitat creation which may not be removed during decommissioning (although the landowner can still reverse this following return of the land if they wish to).
- 2.8.8 The Applicant's analysis is supported by the Defra UK Food Security Report 2024 (Ref 9), which 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. To provide further clarification, the Applicant has updated Chapter 12: Socio-Economics and Land Use of the ES to explain why this topic was scoped out, due to there being no likelihood of significant effects arising.

2.9 Employment and Skills

- 2.9.1 The Proposed Development will generate an estimated peak of 600 full time equivalent (FTE) jobs, and an average of 350 gross direct FTE jobs onsite over the 24-month construction period (Chapter 12: Socio Economics and Land Use of the ES **[AS-016]**). 177 jobs per annum are expected to be taken-up by residents within the local area. It is estimated that construction activity will contribute approximately £27.4 million to the national economy, of which approximately £12.3 million would likely be within the Study Area (Chapter 12: Socio Economics and Land Use of the ES **[AS-016]**).
- 2.9.2 The Applicant has estimated that to operate and maintain the Proposed Development there will be a gross number of four permanent jobs generated by the Proposed Development during the operational phase. There is expected to be two visiting workers per week and additional staff occasionally when the solar infrastructure needs replacing or cleaning, totalling up to 20 staff per day (Chapter 12: Socio Economics and Land Use of the ES **[AS-016]**). It has been confirmed by all landowners that there is expected to be no job losses resulting from the removal of agricultural land. It is expected that when the rent revenues from the land start, the income can be used to create additional jobs on their farms offsite as landowners diversify their land further with the underlying financial stability of the rental income (Chapter 12: Socio Economics and Land Use of the ES **[AS-016]**).

- 2.9.3 As concluded in Chapter 12: Socio Economics and Land Use of the ES **[AS-016]**, there are no adverse socio-economic effects as a result of the Proposed Development which would require mitigation to be provided. However, in order to deliver socio-economic enhancement in the vicinity of the Proposed Development, the Applicant has produced a Framework Employment, Skills, and Supply Chain Plan (ESSCP) **[APP-197]** which sets a framework for maximising benefits and opportunities locally. As the ESSCP is an enhancement measure and there are no adverse effects which it is required to mitigate, the Applicant has not sought to fund any additional investment in local skills and the supply chain. The Applicant considers the beneficial effect associated with employment and spending, coupled with the objectives of the Framework ESSCP **[APP-197]** to be sufficient.
- 2.9.4 The draft DCO **[REP5A-006]** adequately secures the delivery of a full ESSCP (to be substantially in accordance with the Framework) and the measures contained within it. The benefits of this are therefore capable of weighing positively in the planning balance.
- 2.9.5 In addition, once the Proposed Development is operational, business rates will be paid to the LA.

2.10 Ecology

- 2.10.1 Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]** sets out the biodiversity and ecological impact assessment. A broad suite of ecological surveys and investigations have been undertaken by the Applicant. The results of these surveys have been used to inform the ecological baseline of the Proposed Development and in the development of enhancement and mitigation measures.
- 2.10.2 The assessment identified no likely significant adverse effects upon ecological receptors due to the construction, operation and decommissioning of the Proposed Development. Significant beneficial effects will be established during operation upon a variety of habitat types (including planting over 200 new trees, approximately 20ha (49 acres) of species rich grassland outside of solar PV areas, 83ha (205.1 acres) of permanent grassland for birds, a 1.8ha (4.5 acre) community orchard, approximately 20km of new hedgerows, and enhancement of over 50km of existing hedges); for example new hedgerow planting and bolstering of existing defunct hedgerows will increase connectivity across the Order Limits for species such as bats. Additional grassland and conservation margins provided adjacent to and beneath the solar PV panels in the Principal Site, and larger permanent grassland fields, including in arable field margin in retained arable fields, will increase the diversity of flora in comparison to existing intensive agriculture and provide new habitat niches to encourage fauna such as invertebrates and birds.
- 2.10.3 Habitats such as woodland within, and surrounding, the Order Limits will be protected and buffered, wherever practicable, by a minimum of 15m from the Proposed Development. Furthermore, in recognition of comments and discussions with the Forestry Commission, Lincolnshire Wildlife Trust and

Natural England during Examination, a 'Natural Regeneration Buffer to Woodland' comprising a buffer of up to 30m wide will be provided to the west, south, and east of Tunman Wood and Housham Wood Ancient Woodland, as secured by the Framework LEMP **[REP6-018]**. These buffer zones will ensure protection and allow regeneration / expansion of the woodland edges to provide additional habitat and linkages around the area.

- 2.10.4 Habitat such as hedges and woodland used for nesting by birds will be retained and appropriately buffered to avoid disturbance. New habitat created as part of the Proposed Development, stated in the Framework LEMP **[REP6-018]**, (such as grassland within and surrounding the solar panels, large open species rich grassland, new tree and hedge planting) will provide additional foraging resources. Ornithological surveys, as detailed in Appendix 8-G: Breeding Birds **[AS-086]** and Appendix 8-H: Non-breeding birds **[AS-087]** of the ES, and summarised in Chapter 8: Ecology and Nature Conservation of the ES **[REP1-019]**, have further influenced the Proposed Development design, whereby the Proposed Development design includes the delivery of a minimum of 83ha (205.1 acres) of permanent grassland and a minimum of 181ha (447.3 acres) of retained arable for birds. These areas are indicatively illustrated as Arable fields A to F on Figure 8-5: Bird Mitigation Land Allocation of the ES **[AS-046]** but could be rotated within the areas of the Order Limits where there is no solar PV infrastructure, providing the principles for field sizes are achieved. This rotational bird mitigation land also affords the benefit that landowners' preferred farming methods can be facilitated over the 60-year operational duration of the Proposed Development and assist with the continuation of arable farming as much as possible alongside the solar farm. This is, as supported within paragraph 2.10.11 of NPS EN-3 which states that solar and farming can be complementary, supporting each other financially, environmentally and through shared use of land, and encourages deployment of solar technology that delivers environmental benefits, with consideration for ongoing food production or environmental improvement. The mitigation is secured in the Framework LEMP **[REP6-018]**, a detailed version of which is secured via Requirement 8 of Schedule 2 to the Draft DCO **[REP5A-005]** and is to be substantially in accordance with the Framework LEMP.
- 2.10.5 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 (SBM) (Version 1.0.4) for the Proposed Development. This is secured by Requirement 8 of Schedule 2 to the Draft DCO **[REP5A-006]** which requires a detailed LEMP to be submitted and approved by the relevant planning authority prior to commencement of the authorised development. The detailed LEMP must be substantially in accordance with the Framework LEMP and include details of how the plan will contribute to achievement of the above-mentioned minimum percentages during operation. The approved detailed LEMP must be implemented as approved throughout operation of the authorised development. The Framework LEMP **[REP6-018]** includes detail on the relevant management/monitoring regimes to deliver BNG targets and

monitor landscaping and ecological enhancements, which will be implemented as part of the detailed LEMP.

- 2.10.6 The Applicant has not agreed to the request for funding towards NKDC's monitoring of the BNG (see **REP5-025** and **REP5A-038**). This is not necessary because the Applicant will carry out its own monitoring and share this with NKDC, as secured by the Framework LEMP **[REP6-018]**.
- 2.10.7 The Framework LEMP **[REP6-018]** outlines pre-construction and post-construction monitoring for flora, birds (breeding and non-breeding), riparian mammals, badgers and bats (bat box roosting and activity survey), and Invasive Non-native Species (INNS). These surveys and the LEMP will be overseen by an Ecological Advisory Group, or similar, to feed into this work prior to it being shared with the LAs. The draft Terms of Reference of the Ecological Advisory Group (or similar) are presented within Appendix C of the Framework LEMP **[REP6-018]**.
- 2.10.8 Overall, the ecological impacts are considered to be significant beneficial.

2.11 Archaeology and Heritage

- 2.11.1 An extensive and detailed assessment of the effects of the Proposed Development on buried archaeological remains and the built heritage (including the historic landscape) is presented within Chapter 7: Cultural Heritage of the ES **[APP-032]**. No significant effects are predicted.
- 2.11.2 The design of the Proposed Development has been directly informed by known locations of buried archaeological remains, many of which were discovered during the investigations undertaken for this Project. In some cases, these locations are retained within the boundaries of the Proposed Development and will not only be safeguarded from any construction, operation and decommissioning impacts, but will allow for the cessation of ploughing – thus preventing further on-going damage and deliver improved outcomes (public benefits). The same informed design has ensured that the most important elements of the setting of historic buildings and monuments (comprising Conservation Areas, Scheduled Monuments, Listed and non-listed structures) have been retained.
- 2.11.3 Consultations with the key heritage stakeholders at the LAs and with Historic England have allowed for a bespoke, targeted and proportionate approach to be taken regarding the assessment of buried archaeological remains. Detailed desk-based research has been supplemented by field surveys comprising geophysical surveys and trial trenching. The scope of this work was agreed with the key stakeholders via Written Schemes of Investigation. Further investigations to inform the detailed design and to mitigate any residual impacts of the construction, operation and decommissioning stages is set out within the Framework Written Scheme of Investigation **[REP3A-027]**. The collaborative working relationship between the Applicant and the key heritage stakeholders has ensured that the Proposed Development would result in no adverse impacts that cannot be adequately mitigated by a suite of industry

standard measures. The Statements of Common Ground with Historic England **[REP3A-011]** and LCC **[REP4-012]** confirm that there are no substantive disputed issues between the parties.

- 2.11.4 There remains a difference of professional opinion between the Applicant and NKDC regarding the perceived impact of the Proposed Development on a limited number of heritage assets (via changes to their setting). However, in all of these cases the change in question is to part of the setting of historic farmsteads (some comprising listed buildings) of least importance to their significance or within the periphery of one's experience of this significance. To further support the findings within Chapter 7 of the ES **[APP-032]** (and in particular the supporting Appendices 7-A to 7-I **[APP-124 - APP132]**), responses to comments by NKDC were provided **[REP2-031]** and additional assessment was undertaken by the Applicant, addressing a number of the points raised **[REP3A-026]**, and submitted during the Examination. The Applicant considers the assessment to be thorough and robust.

2.12 Landscape and Visual

- 2.12.1 The Applicant has provided a thorough and robust assessment of landscape and visual amenity in Chapter 10 of the ES **[AS-117]**. This sets out the likely effects during construction and operation of the Proposed Development on landscape components and character. Chapter 10 of the ES also reports on the likely intervisibility and the likely effects on views and visual amenity from the presence of construction and operation activities.
- 2.12.2 Landscape and visual matters have been considered in the early stages of siting and design, and the Proposed Development has continued to evolve to take into account stakeholder feedback and the findings of the ongoing surveys and assessments. This is reflected within the Design Approach Document **[REP6-006]** which reports on the design iterations made at each key project milestone to embed mitigation measures in line with the relevant design principle.
- 2.12.3 To summarise, the landscape and visual mitigation embedded in the Proposed Development comprises:
- a. Careful siting of solar PV panels, BESS and Onsite Substation in the landscape, responding to existing topography and vegetation screening. For example, a landscape corridor was introduced to minimise impacts on views of Lincoln Cathedral from within the site;
 - b. Conserving existing vegetation patterns through the placement of new elements within the established field structure;
 - c. Addition of approximately 20km of new native hedgerows, over 200 new trees and a new community orchard as part of the Proposed Development landscaping design;
 - d. Sensitive design in relation to form and materials through consideration of the height and appearance of project elements; and

- e. Sensitive lighting strategy to minimise light spill.
- 2.12.4 NPS-EN1 (Ref 2) acknowledges that virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, due to the scale of these projects, and that all proposed energy infrastructure is likely to have visual effects for many receptors around sites but requires projects to demonstrate how they have sought to minimise these environmental effects.
- 2.12.5 The assessment has identified several significant landscape effects due to the change in nature of the Principal Site. The assessment on visual amenity also identified some significant effects during construction due to the presence of construction equipment within the DCO Site and during Year 1 of operation. These impacts reduce as the mitigation planting establishes, with the number of significant visual effects further reducing to seven receptor groups, which are principally recreational users of PROW network across the Principal Site (which either still have views of the proposed infrastructure or of new hedge planting, which itself is still a change). This is in part a product of retaining the PROW network through the Principal Site rather than seeking to close public access. The level of effects has been agreed with LCC and NKDC for all, but four landscape receptors and four visual receptors as reported in the respective Statements of Common Ground **[REP4-012 and REP4-013]**, which is due to a difference in professional opinion on the magnitude of change in these locations. The design evolution as noted in the Design Approach Document **[REP6-006]** demonstrates how the Proposed Development has sought to minimise these effects.
- 2.12.6 The Applicant has agreed with LCC and NKDC that it is not necessary to undertake a Residential Visual Amenity Assessment because there is no likelihood of major adverse effects on residents. In fact, no significant visual effects have been identified for residents at year 15 of operation. Views from the Grade II Grange Cottage were considered to have potential for moderate adverse significant visual effects in winter in the ES, but this has been addressed by the Change Request **[AS-103]** which removed solar PV from Field 46, adjacent to this property, therefore mitigating this effect so that it is not significant.

2.13 Lifetime of the Proposed Development

- 2.13.1 In order to maximise benefits, the operational lifetime for the Proposed Development is 60 years (see Chapter 3: The Proposed Development of the ES **[REP1-015]**). This allows for panel replacement after approximately 30 years of operation, which has been fully assessed within the EIA. To reduce impacts from panel replacement, the draft DCO secures that not all panels will be replaced at the same time. Whilst IPs have noted that a 40-year operational lifetime is typical for solar schemes, due to solar PV panels having an approximate design life of 30 years, full panel replacement will still be required before the end of the operational period, and so a 40 year operational lifetime would not enable the full benefits of the panel replacement to be realised across their remaining lifespan. A 60-year operational lifetime is precedent (including in The Cottam Solar Project Order 2024, The Gate Burton Energy

Park Order 2024, and The Tillbridge Solar Order 2025), and the Applicant's approach is supported in policy (paragraphs 2.10.65 and 2.10.67 of NPS EN-3).

- 2.13.2 The DCO sought for the Proposed Development is a time limited consent and is therefore described as temporary. This is recognised in paragraph 2.10.66 of NPS EN-3 which states "*Time limited consent, where granted, is described as temporary because there is a finite period for which it exists...*". At the end of its operational lifetime, the Proposed Development will be decommissioned. The LA's have requested provision of a decommissioning bond (or another form of financial security) to ensure the costs of decommissioning can be funded. There are compelling reasons why this is not justified (see the Applicant's Response to the Examining Authority's Second Written Questions (ref. DCO.2.28) **[REP3-045]**) and neither is it government policy to require this.
- 2.13.3 However, the measures contained within the Framework Decommissioning Environmental Management Plan (DEMP) **[REP6-012]** do secure a framework for the scope and programming of the decommissioning of the Proposed Development. Prior to the commencement of decommissioning, a detailed DEMP (which is to be substantially in accordance with the Framework) must be submitted to and approved by NKDC in consultation with the named consultees in Requirement 20(2) of Schedule 2 to the draft DCO **[REP5A-006]**. Requirement 20(3) of that same Schedule provides that the detailed DEMP must include a timetable for decommissioning. Decommissioning works must be carried out in accordance with the approved DEMP.
- 2.13.4 Flexibility must be retained within the Framework DEMP **[REP6-012]** to ensure that the detailed DEMP, and by extension the actual decommissioning works, align with industry standards and policy at the requisite time. Given the length of the operational lifetime, it is appropriate not to restrict the scope of decommissioning works to methods which are used at the current time as this would prevent the use of potentially better or more efficient measures.
- 2.13.5 This approach ensures that the full benefits of the Proposed Development can be realised but also that, at the end of its operational life, the Proposed Development will be decommissioned and the land restored, avoiding permanent impacts.

3. Planning Balance

3.1 Critical National Priority Presumption

- 3.1.1 As set out in the DCO Application, (in particular the Planning Statement **[AS-098]**), demonstrated throughout the Examination and summarised in this Closing Statement, there is a clear and compelling need for the Proposed Development.
- 3.1.2 As the Examination draws to a close, the Applicant's position remains that, taking the above factors into account and having had regard to all important and relevant matters, there are no adverse impacts of sufficient weight, either on their own or collectively, that would mean that the DCO for the Proposed Development should not be made.
- 3.1.3 The substantial benefits of the Proposed Development clearly and demonstrably outweigh the harms that would arise with the proposed mitigation measures in place. Adverse effects would be localised, short-term, temporary and/or reversible at the end of the Proposed Development's lifetime.
- 3.1.4 As stated in paragraph 4.2.4 of NPS EN-1, the UK's energy security and net zero ambitions will only be delivered if the development of new low carbon sources of energy are progressed at speed and scale. In paragraph 4.2.4 of NPS EN-1, the Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, and that for the purposes of this policy, low carbon infrastructure means all onshore and offshore generation that does not involve fossil fuel combustion. The Proposed Development comprises nationally significant low carbon infrastructure which is deemed to be of CNP.
- 3.1.5 As set out in section 7.4 of the Planning Statement **[AS-098]** and in Appendix J - Action Point 19 of the Written Summaries of Oral Submissions Issue Specific Hearing 3 **[REP3-042]**, the CNP presumption applies to the Proposed Development given it has been demonstrated that the Proposed Development is in accordance with the relevant Energy NPSs, the mitigation hierarchy has been applied and compliance with other legal and regulatory requirements has been demonstrated. Paragraph 4.2.15 of NPS EN-1 sets out that where the CNP presumption applies and residual impacts remain after the mitigation hierarchy has been applied, *"these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure"*.
- 3.1.6 The Proposed Development seeks to avoid and mitigate impacts on the environment and sensitive receptors where possible, with the benefits outweighing any impact. The Proposed Development will help to deliver the CNP infrastructure to contribute to the UK's urgent requirement for the delivery of new renewable energy generation capacity and infrastructure.
- 3.1.7 The Proposed Development supports paragraph 3.3.63 of NPS EN-1, which states *"...the urgent need for CNP Infrastructure to achieving our energy*

objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible”.

- 3.1.8 Further to this, as noted at 1.1.8 above, the Applicant considers that the new Energy NPSs are important and relevant in the determination of the application for the Proposed Development. The Applicant notes the revised Energy NPS (2025) similarly provides significant support for the Proposed Development. Overarching National Policy Statement for Energy (EN-1) (revised NPS EN-1) has been updated to reflect the government's Clean Power 2030 mission, including textual amendments to CNP policy to reflect the Clean Power 2030 Action Plan (December 2024). Paragraph 2.3.1 of the revised NPS EN-1 now states that *“Making Britain a Clean Energy Superpower is one of the five missions set out by the UK government. The Clean Power 2030 Action Plan sets out the government's first major steps towards delivering our Clean Power 2030 Mission in partnership with the Scottish and Welsh governments, industry and the public”*. Paragraph 4.1.5 of the revised NPS EN-1 explains that when weighing adverse impacts against benefits, the Secretary of State should take into account, *“its potential benefits including its contribution to meeting the need for the Clean Power 2030 Mission and net zero...”*.
- 3.1.9 Similarly, it is not anticipated that the Proposed Development will conflict with the emerging National Planning Policy Framework (NPPF), which includes policy support for renewable energy and low carbon schemes.

3.2 Summary

- 3.2.1 The Proposed Development will provide a significant amount of renewable energy over its 60-year lifetime supporting resilience, domestic energy security and affordability of electricity supplies. It would be a critical part of the national portfolio of renewable energy generation that is required to decarbonise the UK's energy supply quickly.
- 3.2.2 The Applicant has confirmed that NESO's Connections Reform process re-prioritised the solar component of the Proposed Development with a Gate 2 connection agreement, with a connection date to be confirmed but anticipated to be between 2031 and 2035 (Written Summaries of Oral Submissions Issue Specific Hearing 1 **[REP1-046]**). Therefore, the Proposed Development will play a vital role in supporting the government's Clean Power Mission in keeping GB electricity supplies clean beyond 2030.
- 3.2.3 As stated in paragraph 4.2.4 of NPS EN-1, the UK's energy security and net zero ambitions will only be delivered if the development of new low carbon sources of energy are progressed at speed and scale. In paragraph 4.2.4 of NPS EN-1, the Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure, and that for the purposes of this policy, low carbon infrastructure

means all onshore and offshore generation that does not involve fossil fuel combustion. The Proposed Development comprises nationally significant low carbon infrastructure which is deemed to be of CNP.

- 3.2.4 The Proposed Development will help meet the urgent need for CNP infrastructure to support 'energy objectives, together with the national security, economic, commercial, and net zero benefits' as set out in NPS EN-1.

4. Concluding Remarks

- 4.1.1 The Applicant has provided all necessary information to inform the ExA's Recommendation Report and the Secretary of State's decision making. Accordingly, and for the reasons set out in this Closing Statement and presented throughout the Examination, the Applicant considers that the case has been made for the ExA to recommend that the DCO be made and that the SoS can make the DCO in the form submitted by the Applicant at Deadline 7.
- 4.1.2 The Applicant would like to take this opportunity to thank the Examining Authority, the Planning Inspectorate's case team and all the Interested Parties for their participation and engagement in the Examination process. The Applicant looks forward to continuing to work with the relevant Interested Parties and stakeholders following the close of Examination.

5. References

- Ref 1 UK Government (2008). Planning Act 2008
- Ref 2 Department for Energy Security & Net Zero (2023) Overarching National Policy Statement for Energy (EN-1) [Withdrawn]
- Ref 3 UK Government (2024). Clean Power 2030 Action Plan: A new era of clean electricity. Available at: <https://www.gov.uk/government/publications/clean-power-2030-action-plan>
- Ref 4 Department for Energy Security & Net Zero (2023) National Policy Statement for renewable energy infrastructure (EN-3) [Withdrawn]
- Ref 5 Department for Energy Security & Net Zero (2025) National Policy Statement for renewable energy infrastructure (EN-3)
- Ref 6 UK Government, Solar photovoltaics deployment (April 2026 publication referenced). Available at: <https://www.gov.uk/government/statistics/solar-photovoltaics-deployment>
- Ref 7 United Nations (2015). The Paris Agreement. Available at:
[REDACTED]
- Ref 8 UK Government (2017) Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations) SI 2017/572
- Ref 9 Department for Environment, Food & Rural Affairs (2024) United Kingdom Food Security Report 2024