

## **APPLICATION BY ONE EARTH SOLAR FARM LIMITED**

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### **POST HEARING SUBMISSIONS**

### **ON BEHALF OF LINCOLNSHIRE COUNTY COUNCIL**

### **AT DL1**

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#### **Introduction**

1. Lincolnshire County Council (“LCC”) attended the Preliminary Meeting (PM) and first Issue Specific Hearing (ISH) on 8<sup>th</sup> and 9<sup>th</sup> -10<sup>th</sup> July respectively. A summary of LCC’s oral representations for both hearings appears below.

#### **Preliminary Meeting**

2. At Item 3 LCC stated that it would be preferable to include cumulative effects and grid connection as main issues for the determination of the application. It is noted that cumulative effects and grid matters both featured within the ExA’s proposed agenda for ISH1. These matters are likely to form a main part of LCC’s case at the examination, notwithstanding that its LIR had, at the time of the PM, not been formally approved by LCC’s Members.

#### **ISH1**

##### **Item 4 – the draft DCO**

3. LCC expressed some concern in relation to the definition of “date of decommissioning” which is defined by reference to “each part” of the development. This is not a defined term and Requirement 20 refers instead to phases of the defined Works in the Order. The two do not sit well together as “date of decommissioning” has a broader definition than appears to have been intended and would strictly apply to any *part* of the scheme which ceased generation – including individual panels. Which is presumably not what was intended.
4. In relation to Article 39, LCC and the Applicant are in discussions as to whether a schedule of trees to be removed can be submitted and how a power to remove trees throughout the lifetime of the scheme sits with BNG requirements.

5. LCC notes the discussion at ISH1 in relation to veteran trees. Whilst the Applicant is due to confirm presence or absence of veteran trees within the current Order limits, LCC note that when one cross references the submitted Order limits plan with the Arb Report constraints map, there are trees shown as within the within the Order Limit and shown with a veteran tree RPZ within the arboricultural survey. The power to remove trees should not extend to veteran or ancient trees or at least not without a further need for consent. Additionally, the draft DCO deals with trees which may be subject to TPOs post that survey but does not address the possibility of additional trees achieving veteran status during the lifetime of the project. This would appear to be possible given the duration of the scheme.
6. In relation requirements, LCC would wish to be expressly named as a consultee in relation to Requirements 3, 4. 5 and 20.
7. In regards to Requirement 8 Landscape and ecology management plan: For clarity, we wish to clarify that the wording in the DCO Requirement 8 is very much focussed on written management and does not include for a detailed planting scheme. Subject to gaining approval for the scheme, we would expect at the detailed design stage the applicant develop detailed planting plans clearly showing the location and types of planting (species), as well as number, density and specification, along with planting details and specifications. This provision of detailed planting, and subsequent agreement with relevant authority must be explicit in the OLEMP, which subsequently needs to be suitably tied to Requirement 8 of the DCO.
8. The wording within the OLEMP should be specific in the timescales for maintenance (lifetime of the project) and plant replacement (minimum 5 years), as well as cover for unforeseen circumstances such as extensive plant dieback, or failure to establish or thrive as expected and allow for plant replacement at any time as required to ensure the mitigation planting is fulfilling its role as mitigation. This maintenance must cover all new planting and existing retained vegetation associated with the scheme, including trees, hedgerows, grassland, shrub/scrub and marginal/aquatic planting. Existing vegetation should be covered by a tree survey and protected to BS5837: Trees in Relation to Construction

#### Item 5 - Alternatives

9. LCC welcomes the Applicant's commitment to submit additional detail to underpin its sequential test. At the time of writing this has not been received and LCC remains concerned that the submitted information does not demonstrate that the ST has been passed. There are

areas of flood zone 1 within the search area (even assuming the Applicant's search area is appropriate – LCC reserves its position on this point) which have been simply dismissed based on “other sustainable development principles”. No site by site analysis is provided so consultees and IPs are entirely unable to scrutinise the reasons for rejecting other sites.

#### Item 6 – Grid Connection

10. The Application is based upon connection into a substation which not only has not been built but no planning application has been submitted in respect of it. Where applications of any sort are reliant upon off-site infrastructure being consented and constructed in order to come forward, it is sensible and usual to grant consent subject to a Grampian style requirement which prohibits development until the necessary enabling infrastructure has been delivered.
11. In ISH1 the Applicant referred to the possibility of connecting without works to deliver the new substation. However, this is not the basis of the application and is not what is proposed or assessed in the ES. The application proposes a connection with the future TCPA 1990 application for the sub-station and should be considered on that basis.
12. The grid connection is properly a matter for the examination both in planning terms and because it goes to deliverability in the context of an applicant seeking CPO powers within the order.
13. The ES assumes particular build parameters which may no longer be achievable given slippage in NGET's application for the High Marnham Substation.
14. Finally, LCC would welcome an explanation from the Applicant in relation to the necessity for its overplanting ratio. This goes to the need for development to be an efficient and effective use of land for the purposes of the NPPF, is relevant in the context of a development which has negative land use effects in terms of change of land use away from agriculture and landscape effects – if a smaller area could achieve the same benefits, these impacts could be reduced, and is relevant in the context of compulsory acquisition and necessity.

#### Item 8.1 – Flood Risk and Drainage

15. LCC's position in relation to flood risk is summarised above.

### Item 8.2 - Highways

16. LCC is content that there will be no severe transport effects arising from the proposed development provided that the assumptions as to timing within the ES are achieved.

### Item 8.3 - Landscape

17. Under **Agenda Item 8.3 Landscape (i)** regarding approach to the assessment, it was clarified that a full review of the applicants Landscape and Visual Impact Assessment (LVIA) and other relevant components of the application had been reviewed and this review would be either appended and/or included within the host authorities Local Impact Report (LIR). It was confirmed that the LVIA is generally thorough and predominantly aligned with GLVIA3, identifying Significant landscape and visual effects of the scheme upon the baseline. The LVIA identifies several Significant landscape and visual effects, which we would expect from a large-scale solar scheme, however the number and extent of these Significant effects are a concern. There are some elements of the assessment that we have highlighted issues with in our review that are identified within the LIR; however to summarise the key concerns are:

- a. The visual assessment is structured around static views rather than the experience of the visual receptor which should include for sequential and varying views due to moving through the landscape;
- b. The LVIA does not explicitly confirm what the 'worst case scenario' approach is that has been assessed, which will have a bearing on the judgement of visual effects – this should be clarified;
- c. Tree and vegetation removal associated with the Development, including wider highways improvements and access for construction, must be clarified;
- d. We wish to clarify assumptions about reversibility the applicant has made – given the 60-year duration, we judge this likely renders the scheme permanent;
- e. Future baseline changes are underplayed;
- f. Residential Visual Amenity is not clear in the LVIA and how this has been assessed;
- g. Some receptors undergo a reduction in significance between construction and operation year 1 – it is unclear as to why this is due to the temporary nature of construction;
- h. Several landscape character areas have direct effects at all phases, yet have not been judged to have Significant residual effects. This appears inconsistent with the findings of effects to the Order Limits and clarity should be provided; and

- i. Clarification on what a Major or Moderate Neutral (and therefore Significant) landscape effect would be. A Significant Neutral effect is un-defined in the methodology.
18. Regarding cumulative effects: as identified at the statutory consultation stage, we have concerns regarding cumulative effects on the landscape at a wider district and county scale. The mass and scale of several NSIP scale energy projects combined has the potential to lead to adverse effects on landscape character over an extensive area across multiple published character areas. The landscape character of the region, across the Nottinghamshire and Lincolnshire County areas, will be altered over the operational period through an extensive area of land use change, and introduction of energy infrastructure in an area that is predominantly agricultural.
19. This would also be an issue when experienced sequentially for visual receptors travelling through the wider landscape and experiencing these schemes across potentially several kilometres, albeit with gaps between the schemes. However repeated views and presence of large scale solar would undoubtedly increase the susceptibility of receptors to changes in view. We judge that the sequential effects would be felt throughout the area, specifically PROW users that are more visually susceptible to changes in their view, moving slowly and often engaging with the landscape attentively; Travel along these PROW presents successive experience with solar infrastructure, creating a strong sequential visual effect. Combined with road corridors like the A1133 and nearby lanes, this can form a coherent visual narrative: a rural area increasingly defined by clustered energy-infrastructure development. The A1133 passes close to the **One Earth Solar Farm** where visibility of the scheme and significant visual effects are identified. Further north along this route, users also have potential views of **Gate Burton, Cottam,** and **West Burton** solar projects. The road corridor is largely open in character with intermittent screening from hedgerows, making it sensitive to cumulative visual change.
20. In regards to cumulative effects, reference was also made by the applicant to the Cottam report: Examining Authority's Recommendation to the Secretary of State 5 June 2024. It was stated at ISH 1 by the applicant that wider cumulative effects across the region were limited and subsequently acceptable, and that the Cottam report backs this opinion up. We disagree that the applicant's position that cumulative effects across the region are limited, primarily due to the expansion in number of projects across these regions compared to those considered in the Cottam report (as identified on Figure 2.1, pg. 133). There are now considerably more NSIP scale solar and energy infrastructures across this region that should be considered in cumulative effects. However, given the absence of unified, county-wide landscape character baselines across Nottinghamshire and Lincolnshire, this presents a challenge when assessing cumulative effects over a strategic county-wide scale to consider all these projects. Therefore, an approach

we have carried out is to extract common landscape attributes of the region across the multiple character area assessments that cover the region, enabling a reasoned, evidence-led baseline, and subsequently assessment, of cumulative landscape effects across the wider county area. For example: the Land Use is Predominantly arable agriculture; Field Patterns are predominantly Large-scale; the Topography has a Predominantly flat to gently undulating landform; Perceptual Qualities are predominantly quiet and have a rural character with valued tranquillity; the Settlement Pattern is generally dispersed villages and market towns; Vegetation & Trees are generally open with sparse tree cover; and regarding Views & Openness is generally with a strong sense of openness, big skies, and expansive views. Therefore, across the region, based on these shared characteristics large scale solar development and new energy infrastructure would create cumulative erosion of the character through an extensive Land Use change, directly affecting the perceived openness, and rural tranquillity. We judge large scale solar, battery and energy infrastructure will subsequently be a distinctive key characteristic in any updates to National, Regional and Local character assessments.

21. Under **Agenda Item 8.3 Landscape (ii)**, while LCC, NCC, NSDC or BDC made no verbal comments on this agenda item due to the pressing agenda timings, we do wish to clarify that while the LVIA considers residential views in the baseline, the submission lacks transparency on Residential Visual Amenity. Residential Visual Amenity is a stage beyond Landscape and Visual Impact Assessment and focuses exclusively on private views and private visual amenity. No methodology or evidence are provided to show whether the Residential Visual Amenity Threshold (**RVAT**) is met: RVAT is reached when the change to visual amenity of residents in individual properties identified as *“having the greatest magnitude of change”*, from the Landscape Institute’s Technical Guidance Note 2/19: ‘Residential Visual Amenity Assessment’
22. It should be clarified why a specific Residential Visual Amenity Survey has not been included, and whether significant effects on private views were ruled out, as it appears that residents in properties have been considered in the LVIA
23. We would anticipate that some residents may experience Significant adverse visual effects from several properties, and while it is generally unlikely that properties will reach the RVAT through the Development of a solar farm, it is not possible to understand this process or any findings as they have not been presented. It would be beneficial for the applicant to clarify their position in regards to RVAA and why the initial residential visual amenity surveys have not been presented to aid transparency.
24. Under **Agenda Item 8.3 Landscape (ii)**, while LCC, NCC, NSDC or BDC made no verbal comments on this agenda item due to the pressing agenda timings, we do wish to clarify that while the LVIA identifies PROW users as key receptors, the assessment relies predominantly

on static viewpoints, not a full route-based experience. Therefore, understanding the sequential experience of visual receptors is not clear within the LVIA and we would welcome the applicant clarifying how this has been considered. Further detail will be provided within our LIR.

#### Item 8.4 – Heritage

25. As set out in LCC's RR, LCC is concerned that sufficient work has not been undertaken to date to allow the applicant (and therefore LCC and the ExA) to understand the significance of below ground heritage assets which may be present on the Site. The Applicant's assessment to date indicated 29 areas of archaeological potential, only 9 of which have been investigated further. There appears to be an acknowledgement of this by the applicant which has agreed to undertake additional trial trenching works and is in discussions with LCC and NCC on this matter.
26. LCC confirmed that a significant amount of archaeological information is missing and as there is no confirmed design, the site-specific design impacts are unknown. This has a major bearing in terms of informing the Council's understanding of archaeological potential and developmental impact and which will need to be accommodated as the scheme progresses.
27. LCC is working with the applicant to agree the outline Written Scheme of Investigation (oWSI) which would need to provide flexibility to accommodate future understanding and commitment, and which LCC would seek to be covered by the archaeological requirement. Dependant on when sufficient information will be provided by the Applicant, the final WSI for archaeological mitigation may also need similar flexibility.
28. LCC is working towards an accord with the applicant which includes for example the investigation of the remaining 20 of 29 areas where the desk based assessment (DBA) showed that there was a significant potential for below ground archaeology. There are however outstanding issues such as the timing of the trenching programme currently under discussion between the Applicant and LCC.
29. LCC considers the management of risk would be more effective if sufficient evaluation is undertaken at an earlier stage, however LCC also appreciates there are other aspects for the Applicant to consider in the development of the project.
30. LCC would like to draw attention to the text of National Policy Statement EN-3 as cited by the Applicant, which should also include the content of footnote 94 which states that 'the results of

pre-determination archaeological evaluation inform the design of the scheme and related archaeological planning conditions.’, and National Policy Statement EN-1 section 5.9.12, advises ‘The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents’

31. LCC appreciates that doing trenching has an impact on archaeology. However not doing trenching also has a massive impact on archaeology and the ability to retain any assets of significance in situ, or properly excavate and record. If significant areas of unidentified archaeology which currently survive across the order limits are not discovered via trenching, they will be destroyed without being recorded.
32. The Applicant has stated that the non-intrusive and the intrusive evaluation were getting similar results. LCC does not agree. 387 trenches were placed across so-called ‘blank’ areas where neither the DBA nor the geophysical survey suggested the presence of archaeology. Of these trenches 94 recorded archaeological features not previously identified (Chapter 9: Buried Heritage, section 9.7.2 [APP-038]). Therefore a quarter of the trenches the applicant expected to be blank hit unexpected archaeology. This demonstrates the importance of trenching in order to provide an understanding of the archaeology across the site. Trenching results ground truth the location and extent of archaeologically significant areas, providing essential baseline evidence for effective mitigation.

#### Item 8.5- BMV

33. LCC remains concerned in relation to the significant amount of land use change in Lincolnshire away from active agricultural production to solar. Taking land out of active use for 60 years is a significant effect. Reference was made to the 2024 WMS which highlighted the geographical clustering of solar projects in Lincolnshire in particular. That is a direct reference to the cluster around Gainsborough which now also includes this project.

#### Item 8.8 - Cumulative

34. LCC is concerned that there are discrepancies and parts which are difficult to follow between Chapter 18 in the ES and the topic specific sections of the ES. For example, orally the Applicant indicated that West Burton and Gate Burton were included in the cumulative assessment, however, Appendix 18.2 suggests that both were ruled out at an early stage (save for in relation to biodiversity and BMV). Neither appear to have been included in relation to transport effects. Both West Burton and Gate Burton are listed in 18.2 as “unknown” in relation to the timing of



construction effects, this is clearly an omission as both are consented projects with publicly stated construction phases set out within their own environmental assessments which should be fed into the assessment for One Earth.

35. At ISH1, LCC indicated that it would set out its detailed concerns in relation to inconsistencies across various application documents which seek to address cumulative effects. These comments are contained within table appended to this document.

Appendix 1: LCC comments on Appendix 18.2

LCC comments in **Red text**

Transport Assessment Appendix D in **Purple text**

ID	Application for 'other development' and brief description	Distance from prop dev	Status	Tier	Within ZOI	Progress to St 2	Overlap in temporal scope	Significant effect?	Progress to St 3 & 4?
9	Cottam	11.6km	Approved (Granted Sept 2024)	1	No	Yes	<p>No: construction Yes: operation No: decommissioning</p> <p>Corresponds with chapter 12 assessment table, no overlap in construction phase, has not been included within the cumulative review.</p> <p>Project information indicates a grid connection date of 2029. With the earliest commencement of construction Q4 2024 to Q4 2026. Clear slippage of construction timescale as construction has not begun and we are now within Q3 of 2025. For the project to connect to the grid on the</p>	Potential overlaps of construction phases, have not been addressed.	No

							proposed connection date, construction periods may overlap.		
12	Gate Burton	9.44km	Approved (Granted July 2024)	1	Yes: Biodiversity	Yes	<p>Unknown</p> <p>Identifies Gate Burton as having a potential overlap in construction phase, also indicated as a significant trip generator and within the study area and has progressed to the cumulative review.</p> <p>Gate Burton was approved prior to the cut-off date for the applicants cumulative assessment. Gate Burton project documents state that construction would begin Q1 2025 and would require an estimated 24 to 36 months. As Q1 2025 has already past clear that this timeline has slipped and potential overlaps in construction could occur. Operation anticipated around Q1 2028.</p>	<p>Biodiversity based on land take.</p> <p>No consideration of temporal overlap of the construction phase.</p>	No
46	West Burton	4.68km	Exam (granted Jan 2025)	2	Yes: Biodiversity	Yes	Unknown	<p>Biodiversity based on land take.</p>	No

							<p>Identifies West Burton as having a potential overlap in construction phase, also indicated as a significant trip generator and within the study area and has progressed to the cumulative review.</p> <p>Project information states an anticipated construction start at the earliest, in Q4 2024 and will run to Q4 2026. As the DCO was not granted until 2025 this timescale was already out of date upon approval. The scheme has a grid connection date of 2028, to meet this the construction phases of One Earth and West Burton may overlap. The scheme has a proposed lifespan of 40 years as such decommissioning of the two projects is unlikely to coincide.</p>	<p>No consideration of temporal overlap with construction nor operational phase.</p>	
48	Fosse Green	9.63km	Pre-application	2	Yes: Biodiversity	Yes	Unknown	Biodiversity based on land take.	No

							<p>Identifies Fosse Green as having a possible overlap in the construction phase.</p> <p>Fosse Green project information indicates the proposed construction date of 2031 for a period of 30 months. With this proposed construction timescale the two projects are unlikely to coincide with construction or decommissioning phases however operation would run over intersecting time periods.</p>		
63	Tillbridge	16.3km	Pending	2	No	Yes	<p>Yes: construction Yes: operation No: decommissioning</p> <p>Transport Assessment identifies a possible overlap with construction period.</p> <p>Project information states that the earliest construction could start is late 2025 with planned operation in 2028 – 2028 is the earliest date that</p>		No

							the Scheme could be connected to the Grid. It appears unlikely that construction would begin in late 2025 as the decision is not expected until Oct 2025.		
65	Springwell	25.6km	Pre-application	2	No	Yes	<p>Yes Construction</p> <p>Yes Operation</p> <p>Yes Decommissioning</p> <p>Transport assessment cumulative review corresponds with the cumulative effects chapter identifying potential overlap.</p> <p>Project information states phased grid connection dates of 2028 and 2030. Earliest construction commencement in Q1 2027 running to Q4 2030. Pleased to see Springwell has been identified as overlapping temporally.</p>	<p>N/A</p> <p>Has any consideration been given to the temporal overlap between all phases of these schemes, particularly with regard to operational and decommissioning waste.</p>	No
70	Beacon Fen	40.5km	Pre-application	1	No	Yes	<p>Yes Construction</p> <p>Yes Operation</p> <p>No Decommissioning</p>	<p>N/A</p> <p>Has consideration been given to</p>	No

							<p>Columns indicating construction overlap remain blank within Appendix D of the Transport Assessment.</p> <p>Anticipated construction commencement of 2027 lasting between 2.5 to 5 years. Beacon is proposed to have an operational lifespan of 40 years.</p>	<p>potential cumulative traffic during the construction phase, has operational waste been considered due to the temporal overlap of construction and operation.</p>	
71	Heckington Fen	43.8km	<p>Decision</p> <p>(Granted January 2025 – After cumulative review cut-off date)</p>	1	No	Yes	<p>Yes Construction</p> <p>Yes Operation</p> <p>No decommissioning</p> <p>Transport assessment cumulative review corresponds with the cumulative effects chapter identifying potential overlap</p> <p>Construction commence at the earliest spring 2025 running for a period of 30 months, which would be a completion in 2028, as construction has not yet commenced slippage in this</p>	<p>N/A</p> <p>Has consideration been given to potential cumulative traffic during the construction phase, has operational waste been considered due to the temporal overlap of construction and operation.</p>	No

							timescale is expected. Heckington Fen have a grid connection date of Autumn 2027.		
72	Mallard Pass	62.2km	Post-decision	1	No	Yes	<p>Yes Construction</p> <p>Yes Operation</p> <p>No decommissioning</p> <p>Transport assessment cumulative review corresponds with the cumulative effects chapter identifying potential overlap</p> <p>Anticipate construction start of summer 2026 for a period of 24 months (2028).</p>	N/A	No
78	Theddlethorpe Flexible Generation	64.2km	Pre-application	2	No	Yes	<p>Unknown</p> <p>Transport assessment cumulative review corresponds with the cumulative effects chapter.</p>	N/A	No