



Nationally Significant Infrastructure Project: EN010159 – One Earth Solar Farm

**Response to The Examining Authority's written questions and requests for information
(ExQ3) issued on 19 November 2025**

Prepared by Lincolnshire County Council (LCC)

Interested Party Number: [REDACTED]

November 2025

General and cross-topic questions	Question	LCC Response
<p>Q1.0.1</p>	<p>Health Survey A number of parties have referenced a survey undertaken in advance of the application being accepted. To date this has not been submitted into the examination. Should any party consider that it has important and relevant information which the SoS should be aware of and for it to be considered by the ExA in our report, it should be submitted into the examination.</p> <p>We therefore invite all parties that might have access to this survey and consider it important and relevant to submit it into the examination.</p> <p>Note: For all parties, there has been suggestion that the Applicant is required to submit all information submitted to them during the pre-application consultation exercise. The ExA is of the view this is not correct, the Guidance states “The consultation report shouldset out a summary of relevant responses to consultation (but not a complete list of responses)”</p>	<p>LCC is not aware of a Health Survey that may have been completed in advance of the application acceptance and has made no comments in this respect.</p>

Site selection and alternatives		
Q5.0.1	<p>Application of the Mitigation Hierarchy In undertaking an application through the Planning Act, which is recognised as EIA development, both the EIA Regulations and the NPS expect the applicant to undertake a consideration of alternatives having followed the mitigation hierarchy.</p> <p>In light of the ongoing debate with regard to the suitability of the sequential test. Can all parties present the evidence they would wish the ExA to consider in deciding how the mitigation hierarchy has been applied to avoid, reduce, mitigate or compensate for any adverse impacts.</p>	<p>The following commentary is based upon LCC's interpretation of the question, which is consideration of site selection / alternatives/ mitigation hierarchy <u>in the context of</u> the ongoing discussions on sequential test.</p> <p>LCC would wish the ExA to consider the application of the mitigation hierarchy in the context of the following statements from the EIA regulations and National Policy Statements:</p> <p>Schedule 4 (2) of EIA Regulations (2017) requires an Environmental Statement (ES) to include 'A <i>description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.</i>'</p> <p>NPS EN-1 paragraph 4.1.5 states that in weighing adverse impacts against benefits, the SoS should take into account (inter alia): <i>'its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.'</i></p>

		<p>Mitigation Hierarchy is defined in the glossary to EN-1 as <i>‘A term to incorporate the avoid, reduce, mitigate, compensate process that applicants need to go through to protect the environment and biodiversity.’</i></p> <p>NPS EN-1 paragraph 4.2.10 requires applicants for Critical National Priority (CNP) infrastructure to show how their application meets the requirements in the NPS and the relevant technology-specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements. Paragraph 4.2.11 goes on to state the applicants must apply the mitigation hierarchy and demonstrate that it has been applied.</p> <p>NPS EN-1 paragraph 4.3.15 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>Para 4.3.16 states <i>‘In some circumstances, the NPSs may impose a policy requirement to consider alternatives.’</i></p>
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		<p>Paragraph 5.8.10 refers to the Exception Test, stating that it <i>‘is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified.’</i></p> <p>Specifically in respect of flood risk EN-1 para 5.8.23 states that <i>‘Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply the Sequential Test to locating development within the site.’</i></p> <p>LCC has made statements regarding its position on the adequacy of the sequential test in REP4-055 and REP5-075, which remains LCC’s current position on this matter.</p> <p>Specifically in relation to the ExA’s question on evidence the authority would wish the ExA to consider in deciding how the mitigation hierarchy has been applied to avoid, reduce, mitigate or compensate for any adverse impacts, LCC would make the following comments.</p>
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		In conclusion, LCC consider that the onus should be firmly on the applicant to provide substantive evidence regarding adherence to the mitigation strategy and the sequential test. Should this be forthcoming then LCC would be happy to offer further comments, if requested.
The draft Development Consent Order (DCO)		
Q10.0.1	<p>Protective Provisions Can both authorities advise on their position in respect of the Protective Provisions now proposed in the DCO provided at D5.</p> <p>In the event there is not agreement to the wording proposed, please provide your alternate wording along with a justification for the changes proposed.</p>	Lincolnshire Fire and Rescue have confirmed that they are satisfied with the Protective Provisions as drafted within the draft Development Consent Order submitted at Deadline 5 [REP5-007].
Historic Environment		
Q11.0.2	<p>Archaeological Investigation Can the County Councils advise on their latest position with regard to the archaeological investigations undertaken to date, and if they are now satisfied the Written Scheme of Investigation (WSI) and other supporting management plans provide suitable mitigation.</p>	<p>The extent of pre-determination archaeological evaluation work was insufficient to identify the full extent of archaeological potential across the DCO submission area however we have agreed on the scope of additional investigations which will be carried out as a pre-commencement requirement.</p> <p>This is covered in section 03.02 of the Statement of Common Ground, which states that 'While agreement was not reached on the scope and extent of archaeological evaluation undertaken to inform the Archaeology ES Chapter and DCO application, following consultation with the</p>

		<p>LPAs, an agreed position has been reached regarding future commitments for additional trial trenching to be undertaken as a pre-commencement condition. This will inform the requirement, scope, and timing of archaeological mitigation, as necessary. The information collected from the additional trial trenching will be provided in a timely manner to enable the required consultation and implementation of the agreed mitigation strategies.'</p> <p>The general methodology of the outline Written Scheme of Investigation has been discussed and agreed. Once further detail on the site-specific placement and extent of developmental impacts across the DCO order limits have been provided by the Applicant we will work with the Applicant's archaeological advisor to agree the final WSI.</p> <p>When management plans have been provided by the Applicant these will need to be assessed in the light of potential archaeological impacts to ensure that reasonable archaeological mitigation measures are embedded and that they will reflect the archaeological mitigation strategy laid out in the agreed Written Scheme of Investigation.</p>
Q11.0.3	<p>Extent of Assessment</p> <p>Can the County Councils advise on their latest position in respect of the extent of investigations carried out, the conclusions drawn from those investigations, and whether there is now an agreed position in</p>	<p>LCC don't agree that the Applicant has undertaken enough pre-determination trial trenching however we have discussed and agreed a programme of post-consent trenching to take place in advance of development, this is included in the Written Scheme of Investigation.</p>

	respect of the extent of impact where investigations are yet to be carried out.	<p>The trenching will need to be sufficient to provide the baseline evidence to inform a reasonable site-specific agreed mitigation strategy to deal with surviving archaeology which will be impacted by the development across the Order Limits.</p> <p>This is addressed in the Statement of Common Ground section 03.01 which states that ‘Whilst agreement was not reached on the scope and extent of pre-determination archaeological evaluation undertaken to inform the Archaeology ES Chapter and DCO application, following consultation with the LPAs, an agreed position has been reached regarding future commitments for additional trial trenching to be undertaken as a pre-commencement condition. This will inform the requirement, scope, and timing of archaeological mitigation, as necessary. The information collected from the additional trial trenching will be provided in a timely manner to enable the required consultation and implementation of the agreed mitigation strategies.’</p>
Hydrology and Hydrogeology and the Water Environment		
Q12.0.1	<p>Additional Submissions</p> <p>The ExA has decided to accept two additional submissions [AS-061 and AS-062] from Mr Fox which have been published on the infrastructure website for the examination.</p>	<p>As LLFA, LCC is responsible for review of surface water flood risk.</p> <p>Section 4 of ES Appendix 7.2: Flood Risk Assessment (FRA) and Outline Drainage Strategy sets out the how the Applicant has assessed</p>

	<p>1) Can each party set out a detailed response to all matters in each document.</p>	<p>surface water flood risk and outlines the proposed surface water drainage strategy.</p> <p>This follows standard assessment methodologies, solar farms are not considered to result in significant increases in runoff when compared to the existing greenfield situation on the basis that runoff from the panels themselves will simply drop directly to the ground where the natural regime will be maintained.</p> <p>The sub-stations and battery storage areas will represent more significant areas of hardstanding and for these standard assessments of run off volumes and mitigations are presented.</p> <p>With the mitigations proposed in this Section, LCC consider that surface water flood risk from the development will not be worsened.</p>
Q12.0.10	<p>Sequential Test</p> <p>The following submissions have been made by LCC with regards to the sequential test:</p> <p>D4 Responses ExQ2 [REP4-055] Q12.0.5 states:</p> <p>“LCC notes that there is no set approach within policy nor guidance for the size of smaller sites that could create a series of plots to create the wider development order limits. The lower limit of 250ha assessed by the applicant could be called into question</p>	<p>LCC would clarify that the current position is as referenced within our DL5 post-hearing submissions [REP5-055]. LCC maintains its objections in relation to the scope of the sequential test as set out within its written response to the ExA’s Second Written Questions. LCC would highlight that neither EN-1 nor EN-3 treat flood risk or the sequential test element of flood risk policy as irrelevant or in any way optional even for infrastructure which falls within the definition of CNP.</p>

	<p>as other NSIPs within Lincolnshire have smaller land parcels making up their order limits. Cottam for example consists of 4 land parcels, 3 of these are below 250ha (168ha, 132ha and 73ha). However, as stated above neither guidance nor policy states a fixed land size to be included within searches for reasonably available land. As such LCC cannot identify any policy basis for why the sequential test has not been met.”</p> <p>D5 Post hearing submissions 1 [REP5-075] states: “LCC maintains its objections in relation to the scope of the sequential test as set out within its written response to the ExA’s Second Written Questions. LCC would highlight that neither EN-1 nor EN-3 treat flood risk or the sequential test element of flood risk policy as irrelevant or in any way optional even for infrastructure which falls within the definition of CNP. Paragraph 4.1.7 of EN-1 does not very clearly differentiate between the two elements of the Government’s policy on flood risk (i.e. sequential and exceptions tests) but instead discusses broadly a reference to ‘flood risk’ without further definition. Even if ‘flood risk’ is interpreted as relating to only part of the Government’s policy on flood risk, EN-1 and EN-3 treat the sequential test as a key policy test to be considered and weighed properly in the balance overall. Paragraph 5.8.36</p>	<p>LCC would note that the comments made within the SoCG , where it was stated that LCC could not identify any policy basis for why the sequential test has not been met, was a comment that is restricted in reference to solely the <u>size of site</u> considered during the site selection process, and not to the wider policy considerations relating to the sequential test.</p> <p>LCC will update the SoCG for DL7 in order to further clarify the matter and LCCs position.</p>
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	<p>requires the Secretary of State to consider, in relation to all applications for development consent (CNP or otherwise) whether the sequential test has been applied to site selection.”</p> <p>D5 SoCG REP5-048] states: “LCC does however acknowledge that Neither guidance nor policy states a fixed land size to be included within searches for reasonably available land. As such LCC cannot identify any policy basis for why the sequential test has not been met.”</p> <p>From the above, the ExA is unclear as to what the exact policy position of LCC is in relation to the sequential test. Can LCC please confirm their position in explicit policy terms with respect to the Sequential Test?</p>	
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