



Fosse Green Energy

EN010154

9.36 Statement of Commonality for Statements of Common Ground

VOLUME

9

Planning Act 2008 (as amended)

Regulation 8(1)(k)

Infrastructure Planning (Examination Procedure)

Rules 2010

09 June 2026

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Fosse Green Energy Development Consent Order 202[]

9.36 Statement of Commonality for Statements of Common Ground

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1. Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Commonality (SoC) relates to an application submitted to the Planning Inspectorate on 18 July 2025 (the Application) by Fosse Green Energy Limited (the Applicant) for a Development Consent Order (DCO) for Fosse Green Energy (the Proposed Development). The Examination of the Proposed Development opened on 6 January 2026, and the Examining Authority (ExA) intends to close the Examination on 15 June 2026.
- 1.1.2 This SoC has been prepared to provide the ExA with an overview of the position on matters under discussion between the Applicant, relevant statutory consultees and other Interested Parties (IPs) as set out within the respective Statements of Common Ground (SoCGs).
- 1.1.3 Section 2 summarises the status of each SoCG at the relevant Examination Deadlines.
- 1.1.4 Section 3 shows the status of matters that are common to several IPs and are therefore covered in multiple SoCGs.
- 1.1.5 Section 4 provides a summary of the position between the Applicant and other parties at Deadline 7. The individual SoCGs submitted to the Examination at earlier deadlines provide full details on specific matters.

1.2 The Proposed Development

- 1.2.1 The Application is for the construction, operation (including maintenance), and decommissioning of a ground-mounted solar photovoltaic (PV) electricity generating station with a capacity exceeding 50 megawatts, with battery storage, onsite substation, and associated infrastructure to generate and export/import electricity. The associated development includes, but is not limited to, access provision, battery storage, underground cabling, areas of landscaping and biodiversity enhancement, and a 400 kV underground Grid Connection Cable to connect the Proposed Development to the national electricity transmission network.
- 1.2.2 The Proposed Development will provide a significant amount of renewable energy over its 60-year operational lifetime supporting resilience, 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.
- 1.2.3 The Proposed Development will help meet the urgent need for this infrastructure to support “energy objectives, together with the national security, economic, commercial, and net zero benefits” as set out in the Overarching National Policy Statement for energy (NPS EN-1) (Ref-1). As such it is infrastructure defined as being of critical national priority.

2. Statement of Common Ground Status

2.1 Summary of current position

- 2.1.1 This section provides an update on each SoCG, with **Table 2-1** providing a high-level summary of the status of each SoCG. The statuses set out in **Table 2-1** are defined as follows:
- a. **'draft SoCG'** – the SoCG has been drafted by the Applicant and provided to the other party with ongoing discussions to reach an agreed form of the SoCG for signing;
 - b. **'final SoCG with all matters agreed'** – the final SoCG has been signed by both parties with all matters covered in the SoCG agreed; and
 - c. **'final SoCG with some matters not agreed'** – the final SoCG has been signed by both parties but there are matters on which the Applicant and other party are not in agreement.
- 2.1.2 As set out in the Deadline 3A Cover Letter **[REP3A-001]**, the UK Health Security Agency (UKHSA) does not sign third party SoCGs. Therefore, in lieu of a signature, the UKHSA confirmed to the Applicant that a letter would be submitted into the Examination to confirm that the SoCG submitted by the Applicant **[REP3A-020]** is the agreed form. This letter was submitted to the Examination on 21 April 2026, and a copy is available in the Examination Library **[AS-135]**. For the purposes of Table 2-1 below, the status of this SoCG is 'final SoCG with some matters not agreed'.
- 2.1.3 Additionally, as also set out in the Deadline 3A Cover Letter **[REP3A-001]**, the Environment Agency does not sign third party SoCGs. Therefore, in lieu of a signature, the Environment Agency provided the Applicant with email confirmation that the SoCG submitted by the Applicant is in the agreed form. This email confirmation is provided as Appendix A to the SoCG between the Applicant and the Environment Agency **[REP3A-009]**. The Environment Agency also confirmed to the Planning Inspectorate, via email, that the SoCG is in an agreed form, and a copy of this email is available in the Examination Library **[REP3A-033]**. For the purposes of Table 2-1 below, the status of this SoCG is 'final SoCG with all matters agreed'.
- 2.1.4 National Grid Electricity Transmission Plc (NGET) confirmed that, whilst the SoCG submitted by the Applicant **[REP3A-015]** is in an agreed form, it would not be signed until agreement had been reached on all matters. This is noted in the Deadline 3A Cover Letter **[REP3A-001]** and email confirmation provided to the Applicant by NGET was submitted to the Examination as Appendix A to the SoCG between the Applicant and NGET **[REP3A-015]**. For the purposes of Table 2-1 below, the status of this SoCG is therefore considered draft.

Table 2-1: Status of the SoCGs

SoCG Party	Position at relevant Examination Deadline
Anglian Water Services	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-008]
Environment Agency	A final SoCG with all matters agreed was submitted to the Examination at Deadline 3A [REP3A-009] (see paragraph 2.1.3 above)
Forestry Commission	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-010]
Historic England	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-011]
Lincolnshire County Council (including Lincolnshire Fire and Rescue)	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 4 [REP4-012]
Lincolnshire Wildlife Trust	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-012]
Ministry of Defence	A final SoCG with all matters agreed was submitted to the Examination at Deadline 3A [REP3A-013]
National Grid Electricity Distribution (East Midlands) Plc	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-014]
National Grid Electricity Transmission Plc	A draft SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-015] (see paragraph 2.1.4 above)
National Highways	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-016]
Natural England	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-017]
Network Rail	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-018]
North Kesteven District Council	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 4 [REP4-013]

SoCG Party	Position at relevant Examination Deadline
Phillips 66 Limited (formerly Prax / BPA)	A draft SoCG was submitted to the Examination at Deadline 3A [REP3A-019] with further iterations of the draft SoCG submitted at Deadline 5 [REP5-019] and Deadline 5A [REP5A-026] . A final SoCG with some matters not agreed was submitted to the Examination at Deadline 6 [REP6-022]
UK Health Security Agency	A final SoCG with some matters not agreed was submitted to the Examination at Deadline 3A [REP3A-015] (see paragraph 2.1.2 above)

3. Commonality

3.1 Introduction to Commonality

- 3.1.1 This section of the SoC provides an overview of the topics covered in the SoCGs. Table 3-2 sets out where there is commonality in the topics discussed between the Applicant and the parties, where matters are subject to ongoing discussions, or where the matters have reached a final position with no agreement. These are colour coded and categorised as follows:
- a. “Agreed” (green) indicates that all points relating to a matter have been resolved;
 - b. “Not Agreed” (red) indicates a final position where there are points relating to a matter that cannot be agreed; and
 - c. “Matter not relevant / raised by party” (grey) where a matter has not been the subject of discussion between the Applicant and the respective party.

Table 3-1: Table of Commonality at Deadline 7

SoCG Party	Topics Considered																				
	Principle of Development	Alternatives and Design Evolution	Climate Change	Cultural Heritage (Archaeology and Built Heritage)	Ecology and Nature Conservation	Water Environment	Landscape and Visual Amenity	Noise and Vibration	Socio-Economics and Land Use	Public Rights of Way	Traffic and Transport	Cumulative Effects	Air Quality	Electric and Electromagnetic	Major Accidents and Disasters	Ground Conditions	Health and Wellbeing	Materials and Waste	Safety	Glint and Glare	Draft DCO (including DCO)
Anglian Water Services																					
Environment Agency																					
Forestry Commission																					
Historic England																					
Lincolnshire County Council (including Lincolnshire Fire and Rescue)																					
Lincolnshire Wildlife Trust																					
Ministry of Defence																					

Topics Considered

SoCG Party

	Principle of Development	Alternatives and Design Evolution	Climate Change	Cultural Heritage (Archaeology and Built Heritage)	Ecology and Nature Conservation	Water Environment	Landscape and Visual Amenity	Noise and Vibration	Socio-Economics and Land Use	Public Rights of Way	Traffic and Transport	Cumulative Effects	Air Quality	Electric and Electromagnetic	Major Accidents and Disasters	Ground Conditions	Health and Wellbeing	Materials and Waste	Safety	Glint and Glare	Draft DCO (including DCO)
National Grid Electricity Distribution (East Midlands) Plc																					
National Grid Electricity Transmission Plc																					
National Highways																					
Natural England																					
Network Rail																					
North Kesteven District Council																					
Phillips 66 Limited (formerly Prax / BPA)																					
UK Health and Security Agency																					

4. Current Position

4.1 Overview

- 4.1.1 This section of the SoC provides a summary of the current position between the Applicant and other parties. The individual SoCGs provide full detail on specific matters.

Anglian Water Services

- 4.1.2 On 20 May 2026 Anglian Water Services (AWS) confirmed that it has agreed bespoke Protective Provisions with the Applicant. The Protective Provisions included in the iteration of the Draft DCO **[REP5A-006]** submitted at Deadline 5A reflect the agreed position and therefore matters 4.1.1 (Draft Protective Provisions), 4.1.2 (Connections or interfaces to AWS assets), 4.1.5 (Interfaces between the Project and AWS assets (underground and surface assets)), and 4.2.1 (Framework Documents - Management of the interfaces with utility assets within the Order Limits during Construction) are now agreed. Matter 4.1.4 AWS (land interests within the Order Limits) is agreed as AWS's requested amendment to the Book of Reference was made and submitted into examination at Deadline 4. Furthermore, matter 4.3.10 (Use of the public sewer network) is agreed as AWS have been added as a consultee under Schedule 2, Requirement 10(1) (Surface and foul water drainage) and a revised version of the draft DCO incorporating these changes was submitted to the Examination at Deadline 1.
- 4.1.3 Matter 4.1.7 (Access to AWS assets) is not agreed, as whilst Protective Provisions have been agreed AWS consider that specific wording regarding access to AWS assets should be included in the Framework CEMP. The Applicant considers that Protective Provisions protect the apparatus of AWS and specify that AWS retains its rights and powers over its apparatus, even if streets are stopped up or diverted, so that 24/7 access and maintenance capabilities are preserved. Furthermore, the Protective Provisions include provisions for cooperation and providing notice before undertaking any works that may affect AWS apparatus or access to it and may only execute such works subject to AWS' approval and in accordance with AWS requirements relating to alteration and protection of, and access to, its apparatus. Finally, matter 4.2.2 (Clash detection with the Proposed Development and AWS assets) has not been resolved during the Examination and is therefore identified as not agreed.

Environment Agency

- 4.1.4 The Applicant submitted a Permitted Preliminary Works Environmental Management Plan (PPW EMP) at Deadline 5 **[REP5-026]** of the Examination and submitted a further iteration of the PPW EMP at Deadline 5A **[REP5A-034]**. The Environment Agency (EA) submitted comments regarding the PPW EMP at Deadline 5A **[REP5A-050]**. The Applicant provided clarifications and its proposed amendments to address the EA's comments. The EA reviewed these and confirmed its satisfaction with the responses and the revisions to

the PPW EMP. The matters raised in the EA's Deadline 5A **[REP5A-050]** submission have therefore been resolved. The revised PPW EMP **[REP6-026]**, as agreed with the EA, was submitted to the Examination at Deadline 6. All matters between the Applicant and the EA are therefore agreed.

Forestry Commission

- 4.1.5 Despite continued consultation and engagement throughout the Examination, both the Applicant and the Forestry Commission's positions remain unchanged on the matters which were identified as under discussion in the final SoCG submitted to the Examination at Deadline 3A **[REP3A-010]**. Matters 4.1.5 (Direct and indirect impacts on ancient woodland), 4.1.6 (Fragmentation of Woodland), and 4.1.7 (Increasing Woodland Canopy Coverage) have not been resolved and are therefore now identified as not agreed.

Historic England

- 4.1.6 On 11 May 2026 Historic England (HE) wrote to the ExA in response to the ExA's Third Written Questions **[PD-021]**. HE confirmed that matters 4.1.3 (Acceptability of the Methodology for Appendix 7-G: Detailed Gradiometer Survey Report) and 4.1.4 (Acceptability of the Methodology for Appendix 7-H: Written Scheme of Investigation for an Archaeological Evaluation) are now agreed between the parties as HE is content with the iterative approach set out in the Framework Written Scheme of Investigation (WSI) **[REP3A-027]** and the reporting of investigations undertaken thus far (as set out in the updated documentation submitted up to deadline 3A).
- 4.1.7 Matter 4.1.11 (Acceptability of mitigation measures in relation to buried archaeology proposed during operation and contained within Management Plans) is not agreed as HE considers there is a remaining need for a mechanism to secure the effective integration of the soils management plan and the ecological management plan with the archaeological approach set out in the Framework WSI **[REP3A-027]** in order to avoid conflict arising from these three competing management plans. HE considers that works subject to these three considerations (soils, ecology, and archaeology) need to be coordinated via the CEMP as design develops through the post DCO period into construction, operation and decommissioning including any works associated with reinstatement to previous land uses. The Applicant considers that adequate measures relating to the protection of buried remains are included in the Framework Operational Environmental Management Plan (OEMP) **[REP6-010]** and the Framework WSI **[REP3A-027]** which was finalised following completion of the Trial Trenching Report **[REP2-036]**.

Lincolnshire County Council (including Lincolnshire Fire and Rescue)

- 4.1.8 Lincolnshire County Council (LCC) and the Applicant have worked collaboratively throughout the application process for the Proposed Development, and the areas of disagreement have been reduced through

collaborative working during the Examination. All matters are now either agreed or not agreed, with the final position summarised below.

General Matters

- 4.1.9 Matter 4.2.1 (Draft DCO Requirements) is now identified as not agreed, LCC would seek for paragraph 6.1.4 of the Framework OEMP **[REP6-010]** to be strengthened further to align with the Springwell Outline OEMP (PINS Ref: EN010149 – Springwell Solar Farm - Examination Library Ref: REP4-032). LCC is also of the opinion that Requirement 11(3) should include (c) and (e) of the defined permitted preliminary works. Furthermore, LCC considers that a Grampian style condition should be added to the Draft DCO **[REP5A-006]** to restrict the commencement of the Proposed Development, including the permitted preliminary works, until such time as the Navenby Substation has been granted planning permission. The Applicant considers the Requirements in the Draft DCO **[REP5A-006]** are appropriate for the Proposed Development and the Applicant provided clarity on the proposed Framework OEMP **[REP6-010]** wording in response to question DCO.2.19 of the Examining Authority's Second Written Questions **[REP3-045]**.

Archaeology

- 4.1.10 With regards to Archaeology matters, 4.4A.3 (Findings from Cultural Heritage Assessment carried out for the Proposed Development) is now agreed, whilst noting that LCC does not consider sufficient evaluation to have been undertaken, it is content with the proposals for further trenching. LCC notes that the results of such trenching will need to be adequate to inform archaeological potential and appropriate mitigation as details with regard to site specific impacts emerge. Matter 4.4A.6 (Potential Use of Concrete Blocks as an Alternative to Piling and the Potential Impacts of this on Archaeology) is also agreed.
- 4.1.11 Matter 4.4A.4 (Significance of Cultural Heritage Effects Arising from the Proposed Development) is identified as not agreed; LCC considers that dissemination of information is part of the requirement for archaeological work undertaken in order to adequately mitigate the impacts caused by development and this is reflected in paragraph 5.9.17 of NPS EN-1 (and paragraph 5.9.19 of NPS EN-1 (2025)). However, where destruction of heritage assets is unavoidable a comprehensive and well-designed programme, including public engagement and community outreach, will be required for any Written Scheme of Investigation to be agreed with LCC. The Applicant considers that a robust assessment has been completed, and suitable mitigation can be delivered. The delivery of such mitigation, to be agreed with LCC, will ensure the residual effect will be neutral with a variety of mitigation options available.
- 4.1.12 Matter 4.4A.5 (Impacts of the Proposed Development on Archaeology beneath the A46) is not agreed; LCC's concerns remain and agreement will require informed discussion of the trenching results, archaeological potential and proposed site-specific developmental impacts. The Applicant has completed the geophysical survey and the approach to trial trenching is set

out in Appendix 7-H Written Scheme of Investigation for an Archaeological Evaluation of the ES **[REP3A-027]** which was approved by the LCC County Archaeologist. Furthermore, matter 4.4A.7 (Cultural Heritage Impacts of the Proposed Development on the Settlement of Morton) is not agreed as LCC remains concerned with the earthworks associated with the settlement of Morton. The Applicant maintains that the impacts of the Proposed Development on the settlement of Morton are deemed limited as set out in Chapter 7: Cultural Heritage of the ES **[APP-032]**, and as such mitigation measures are not deemed necessary.

Built Heritage

- 4.1.13 Matter 4.4B.6 (Other Cultural Heritage Assets on the DCO Site Boundary) is now identified as not agreed. LCC maintains that, for a limited number of designated assets (Hall Close Scheduled Monument and Morton Manor and Morton Grange (Grade II)), the ES may understate the effect of the Proposed Development on their significance through change to setting. The Applicant considers the assessment presented in Appendix 7-D Detailed Heritage Asset Setting Assessment of the ES **[APP-127]** to be fair and reasonable.

Ecology

- 4.1.14 The Applicant and LCC have reached agreement on matter 4.5.2 (Ecology and Nature Conservation Methodology adopted for the Environmental Statement). On 5 May 2026, LCC confirmed it had reviewed the amended Biodiversity Net Gain Report **[REP5-015]** submitted at Deadline 5 and considers the assessment undertaken to be suitable and to have resolved its previous concerns. On this basis, matters 4.5.9 (Approach to BNG for the Proposed Development), 4.5.10 (Habitat parcels in the BNG Report), and 4.5.11 (BNG Trading Rules) are now agreed.
- 4.1.15 Matter 4.5.14 (Ecology Steering Group) is not agreed; LCC disagrees with the Applicant's position and approach to the Ecological Advisory Group (EAG) or similar. LCC maintains that the primary purpose of the EAG should be to provide independent scrutiny of the Applicant's ecological monitoring and to facilitate ongoing communication with host Local Authorities post-consent. The EAG should enable the Applicant to report on the delivery of ecological mitigation and enhancement measures, including BNG, and to agree any necessary corrective actions where targets are not met. LCC considers that it should therefore act as a mechanism for robust monitoring of compliance with the BNG commitments secured under Requirement 8 of the draft DCO **[REP5A-006]**. LCC also considers that the EAG should identify opportunities to align the Applicant's measures with those of other developments and strategic initiatives, such as the Greater Lincolnshire Local Nature Recovery Strategy. LCC considers that effective operation of the EAG requires representation from host Local Authorities. The draft Terms of Reference included within the Framework Landscape and Ecological Management Plan (LEMP) **[REP6-018]** should, in LCC's view, set out the group's remit, membership, establishment and duration, meeting frequency, and funding arrangements. This approach suggested by LCC aligns with that taken in

respect of The Springwell Solar Farm Order 2026 and the proposed Beacon Fen Energy Park (Planning Inspectorate Reference: EN010151). The Applicant has included the draft Terms of Reference in the Framework LEMP [REP6-018], and has previously set out its reasoning as to why it does not consider LCC needs to be part of the EAG, primarily because it is a group to discuss and influence the landscape and ecology objectives prior to sharing these thoughts for approval with the relevant planning authority. It remains the Applicant's position that the EAG will comprise the Applicant or Operations Contractor, Environmental Manager (as defined in the Framework OEMP [REP6-010]), a suitably qualified and experienced ecologist, and if relevant to the Proposed Development any research institution(s) carrying out ecological studies onsite during operation, and that monitoring reports will be sent to the host authorities for their information, along with a summary of any changes proposed to management measures. If any material changes are proposed to the management measures contained within the approved LEMP in response to the findings of post-construction monitoring, relevant details will be sent to the host authorities for their review and approval prior to their implementation.

Socio- economics and land use

- 4.1.16 Matters 4.8.2 (Agricultural Land Classification Survey – Grid Connection Corridor) 4.8.3 (Impact on visitor economy as a result of the Proposed Development), 4.8.5 (Economic impacts on crop production in Lincolnshire), 4.8.6 (Agricultural Land Classification Findings for the Proposed Development), 4.8.7 (Maximising Benefits from the Proposed Development on Employment and Skills), 4.8.9 (Impact on Visitor Economy as a result of visual degradation arising from the Proposed Development), and 4.8.11 (Mineral Safeguarding Areas (MSAs)) are now identified as not agreed. LCC's concerns remain in respect of these matters and no agreement could be reached. The Applicant maintains that the assessment provided on these matters in Chapter 12: Socio Economics and Land Use [AS-016] is robust and suitable.
- 4.1.17 Matter 4.8.9 (Need for the Proposed Development to provide Sufficient Community gain) is now agreed.

Materials and Waste

- 4.1.18 Matter 4.10.4 (Results of materials and waste assessments in relation to the Proposed Development) is now identified as agreed. LCC is satisfied that the Applicant intends to make every effort to minimise landfilling of waste. Matter 4.10.7 (Minerals Extraction) is also agreed. Matters 4.10.8 (Replacement of solar PV panels and other infrastructure during the operational lifetime of the proposed development) and 4.10.9 (Replacement of Solar PV Panels during the Operational Lifetime of the Proposed Development) are now identified as agreed. LCC notes that the Applicant's Response to the Examining Authority's Second Written Questions [REP3-045] explains the intention to fully "repower" the Proposed Development once during its operational lifetime by replacing around 20% of the PV panels per year over a 5 year period.

- 4.1.19 Matters 4.10.5 (Materials and Waste Mitigation and Framework Management Plans) and 4.10.6 (Waste Management in relation to solar PV panels and associated infrastructure) are now considered not agreed. LCC remains concerned regarding the current lack of capacity for recycling of PV panels, particularly for the cumulative arisings from numerous parallel Nationally Significant Infrastructure Projects (NSIP) scale developments in Lincolnshire and the wider East Midlands. The Applicant considers that the mitigation measures set out in Section 14.5 of Chapter 14: Other Environmental Topics of the ES **[APP-039]** and the relevant framework management plans and are considered acceptable, and that the assessment represents a worst case scenario with the assumptions made around recycling and failure rates deemed appropriate.

Electric and Electromagnetic fields

- 4.1.20 Matter 4.12.2 (Methodology Adopted for the Assessment of Electric and Electromagnetic Field Impacts Resulting from the Proposed Development) is not agreed. LCC remains concerned that the assessment set out in Section 14.8 of Chapter 14: Other Environmental Topics of the ES **[APP-039]** does not appear to have included battery storage, however, the extent to which these emit ionizing EMFs is not known, and the Applicant has provided an appropriate response. The Applicant's position is that EMFs have been appropriately considered and assessed in Section 14.5 of Chapter 14: Other Environmental Topics of the ES **[APP-039]** in relation to relevant reference levels and no significant effects are identified.

Health

- 4.1.21 Matter 4.13.1 (The Environmental Assessment does not include an Assessment of the Potential Impacts on Human Health Arising from the Proposed Development) is identified as not agreed. It is LCC's opinion that the ES is not explicit in its assessment of Human Health, the approach is no substitute for a Health Impact Assessment (HIA), and there has been no revision to the Health and Wellbeing Summary Statement **[REP5-023]** since LCC's Deadline 5 comments. The Applicant's position remains that the effects of the Proposed Development on human health are appropriately considered as part of the ES and that the Health and Wellbeing Summary Statement **[REP5-023]** summarises the approach to the consideration and assessment of effects of the Proposed Development on human health and wellbeing (both physical and mental health)
- 4.1.22 Matters 4.13.2 (Assessment of Potential Impacts of the Proposed Development on Mental Health) and 4.13.3 (Health Impacts Arising as a Result of the BESS Component of the Proposed Development) are both now agreed. With regards to 4.13.2, LCC agrees that an additional mental health impact assessment is not needed given the submission of the Health and Wellbeing Summary Statement **[REP5-023]**, the evolution of the Proposed Development design in liaison with the Community Liaison Group (CLG), the commitment for the CLG to continue into the operation phase, and the proposed community benefit fund.

Cumulative Effects

- 4.1.23 Matter 4.14.2 (Methodology Adopted for the Assessment of Cumulative Effects and Interaction) is now agreed, noting that the Applicant provided an Interrelationships Report **[REP4-019]** at Deadline 4. LCC welcomed this and made specific comments on the document, which were submitted at Deadline 5. LCC notes this report is only focussed on solar NSIPs and omits other infrastructure and development types, which LCC would have preferred to have been included. However, LCC noted that this was in line with the approach taken on other solar projects where interrelationship reports have been produced. Notwithstanding the significant concerns raised by LCC regarding the cumulative effects of the Proposed Development in combination with other proposals (inter-cumulative effects), matter 4.14.9, LCC does not disagree with the methodological approach adopted by the Applicant. Accordingly, LCC considers the methodology to be acceptable. However, matter 4.14.3 (Results of Assessments of Cumulative Effects and Interactions in Relation to the Proposed Development) is not agreed as there remain some points of disagreement regarding the assessments conclusions on the significance of inter-cumulative effects, and therefore LCC's concern surrounding cumulative impacts from an influx of infrastructure development within the County remains. The Applicant considers the assessment results set out within Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES, including likely significant effects anticipated, are acceptable.
- 4.1.24 Matter 4.14.4 (Cumulative Impacts and Effects on Historic Environment) is not agreed as LCC remains concerned that the assessed Zone of Influence risks not capturing effects on historic landscape character that are experienced sequentially when moving through the landscape, rather than at fixed viewpoints. LCC considers that there is the potential for the cumulative effects of multiple solar NSIPs resulting in solar becoming a defining characteristic of the landscape character in this part of the county. The Applicant has demonstrated compliance with Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations), but LCC considers the Applicant has not addressed the methodological gap in how to assess the cumulative transformation of the historic landscape character by multiple NSIPs, for which no adequate published methodology currently exists. The Applicant is of the opinion that due regard has been given to the importance of understanding the cumulative impacts, as presented within Chapter 7: Cultural Heritage **[APP-032]** of the ES and Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES in line with the EIA Regulations.
- 4.1.25 Regarding matter 4.14.6 (Cumulative Impacts on Ground Nesting Birds and Skylark) the matter is now agreed. LCC agrees with the proposed ground nesting bird mitigation measures.
- 4.1.26 Matter 4.14.8 (Cumulative Impacts of EMF) is not agreed. LCC remains concerned that the assessment of cumulative effects does not appear to have covered EMFs from other electricity generation, transmission, or storage infrastructure in the area, including where the cable feeds into the substation at Navenby. The Applicant has clarified that the potential EMF associated with other relevant developments included within the cumulative developments shortlist (as discussed in Chapter 15: Cumulative Effects and Interactions

[APP-040] of the ES) would have no significant effect on receptors. These developments would be required to adhere to the same relevant policy to ensure all EMF is below the relevant exposure limits, and the nearest residential receptor to the proposed National Grid substation near Navenby is located approximately 600m to the west meaning that any cumulative EMF from the substation, along with 400kV cabling from projects connecting to it, would be suitably attenuated. Therefore, no cumulative effects are expected due to EMFs, as discussed in Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES.

- 4.1.27 Matter 4.14.9 (Influx of NSIP proposals in Lincolnshire) is not agreed. LCC's concerns regarding the inter-cumulative effects from a large number of NSIP scale developments within Lincolnshire remain as consistently stated throughout the Examination. The Applicant's position remains that Cumulative effects and interactions between the Proposed Development and other solar NSIPs are adequately assessed in Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES. The Applicant notes that solar NSIPs in Lincolnshire, together with the Proposed Development, account for approximately 1.4% of the Best and Most Versatile (BMV) land in the County. Furthermore, all of these developments will be reversible and the land is projected to be returned to agriculture on decommissioning, except for relatively small areas used for habitat creation, such as woodland planting, which is anticipated to be retained, and no significant effects on agricultural land were identified for any of the solar NSIPs.

Fire and Rescue

- 4.1.28 The Applicant and Lincolnshire Fire and Rescue have reached an agreed position in respect of the following topics Fire and Rescue - Access (matters 4.14.10 - 12), Water Supply (matters 4.14.13 - 14), BESS (matter 4.14.15), and Environmental Requirements (matters 4.14.16 - 17).

Lincolnshire Wildlife Trust

- 4.1.29 Following further discussions matter 4.1.12 (Consultation on Management Plans) is not agreed as Lincolnshire Wildlife Trust's (LWT) position remains that it wishes to be consulted on the detailed management plans. The Applicant's position remains that LWT should not be a prescribed consultee as it is not a statutory body. If the local planning authority wishes to engage LWT during the discharge of requirements that is at the local planning authority's discretion.
- 4.1.30 With regard to matter 4.1.13 (Sale of Biodiversity Net Gain units), on the basis that the Applicant does not intend to seek the trading of any units which form part of the minimum BNG delivery committed to in the Draft DCO **[REP5A-006]**, the matter is agreed. Finally, matter 4.1.14 (BNG Trading Rules) is identified as agreed as previous concerns have been adequately addressed in the amended Biodiversity Net Gain Report **[REP5-015]** submitted at Deadline 5.

Ministry of Defence

- 4.1.31 The position remains unchanged from the final SoCG submitted to the Examination at Deadline 3A **[REP3A-013]** with all matters agreed.

National Grid Electricity Distribution (East Midlands) Plc

- 4.1.32 On 12 May 2026, NGED's representatives submitted a letter to the Examination to withdraw its objection to the Proposed Development, confirming that the Applicant and NGED have reached agreement on commercial terms for the protection of NGED's apparatus and entered into an asset protection agreement with associated protective provisions. Therefore matter 4.1.2 (Protective Provisions) is agreed, and all matters between the parties have now been agreed. The agreed protective provisions have been incorporated into the draft DCO **[REP5A-006]**.

National Grid Electricity Transmission Plc

- 4.1.33 Despite continued consultation and engagement, both the Applicant and NGET's positions remain unchanged on the matters which were identified as under discussion in the draft SoCG submitted to the Examination at Deadline 3A **[REP3A-015]**. Matters 4.2.1 (Responsibility as a statutory undertaker, Appropriate protections and NGET's existing access rights), 4.3.1 (Existing NGET assets within and in close proximity to the Order Limits), 4.4.1 (Future NGET assets within and in close proximity to the Order Limits), 4.4.2 (Protective provisions), 4.4.3 (Access for associated overhead line upgrade work), and 4.5.1 (Compulsory acquisition powers over NGET land) have not been resolved and are therefore now identified as not agreed. NGET submitted a copy of its preferred Protective Provisions in its Written Representations at Deadline 4 **[REP4-024]**. Although the Applicant and NGET have not yet reached full agreement on the form of the protective provisions, the Applicant is committed to continued engagement with NGET following the close of the Examination in order to agree mutually acceptable protective provisions. Details of the remaining points and the Applicant's position in respect of these are set out in Appendix A to the Final Status of Negotiations with Statutory Undertakers **[EN010154/EXAM/9.37]** submitted at Deadline 7. In the event that agreement cannot be reached, the Applicant considers that the protective provisions included at Part 8 of Schedule 14 to the draft DCO **[REP5A-006]** submitted at Deadline 7 provide adequate protection.

National Highways

- 4.1.34 Following further discussion between the two parties matter 4.3.2 (Geotechnical Risks on A46 Trunk Road) is now agreed. Furthermore, matters 4.2.3 (Requirement 8 – Landscape and Ecological Management Plan (LEMP)) and 4.8.1 (Glint and Glare) are now agreed, the two parties have reached agreement on the consultation zone for National Highways with regard to landscaping along the A46, as defined in Appendix B: Figure 7.15-2: National Highways Consultation Zone of the Framework LEMP submitted at Deadline 7. National Highways is content that the consultation zone now encompasses

all landscaping between the A46 and the solar generating areas. In addition, the buffer from the rear of any hedgerow, tree belt, or woodland habitat adjacent to the A46 has been increased from 5 m to 15 m. This aligns with the minimum woodland buffer recommended in standing advice issued by Natural England and the Forestry Commission.

- 4.1.35 Matters 4.2.8 (Requirement 14 Construction Traffic Management Plan (CTMP)) and 4.9.2 (Cumulative Road Schemes) have been moved to not agreed as the Applicant does not agree with National Highway's request to be an approving body for the discharge of Requirement 14 of the Draft DCO **[REP5A-006]**. National Highways would seek to approve the CTMP to manage construction traffic and vehicle movements safely and efficiently, minimising disruption and potential hazards to the Strategic Road Network (SRN). National Highways is concerned that not being a consultee for this requirement could result in National Highways being bypassed for comment and consider there to be safety implications particularly given the construction programme for the A46 Newark Bypass scheme is yet to be finalised (there is now a possibility that construction could commence in the same year as the Fosse Green Energy project (2031)). National Highways identifies that a similar requirement requiring National Highways approval was granted on the Viking CCS Carbon Dioxide Pipeline Order 2025 (Ref: 2025 No. 509, Infrastructure Planning, The Viking CCS Carbon Dioxide Pipeline Order 2025). Furthermore, National Highways is concerned with the draft of paragraphs 2(5) and 3(7) of Schedule 15 of the draft DCO **[REP5A-006]**. Whilst the amendments introduce an obligation on the Applicant to provide National Highways with a copy of the discharge application, this does not address National Highways' concerns regarding the operation of the deemed consent provisions given that it is still reliant on the LPA responding to the discharge application. Further, paragraph 3(7)(b) introduces deemed acceptance where National Highways does not notify the Applicant within 15 working days that it has sufficient information to consider the application. National Highways considers that 15 working days is insufficient for this purpose. By comparison, paragraph 3(2) affords the Local Planning Authority 20 working days to request further information. National Highways therefore requests that an equivalent 20 working day period is applied to National Highways in paragraphs 3(7)(a) and (b). Paragraphs 3(7)(d) and (e) also identify that National Highways must then submit its comments to the Local Planning Authority within 15 working days of receipt of the application or further information (if requested), failing which it is deemed to have no comments. As above, National Highways considers that 15 working days is insufficient. National Highways feels there are safety implications and that ensuring that appropriate oversight is exercised in respect of construction-related traffic impacts is a fundamental matter of public safety. Accordingly, National Highways requires a longer period within which to consider discharge applications. Where National Highways is given an approval role to the CTMP, it requests that the 10-week deemed consent period applicable to the Local Planning Authority is mirrored. Alternatively, if the Examining Authority is minded to retain National Highways in a consultee role only, National Highways requests that a period of no less than 8 weeks is provided to the CTMP and in the context of its consultee role on all other requirements. It is the Applicant's position that it would be highly unusual for National Highways

to be named in the DCO (if granted) as a discharging body in place of the relevant local authority. Whilst the draft DCO includes two separate discharging bodies split between the county's and district's functions, this is in respect of separate Requirements, and further, it is likely that the forthcoming local government re-organisation will result in one discharging body for these DCO requirements in due course. Further, Local authorities are well versed in discharging DCO Requirements (as well as conditions of planning permissions) and have a number of processes and procedures in place to do so, including engaging statutory consultees prior to making a discharge decision. Lincolnshire County Council will also be interested to ensure that construction of the Proposed Development does not have adverse impacts on the strategic network, because such impacts are likely to have knock-on effects to their own local highway network. In these circumstances, it is highly unlikely that a local authority would fail to discharge a Requirement (as suggested by National Highways) such that deemed approval would apply. In contrast, National Highways would not normally discharge matters under a DCO, and the Applicant is not aware of any made DCOs for solar schemes which name National Highways as a discharging authority. To add in a further discharging authority to a single plan would add unnecessary complexity and the potential for delay, especially in circumstances where one discharging authority is content to approve the CTMP but the other is not. In addition, National Highways would have no enforcement powers in the event of any breach of the Requirement. Accordingly, the Applicant does not consider it appropriate to include any amendments to Requirement 14 of the draft DCO **[REP5A-006]** in relation to National Highways request. Finally, the Applicant will work with NH (and LCC) with respect to the A46 Newark Bypass (and A46 Hykeham Relief Road) in the development of the detailed CTMP to coordinate with the delivery of these projects.

Natural England

- 4.1.36 The position remains unchanged from the final SoCG submitted to the Examination at Deadline 3A **[REP3A-017]**, with Matter 4.2.3 (Acceptability of the Soils and BMV Land Assessment Methodology) and Matter 4.2.5 (Acceptability of the approach to the Agricultural Land Classification (ALC) Survey of the Principal Site and the Cable Corridor) not agreed. Regarding the soils and BMV land assessment methodology, it remains the Applicant's position that whilst the terminology differs from those used in IEMA's 'A New Perspective on Land and Soil in Environmental Impact Assessment' (IEMA, 2022) this is caveated in the guidance. Whilst there is disagreement between the Applicant and Natural England on the methodology, the adoption of a different methodology would not change the conclusions of the assessment presented in the ES. In relation to the Agricultural Land Classification (ALC) Survey the Applicant considers the current proposed approach is appropriate and that the conclusions of the ES would remain unchanged, even if surveys were undertaken for the full Order Limits.

Network Rail

- 4.1.37 Despite continued consultation and engagement, the Applicant and Network Rail's positions remain unchanged on the matters identified as under

discussion in the final SoCG submitted to the Examination at Deadline 3A **[REP3A-018]**. Matters 4.1.1 (Authority and powers sought in the draft Order), 4.1.2 (Objection and safety), 4.1.3 (Protective Provisions) have not been resolved and are therefore now identified as not agreed. Notwithstanding this, the Applicant will continue to engage with Network Rail following the close of the Examination in order to seek to reach agreement.

North Kesteven District Council

- 4.1.38 North Kesteven District Council (NKDC) and the Applicant have worked closely to progress matters identified as under discussion in the final SoCG submitted at Deadline 4 **[REP4-013]**,
- 4.1.39 NKDC and the Applicant have worked collaboratively throughout the application process for the Proposed Development, and the areas of disagreement have been reduced during the Examination. Almost all matters are now either agreed or not agreed, though there are a small number which are now considered not relevant. The final position is as summarised below.

General Planning Matters

- 4.1.40 Matter 4.1.2 (Consideration of the Planning Balance) is not agreed, NKDC acknowledges that that it is for the ExA to consider the planning balance through its recommendation. However, matter 4.1.4 (60 year Operational Lifetime of the Proposed Development) is not agreed as NKDC is concerned with the proposed 60 year lifespan of the Proposed Development and associated potential long-term effects. NKDC considers that these concerns have not been adequately addressed in the application documents and proposals. Matter 4.1.5 (Timescales for Construction of the Proposed Development) is agreed, though NKDC remains concerned with regard to the status of the planning application for the proposed Navenby Substation and considers that the DCO should not be granted until planning permission is granted. NKDC accepts that the Applicant cannot provide further certainty on the construction programmes at this stage, but considers that the additional requirement is needed to avoid unnecessary harm resulting from the Permitted Preliminary Works and commencement, in the event that the Navenby Substation is not granted permission. The Applicant considers that the planning balance has been applied to the Proposed Development in accordance with NPS EN-1 as set out in Section 7 of the Planning Statement **[AS-098]** and, as such, is acceptable.

Draft Development Consent Order

- 4.1.41 Matter 4.2.1 (Draft DCO Wording regarding Tree Preservation Orders (TPO) - Article 40) has moved to not agreed as the parties have not reached agreement on the wording of Article 40. Matter 4.2.3 (Landscape Maintenance during the operation of the Proposed Development) is now agreed. NKDC is generally satisfied with the proposals contained in the Framework LEMP **[REP6-018]** and the basis these provide for the future detailed LEMPs.
- 4.1.42 NKDC has concerns regarding the definition of 'maintain' and whilst the Council welcomes the Applicant's submission of a typical maintenance schedule in Appendix C to the Applicant's Response to ExQ2s **[REP3-045]**

it considers that either the wording of the definition of maintain should be changed to impose a limit on panel and equipment replacement in any 12 month period or the parameters of the Framework OEMP **[REP6-010]** should be changed to include such a limit. As such matter 4.2.7 (Definition of 'maintain') is not agreed. The Applicant has not made any amendments to the draft DCO **[REP5A-006]** in this respect as it considers that the provisions of the Framework OEMP **[REP6-010]** sufficiently address this point.

- 4.1.43 Matter 4.2.8 ('Permissive paths' and Requirement 17) is now agreed following amendments to Requirement 17 of the Draft DCO **[REP5A-006]**. Following amendments to the definition of PPW in the DCO; the addition of a definition of the PPW EMP **[REP6-026]**; and the amendment of Requirement 6 of the Draft DCO **[REP5A-006]**, matter 4.2.9 (Definition of 'permitted preliminary works' in Article 2) is agreed. However, this is without prejudice to NKDC's position that the PPWs should not be allowed to proceed in advance of the grant of planning permission for the proposed Navenby substation.
- 4.1.44 Matter 4.2.10 (Article 35) is now agreed. NKDC agrees no amendments are required to Article 35 of the Draft DCO **[REP5A-006]** but remains concerned regarding the absence of a decommissioning fund. Matter 4.2.11 (Article 46 approvals procedure (other than for Requirements)) is not agreed; both parties note that a 10 week period has been identified for Springwell DCO. NKDC maintains that a 10 week period is appropriate, however the Applicant's position remains that an 8 week period is suitable as set out in response to question DCO 2.07 in the Applicant's Response to the Examining Authority's Second Written Questions **[REP3-045]**.
- 4.1.45 Matter 4.2.13 (Requirement 20) is not agreed. NKDC remains concerned regarding the absence of clear provisions covering the measures to secure decommissioning in the event of premature cessation of generation, secured funding for decommissioning works, and time limit for decommissioning works. It is the Applicant's position that a decommissioning security is not required for the Proposed Development and therefore no such requirement is necessary. The Applicant has set out a detailed explanation as to why a requirement securing the provision of a decommissioning bond is neither reasonable nor necessary in response to question DCO.2.28 as set out in the Applicant's Response to the Examining Authority's Second Written Questions **[REP3-045]**. Furthermore, the Applicant has amended Requirement 20 of Schedule 2 to the draft DCO **[REP5A-006]** to provide that a timescale for decommissioning is to be included in the detailed DEMP which is to be submitted to the local planning authority for approval and therefore does not consider it necessary to include a specific timescale in the requirement.
- 4.1.46 Matter 4.2.14 (Schedule 15 discharge of Requirements – appeals) is not agreed. NKDC has concerns regarding the wording of paragraphs 2 and 3 of Schedule 15 of the Draft DCO **[REP5A-006]** and seeks amendments to paragraph 4 (2)(d) for 20 working days to provide written representations or further information. The Applicant considers that the timescales set out are reasonable and proportionate and have precedent in a number of made DCOs. Notwithstanding this, as set out in the Applicant's Response to Deadline 6 Submissions **[EN010154/EXAM/9.38]** submitted at Deadline 7, the

Applicant has amended paragraphs 2(3) and 3(3) of Schedule 15. Paragraph 2(3) has been amended to provide clarity regarding what the undertaker needs include when submitting an application for the discharge of a Requirement. Paragraph 3(3) provides the 25 working days requested by NKDC at Deadline 6. Similarly matter 4.2.15 (Schedule 15 discharge of Requirements – fee structure) is not agreed. Whilst the Requirement discharge fees as set out in paragraph 5 of Schedule 15 of the most recently submitted version of the Draft DCO **[REP5A-006]** are acceptable, NKDC considers the fees should be the subject of indexation year on year and that provision should be made in the DCO to secure this. The Applicant has considered the various submissions on this point by both NKDC and LCC and has revised the fee structure set out in Schedule 15 of the draft DCO; the fees set out are in line with the planning fee schedule which came into force on 1 April 2026, as requested by NKDC.

Proposed Development Design

- 4.1.47 Matter 4.4.3 (Scale and nature of works) is now agreed between the Applicant and NKDC. NKDC is satisfied that the amendments to the application documents and addition of Requirement 6(7) of Schedule 2 to the Draft DCO **[REP5A-006]** deal with previous concerns with regard to the high degree of flexibility on what form, scale, and nature each ‘part’ of the Proposed Development will take. However, matters 4.4.4 (Restoration of land) and 4.4.5 (DCO flexibility on sealing over land) are not agreed. NKDC remains concerned that the Applicant has taken an optimistic view of its ability to restore all of the agricultural land to its existing quality and with the approach taken to assessment of the loss of BMV land by ‘sealing over’. The Applicant considers that the assessment of decommissioning works is robust and that removal of cables will be dependent upon government policy, the preferences of NKDC and applicable best practice at the time of the decommissioning of the Proposed Development. With regards to ‘sealing over’ the Applicant considers this has been suitably considered in Chapter 12: Socio-Economics and Land Use **[AS-016]** of the ES; the Proposed Development is reversible and the site is not permanently sealed.
- 4.1.48 Matter 4.4.6 (Buffers from the Battery Energy Storage System (BESS) and the ‘Perception of Harm’) has been agreed. BESS separation distances from residential structures and minimum distances are set out in the Framework Battery Safety Management Plan **[REP6-020]** and the Design Commitments **[REP6-033]** which secure a separation distance of 200m for both a centralised BESS and a distributed BESS. NKDC considers that the ExA has sufficient information to draw conclusions on the degree to which the perception of harm to public amenity, safety and wellbeing associated with an incident at the BESS, together with battery type selection, is a material consideration for this proposal.
- 4.1.49 Matter 4.4.7 (Replacement of solar PV panels and other infrastructure during the operational lifetime of the Proposed Development) is not agreed. NKDC requests that an upper limit is placed on the proportion of panels to be replaced in any one 12 month period, and have suggested that this might be 50%. The Applicant’s position remains that the extent of maintenance activities

is adequately controlled through the definition of “maintain” in Article 2(1) of the Draft DCO **[REP5A-006]**. The Applicant has provided further detail on the replacement of components in Chapter 3: The Proposed Development **[REP1-015]** of the ES which sets out the maintenance and servicing which would be undertaken during the operation of the Proposed Development and suitably controlled by the wording and works defined in the Draft DCO **[REP5A-006]**.

Archaeology

- 4.1.50 With regards to Archaeology matters 4.6A.3 (Findings from Cultural Heritage Assessment carried out for the Proposed Development) is now agreed, whilst noting that NKDC does not consider sufficient evaluation to have been undertaken, it is content with the proposals for further trenching. NKDC notes that the results of such trenching will need to be adequate to inform archaeological potential and appropriate mitigation as details with regard to site specific impacts emerge. Matter 4.6A.4 (Below-ground heritage: Significance of Cultural Heritage Effects Arising from the Proposed Development) is not agreed, NKDC considers there is a presumption in favour of preservation in planning and that a reductive approach to the impacts of the Proposed Development upon the unrenovable archaeological resource has been undertaken, and that dissemination is part of the requirement for archaeological work undertaken in order to adequately mitigate the impacts caused by development in reference to paragraph 5.9.17 of EN-1. It is the Applicant's position that Chapter 7 Cultural Heritage **[APP-032]** of the ES provides suitable assessment of effects and that suitable investigations were undertaken and that should any additional trenching be required, these will inform the detailed design process and which will be carried out post-consent, as detailed within the Framework WSI **[REP3A-027]** which in turn will be agreed with the relevant Local Planning Authority.
- 4.1.51 Matter 4.6A.5 (Impacts of the Proposed Development on Archaeology beneath the A46) is not agreed, NKDC remains concerned about the archaeological significance beneath the A46 and that, in order to reach agreement, informed discussion of the trenching results, archaeological potential and potential site-specific developmental impacts will be required. The Applicant has completed a geophysical survey (results detailed in Appendix 7-F Air Photo and LiDAR Mapping and Interpretation of the ES **[APP-129]**) and the approach to trial trenching is set out in Appendix 7-H Written Scheme of Investigation for an Archaeological Evaluation of the ES **[REP3A-027]** which was approved by the LCC County Archaeologist. The results of these investigations (including ongoing trial trenching) informed the ES and further archaeological mitigation.
- 4.1.52 Matters 4.6A.6 (Potential Use of Concrete Blocks as an Alternative to Piling and the Potential Impacts of this on Archaeology) and 4.6A.7 (Above Ground Impacts on Archaeology as a Result of the Proposed Development) are now agreed. NKDC is content the impacts have been suitably addressed. Finally, matter 4.6A.8 (Cultural Heritage Impacts of the Proposed Development on the Settlement of Morton) is not agreed as NKDC has outstanding concerns regarding the earthworks associated with the settlement of Morton.

Built Heritage

- 4.1.53 Matter 4.6B.2 (Above Ground Heritage Baseline and Study Area for the Proposed Development) is not agreed, as NKDC does not consider that the Heritage Technical Note **[REP3A-026]** provided any further meaningful analysis to justify the extent of the study areas assessed. Matter 4.6B.3 (Findings from Cultural Heritage Assessment carried out for the Proposed Development) is also not agreed. NKDC does not agree with the findings of the assessment in relation to Morton Manor and Morton Grange (listed buildings), River Farmhouse, and Grange Cottage. NKDC considers that these should be assessed individually and separately from the 'farmsteads study' and include evaluation of movement in and around the assets, as well as from static locations. NKDC also considers that a bespoke mitigation strategy should be developed, rather than a reliance on other embedded mitigation measures currently incorporated into the design of the Proposed Development. The Applicant considers that the Heritage Technical Note **[REP3A-026]** provided further detail on the matters raised regarding the study area and historic landscape character regarding farmstead groups (group value), and that mitigation is suitably secured through the embedded mitigation of the Proposed Development's design, the Framework LEMP **[REP6-018]** and Draft DCO **[REP5A-006]**.

Ecology and Nature Conservation

- 4.1.54 Matter 4.7.6 (BNG Baseline Conditions) is now agreed. NKDC is content with the amendments made to the Biodiversity Net Gain Report **[REP6-016]** during the Examination and considers it robust and realistic.
- 4.1.55 Since submission of the Final SoCG **[REP4-013]** at Deadline 4, matter 4.7.10 (Ecological Steering Group) has been subject to further discussion between the two parties though the matter remains not agreed. It is the Applicant's position that participation in the EAG by NKDC is not required to fulfil the purpose and function of the EAG as defined in the Framework LEMP **[REP5-017]** and that the councils will be the recipients of outcomes from the EAG, which will include the ecological and BNG monitoring reports for information. Plus, the host Councils will have the responsibility to review and approve the LEMP under Requirement 8 of the Draft DCO **[REP5A-006]**, including any material changes proposed to the approved detailed LEMP management proposals, in response to the findings of post-construction monitoring. Similarly, ecological monitoring reports required as part of Requirement 12, 13 and 14 (CEMP, OEMP, and DEMP) will be shared with the host Councils as part of the Applicant's duties under the DCO. It is NKDC's position that local authority participation in the EAG (combined with independent BNG verification monitoring) is an important part of a collaborative approach to ensure that the Proposed Development delivers on its BNG targets and ecological mitigations which the Applicant claims represent a moderate significant benefit, carrying substantial positive in the planning balance. NKDC considers that it is precisely because it has LEMP approval and enforcement responsibilities that EAG participation is necessary and should be funded by the Applicant. NKDC considers that this is consistent with the Government's approach to local authority cost-recovery, and with other recent NSIP cases in the area. Matter 4.7.11 (Approach to BNG during operation of the Proposed

Development) is also not agreed; NKDC considers the initial monitoring timetable should specify monitoring at years 1,2,3,4,5, and subsequently at five-yearly intervals, and requests that specific reference is made to BNG condition criteria. NKDC also considers that the Applicant should follow the best practice guidance of the Natural England HMMP templates to ensure all aspects of the Habitat Monitoring and Management Plan (HMMP) are included in the LEMP. The Applicant considers the proposed monitoring programme, as set out in the **Framework LEMP [REP6-018]**, to be robust and suitable for the Proposed Development.

- 4.1.56 Matters 4.7.12 (BNG Approach – Phased development) and 4.7.13 (BNG Approach – Monitoring and reporting) are not agreed. With regard to matter 4.7.12 NKDC seeks a commitment that either all notable areas of BNG are delivered as the first phase of the Proposed Development or that each phase is broken down to include BNG delivery to achieve DCO Requirement 8(2) targets independent of all subsequent phases. For matter 4.7.13 agreement has not been reached in respect of the proposed BNG monitoring and reporting and the associated costs. NKDC seeks funding for independent BNG verification monitoring, consistent with its adopted guidance and practice for developments under the Town and Country Planning Act 1990. The Applicant notes that the Biodiversity Net Gain report **[REP6-016]** has assumed a two year delay for habitat creation works across the DCO Site which has been applied within the Metric as a worst case assumption for assessment. NKDC considers that whilst this delay is welcome, it does not fully address the Council's concerns.

Socio Economics and Land Use

- 4.1.57 Matters 4.11.1 (Applicable Socio-Economic and Land Use Legislation and relevant Socio-Economic and Land Use Policy) and 4.11.5 (Baseline DCO Site Conditions for Socio-Economics and Land Use) are not agreed, NKDC's position remains that other relevant policies should be considered and that the consideration of the Stepping Out Walks is inadequate. The Applicant considers that Chapter 12: Socio Economics and Land Use **[AS-016]** of the ES has identified and given appropriate assessment of all relevant socio-economic and land use effects and baseline information.
- 4.1.58 Regarding agricultural land, matter 4.11.6 (Agricultural Land Classification Survey for the Proposed Development) is not agreed. It remains NKDC's opinion that an Agricultural Land Classification (ALC) survey should have been undertaken for the entire DCO Site, including the Cable Corridor. The Applicant notes that the Agricultural Land Classification (ALC) survey of the Cable Corridor was not required to adequately assess the effects of the Proposed Development. The Applicant will undertake an ALC survey for the defined cable route post-consent, along with the subsequent restoration to pre-construction condition of the soil resource, as secured by the Framework SMP **[REP6-014]**. Matter 4.11.7 (Results of Socio-Economic and Land Use Assessments in relation to the Proposed Development) is not agreed; NKDC considers that the socio-economic effects arising from impacts on permissive paths and the experience of users of the Stepping Out Walk network have not been properly assessed. However, the Council welcomes, without prejudice,

the Applicant's commitment to fund measures which will re-route some parts of Stepping Out Walks and help to deliver new walks in the area. The Applicant considers that the assessment results set out within Chapter 12: Socio Economics and Land Use **[AS-016]** of the ES, including likely significant effects anticipated, is thorough and robust.

- 4.1.59 Regarding soils, matters 4.11.10 (Soil restoration following decommissioning of the Proposed Development) and 4.11.12 (The Handling and Management of Soils during the construction and decommissioning of the Proposed Development) are not agreed. NKDC welcomes amendments to the Framework SMP **[REP6-014]** made during the Examination, which have allayed some of its concerns. However, NKDC remains doubtful that all land will be returned to its original condition, especially those parts which are to be 'sealed over' by tracks, hardstandings and infrastructure, and that relatively little detail is provided on how this would take place, including for removal of piles, foundations, cables and hardstanding. NKDC also considers that the Applicant should commit to conservation grazing of the solar array areas. It is the Applicant's position that the Framework SMP **[REP6-014]** identifies relevant mitigation measures for the handling and protection of soil and that controls for decommissioning works are suitably secured in the Framework DEMP **[REP6-012]**, a detailed version of which will be prepared and approval sought from the relevant authorities at the appropriate time, prior to the commencement of decommissioning of the Proposed Development. The Applicant notes that it intends to introduce sheep grazing as a form of grass management but cannot commit to it at this stage.
- 4.1.60 Matter 4.11.11 (Financial Contribution to the Employment, Skills and Supply Chain Plan (ESSCP) through an Agreement under s106 TCPA 1990) is identified as not agreed. NKDC is seeking an early trigger for, and a financial contribution from the Applicant in relation to, the ESSCP referred to in Requirement 19 of the Draft DCO **[REP5A-006]**. Without a financial contribution, NKDC considers that the delivery of the ESSCP is not secured and the opportunity for legacy benefits from the Proposed Development will be missed. The Applicant has prepared a comprehensive Framework ESSCP **[APP-197]** to maximise the beneficial effects associated with employment generation (including supply chain opportunities, and skills development), and Gross Value Added (GVA) generation during the construction, operation, and decommissioning phases of the Proposed Development. Requirement 19 of Schedule 2 to the draft DCO **[REP5A-006]** secures that, prior to the commencement of the Proposed Development, a detailed ESSCP must be prepared and submitted to NKDC for approval in consultation with LCC. By virtue of that same Requirement, the approved ESSCP must be implemented as approved throughout construction and operation and as such, delivery of the ESSCP is adequately secured.
- 4.1.61 Finally, matter 4.11.13 (Stepping Out Walks) is not agreed. NKDC does not agree that the status of the Stepping Out Walks, the effects of the Proposed Development on user experience, and the consequent socio-economic effects have been fully recognised in the Applicant's submissions. Notwithstanding this, NKDC welcomes the Applicant's commitment to funding to alter the

existing Stepping Out Walks Thorpe on the Hill, and Morton and Tunman Wood so that they follow whatever new routes are agreed to create a new Stepping Out Walk from Witham St Hughs to Aubourn, passing through the Order Limits, and to create a new Stepping Out Walk outside but adjacent to the Order Limits, from Hykeham to Aubourn. The Applicant considers that the permissive paths proposed to be delivered as part of the Proposed Development ensure that the Stepping Out Walks (subject to two minor route amendments) are retained within the Order Limits for the full 60-year operational period, unlike existing permissive paths which landowners can remove at short notice, and has agreed to update the draft DCO to include funding for the Stepping Out Walks .

Ground Conditions

- 4.1.62 With regard to Ground Conditions, matters 4.15.2 (Methodology Adopted for the Assessment of Ground Conditions) and 4.15.5 (Ground Conditions Mitigation and Framework Management Plans) are now agreed.

Cumulative Effects and Interactions

- 4.1.63 The parties have now agreed the methodology for the assessment of cumulative effects and interactions and therefore matter 4.18.2 (Methodology Adopted for the Assessment of Cumulative Effects and Interactions) is agreed.
- 4.1.64 However, matter 4.18.4 (Results of Cumulative Effects and Interactions Assessments in Relation to the Proposed Development) is identified as not agreed. The Applicant considers that the assessment results set out within Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES, including likely significant effects anticipated, are acceptable. NKDC, (consistent with the Secretary of State's decision letter for the Springwell Solar Farm DCO **[REP5A-040]** paragraph 4.62) remains concerned. The Council considers that the cumulative impacts of the Proposed Development together with other NSIP and large-scale energy projects proposed in the wider area will constitute a profound change to landscape character. In turn this will alter the perception and experience of the landscape, particularly for visual receptors travelling through the area and experiencing sequential effects. The Council considers these effects to be at least moderate adverse, and significant; and cannot be mitigated in full. The Applicant considers that the assessment results set out within Chapter 15: Cumulative Effects and Interactions **[APP-040]** of the ES, including likely significant effects anticipated, are robust and acceptable.
- 4.1.65 Matter 4.18.5 (Cumulative Impacts on Ground Nesting Birds and Skylark) is agreed. NKDC agrees that mitigation measures proposed by the Applicant are suitable and adequate.
- 4.1.66 Matter 4.18.6 (Cumulative Effects and Interactions Mitigation and Framework Management Plans) is identified as not agreed. NKDC remains concerned that certain topic areas for which intra-project and inter-project cumulative effects have not been wholly mitigated by the framework management plans. The Applicant considers that the mitigation measures identified, and secured through the relevant framework management plans, are adequate and robust with regards to the identified cumulative effects.

Phillips 66 Limited (formerly Prax)

- 4.1.67 Both the Applicant and Phillips 66 Limited's positions remain unchanged on the matters identified as under discussion in the final SoCG submitted to the Examination at Deadline 6 **[REP6-022]**. Matters 4.1.1 (Engagement), 4.1.2 (P66's position vis a vis the draft DCO), and 4.1.5 (Protective Provisions) have not been resolved and are therefore now identified as not agreed. Although the Applicant and Phillips 66 Limited have not yet reached full agreement on the form of the protective provisions, the Applicant is committed to continued engagement with BPA / Phillips 66 Limited following the close of the Examination in order to agree mutually acceptable protective provisions. Details of the points which remain outstanding and the Applicant's position in respect of these are set out in Appendix B to the Final Status of Negotiations with Statutory Undertakers **[EN010154/EXAM/9.37]** submitted at Deadline 7. In the event that agreement cannot be reached, the Applicant considers that the protective provisions included at Part 9 of Schedule 14 to the draft DCO **[REP5A-006]** submitted at Deadline 7 provide adequate protection.

UK Health and Security Agency

- 4.1.68 On 21 April 2026 UKHSA submitted confirmation to the Examination that the SoCG submitted at D3A **[AS-135]** is in the agreed form. This identified that UKHSA now agrees with the Applicant's position for all matters in the SoCG. Therefore, all matters are now agreed and resolved within the SoCG.

References

- Ref 1 Department for Energy Security and Net Zero (2024). Overarching National Policy Statement for Energy (EN-1)