



Nationally Significant Infrastructure Project: EN010159 – One Earth Solar Farm

Response to The Examining Authority's written questions and requests for information (ExQ2) issued on 30 September 2025

Prepared by Lincolnshire County Council (LCC)

Interested Party Number: F26484797

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The draft Development Consent Order (DCO)	Question	LCC Response
Q10.0.1	<p>Management Plans</p> <p>At the current time the management plans do not appear to be fully agreed. For example, LCC have raised issues in respect of the oCEMP with regard to breeding birds, and the oLEMP in respect of tree planting and replacement in the event of an unforeseen event or large-scale failure.</p> <p>The ExA are aware discussions on these topics are ongoing, however if the matters are not agreed, are the authorities content that the dDCO gives sufficient certainty through the requirements that these matters could be resolved in due course?</p>	<p>LCC has requested that specific surveys are undertaken to identify the presence / absence of Schedule 1 breeding birds (specifically quail) within the dDCO area as these have not been carried out to date. The Applicant has agreed that this could be addressed by ensuring that pre-commencement surveys are appropriately timed to detect the presence of quail. LCC agrees with this approach, but it is not currently secured. LCC expects that this will be resolved via forthcoming updates to the CEMP which is secured at Requirement 13 in the dDCO.</p> <p>In regards to landscape matters, discussions are ongoing with the applicant. We have reviewed the updated OLEMP [Rev 2 REP1-054] submitted at DL 1 and (Rev 3 REP2-056) submitted at DL 2 to review if our concerns identified previously had been appropriately addressed. In previous comments and reviews, we stated that the OLEMP must be explicit in regards to the landscape mitigation scheme and maintenance post any approval, and include: Provision of detailed planting proposals that must be approved by the relevant authority; Subsequently, a sentence has been added at 1.3.5 of the OLEMP (Rev 3) that <i>“The LEMP will detail the location and extent of proposed planting by inclusion of planting plans and species lists.”</i></p>

		<p>We wanted to ensure that maintenance of all planting and ecological features be for the life of the project; Subsequently, the updated OLEMP includes the addition of paragraph 5.4.3, which clarifies that all existing and proposed habitats will be managed and maintained for the operational duration of the scheme. This is a key clarification: we expect that the planting and associated habitat be appropriately managed for the full duration of the scheme.</p> <p>Finally, regarding plant replacements due to failure to thrive or establish, or due to plants dying, the OLEMP has provision within the initial establishment period, however we have requested a statement be added for unforeseen circumstances such as extensive plant dieback, or failure to establish throughout the lifetime of development. We suggested the following, which the applicant has advised will be included in the next version of the OLEMP to be issued at DL4:</p> <p><i>“In the unlikely event of external factors causing significant losses to the mitigation planting during the lifetime of the Project such that the purpose of screening the development is no longer achieved as a result of gaps in the planting, replacement planting will be undertaken to infill gaps that may arise. This approach will ensure commitments are fulfilled in respect of providing screening of the scheme and enhancing biodiversity”</i></p> <p>Once this has been added, we are content with the</p>
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		content of the OLEMP in landscape and visual terms. We will be able to confirm this at the next version of the OLEMP issued at DL4.
Historic environment		
Q11.0.1	Archaeology Can the applicant NCC, and LCC please provide an update on their respective positions with regard to the investigations for archaeology, the written scheme of investigation, and if there are any matters which remain outstanding?	<p>The latest draft outline Written Scheme of Investigation includes agreed points including the use of an Archaeological Clerk of Works for the whole of the lifetime of the scheme including decommissioning; the use of mitigation measures using avoidance of impact such as micro-siting and concrete footings will be applied in a site-specific manner only following reasonable evaluation including trenching to ensure that the extent, depth, character, significance and state of preservation will inform the process; and that a programme of agreed additional trial trenching will be carried out as a pre-commencement requirement.</p> <p>LCC is continuing to engage with the archaeological consultant to refine the approach and particularly the scope and methodology of the outline WSI.</p>
Hydrology and Hydrogeology and the Water Environment		
Q12.0.4	Sequential Test In ISH2 the applicant stated if the Sequential Test is failed, then this would be weighted against the application, but CNP comes into play. Do the councils and the EA agree with this statement in policy terms, with reference to NPS EN-1 Paragraph 4.2.15?	Paragraph 3.3.60 of EN-1 states <i>"As set out in EN-3, subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible"</i>

		<p>Paragraph 4.2.15 states “<i>Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility</i>”</p> <p>LCC agrees that CNP would come into play in the weighting of the application as per paragraph 3.3.60 of EN-1, however this does not preclude the necessity of conducting a thorough sequential test including the assessment of alternative sites as referenced within paragraph 4.2.15 and 5.8.23 of EN-1, the outcome of which would also be assessed in the weighting of the application.</p>
Q12.0.5	<p>Sequential Test</p> <p>WLDC in their D3 submission following ISH2 maintain a lack of confidence that the current proposal has demonstrated that the sequential test has been followed in such a way that the exception test can also be shown to demonstrate an exception case.</p> <ul style="list-style-type: none"> (1) Are the councils satisfied, that with applicant’s Deadline 3 submissions relating to the approach taken for the Sequential Test? (2) Have all the issues raised on the Sequential Test/exception test been addressed satisfactorily? 	<p>Prior to deadline 3 LCC’s main points of concern relating to the sequential test were whether the applicant had given due consideration to smaller land parcels that could be combined (the approach taken by Cottam) to form the proposed development and whether the applicant had only considered land where there were willing landowners to reduce potential the need to exercise compulsory acquisition powers.</p> <p>LCC notes the applicant's explanation regarding land ownership and voluntary agreements for acquiring land within paragraphs 5.2.10 to 5.2.14 (REP2-080) and further explanation that land that did not have a willing landowner was not the only factor to discount land as detailed in Table 2 of REP2-080 and further</p>

	<p>(3) If not, what additional work do you consider is required by the applicant?</p> <p>(4) Please explain should this be the case the policy basis for the council not being satisfied?</p>	<p>with REP3-069. LCC also notes the applicants position regarding reasonably available land which states that having a willing landowner is an important consideration for deliverability as set out within paragraph 5.2.14 REP2-080 and paragraph 028 of the PPG.</p> <p>Paragraph 028 of the PPG states that <i>“Sites should be considered ‘reasonably available’ for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal”</i>. Unwilling landowners could potentially delay the development process (through the requirement of compulsory acquisition) and therefore this land would be unlikely to be able to be developed at the same time as the proposed development.</p> <p>EN-1, paragraph 5.8.6 states that <i>“The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to steer new development to areas with the lowest risk of flooding”</i>.</p> <p>LCC would call into question the conclusions in REP2-080 and REP3-069. In particular the sites identified with large areas within flood zone 1 which have then been discounted. LCC would draw specific attention to AP5, AP6 and AP7 in REP2-080</p>
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<p>Q12.0.6</p>	<p>PPG on flood risk was updated 17/09/25 including changes to the Sequential Test, see para 27a</p> <p>Paragraph 27a states. “For infrastructure proposals of regional or national importance the area of search may reasonably extend beyond the local planning authority boundary. It may also, in some cases, be relevant to consider whether large scale development could be split across a number of alternative sites at lower risk of flooding, but only where those alternative sites would be capable of accommodating the development in a way which would still serve its intended market(s) as effectively.”</p> <p>(1) Does this new guidance have any effect on the application for the proposed development or what the applicant has undertaken in the assessments provided?</p> <p>(2) Does the new guidance mean that any further work is required in respect of the Sequential Test?</p> <p>(3) If so what additional work do you consider would be required as a result of the changes?</p> <p>(4) Has the position of any party changed due to the amendments made to the PPG?</p>	<p>This update to the PPG gives greater clarity on the importance of considering smaller land parcels within the sequential test. As identified above (Q12.0.5) and within REP3-069 the applicant has now given greater consideration to smaller parcels of land that could create the order limits collectively.</p> <p>The updated PPG does not provide a specified size of land that should be considered as part of this assessment as such this decision is down to the developer’s and decision maker’s professional judgement whether the size of land considered is appropriate and proportionate to the development.</p> <p>LCCs position has not altered due to the amendments made to the PPG.</p>

