



Application by Ecotricity (Heck Fen Solar) Limited
Heckington Fen Solar Park

The Examining Authority's written questions and requests for information (ExQ1) Issued on 17 October 2023

The following table sets out the Examining Authority's (ExA's) first round of written questions and requests for information – ExQ1. Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as **Annex D** to the Rule 6 letter of 21 July 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table is available in Microsoft Word format is available on request from the Case Team. Please contact: Heckingtonfensolar@planninginspectorate.gov.uk and include 'Heckington Fen Solar – ExQ1' in the subject line of your email.

Responses are due by Deadline 2: Tuesday 7 November 2023



Abbreviations used:

AP(s)	Affected Person(s)
BBC	Boston Borough Council
BMV	Best and Most Versatile (agricultural land)
BoR	Book of Reference
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
DPD	Design Principles Document
DRP	Decommissioning and Restoration Plan
EA	Environment Agency
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GIS	Gas Insulated Switchgear
HGV	Heavy Goods Vehicle
IP(s)	Interested Party (Parties)
LCC	Lincolnshire County Council
LIR	Local Impact Report



LLFA	Lead Local Flood Authority
m	Metre
NE	Natural England
NKDC	North Kesteven District Council
NSIP	Nationally Significant Infrastructure Project
NPS	National Policy Statement
R	Requirements
RPAs	Relevant Planning Authorities
RR	Relevant Representation
SF6	Sulphur hexafluoride
SoCG	Statement of Common Ground
SMP	Soil Management Plan
TP	Temporary Possession

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [EN010123-000343-Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/examination-library/EN010123-000343-Examination%20Library.pdf). It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg GEN.1.1 – refers to question 1 in this table.



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ExQ1: 17 October 2023**Responses due by Deadline 2 (Tuesday 7 November 2023)**

ExQ1	Question to:	Question:
1. GENERAL, MISCELLANEOUS AND CROSS-TOPIC QUESTIONS		
GEN.1.1	Applicant	<p>Sheets 5, 6, 12 and 13 of the Works Plans [PS-014] show numerous overlapping Works No's around the on-site substation and the Bicker Fen substation. Due to the scale of the plans and the overlapping colours/patterns the exact boundaries of many of the Work No's in these areas of the Proposed Development are ambiguous.</p> <p>Provide individual plans to clearly show the extent of each of the Work No's in these areas. These should not supersede the Works Plans but would be supplementary to them.</p>
GEN.1.2	Applicant	<p>Paragraph 3.4.1 of Environmental Statement (ES) Chapter 3 [PS-053] states that the layout of the Proposed Development has evolved taking into account "<i>planning and environmental policy objectives</i>".</p> <p>Could the Applicant provide further detail for each of the relevant "<i>environmental policy objectives</i>" and design objectives set out within the Statement of Need and Planning Statement [PS-142], and how these have been taken into account within the iterative design process described within the ES.</p>
GEN.1.3	Applicant	<p>Paragraph 4.3.1 of ES Chapter 4 [PS-055] states that the construction phase is currently anticipated to be 30 months based on the assumption that the Proposed Development would be constructed in a single continuous build; this is noted to represent the worst-case in terms of higher peak traffic volumes and a greater number of concurrent construction activities.</p> <ul style="list-style-type: none">i) It is stated in paragraph 4.7.1 that this anticipated duration is dependent on the final design and findings of the access and traffic assessment. Since the submission of the application, can the Applicant confirm whether there has been an update regarding the likely duration of the construction phase.ii) It is indicated that the 30-month construction period represents a worst-case scenario in terms of traffic, noise, and dust emissions. Can the Applicant comment on how this represents a worst-case scenario for all environmental aspects of the ES.iii) Should the construction phase extend beyond 30 months, can the Applicant comment on the potential implications of this for the assessment of likely significant effects during the construction phase.

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ExQ1	Question to:	Question:
GEN.1.4	Applicant	<p>Work No. 7 includes provision for temporary laydown areas associated with the construction of the Cable Route Corridor (Work No.5) and Bicker Fen Substation extension works (Work No. 6). Paragraph 4.7.4 of ES Chapter 4 [PS-055] states that these construction compounds will not remain once the Proposed Development is operational, however no further detail is provided regarding what would happen to these areas following completion of the construction phase. It is also unclear whether these areas would be required during decommissioning.</p> <p>Could the Applicant explain what is proposed to be done with these areas following completion of the construction phase and, should restoration of these areas be proposed, the mechanism by which this is secured.</p>
GEN.1.5	Applicant	<p>The accepted Change Application includes optionality regarding the switchgear types to be used at Bicker Fen Substation. It is noted within ES Chapter 4 [PS-055] that should a gas insulated switchgear (GIS) option be used, National Grid will avoid the use of sulphur hexafluoride (SF6) in line with the draft National Policy Statement (NPS) EN-5. However, it is noted within footnote 7 (p.24) of ES Chapter 4 that although the GIS will avoid the use of SF6, SF6-type circuit breakers would be used within the Energy Park.</p> <p>Can the Applicant:</p> <ul style="list-style-type: none">i) Explain the mechanism by which the avoidance of the use of SF6 within the GIS is secured within the draft Development Consent Order (dDCO).ii) Justify the use of SF6-type circuit breakers in line with the requirements of the draft NPS EN-5, explaining how alternative technology types have been considered or by providing reasoning why SF6-type circuit breakers cannot be avoided.iii) In line with the requirements of draft NPS EN-5, explain any plans for monitoring and control of fugitive SF6 emissions and the mechanism by which these are secured through the dDCO and/or relevant control documents.
GEN.1.6	Applicant	<p>ES Chapter 18 [PS-077] explains the anticipated waste streams during construction, operation, and decommissioning however specific quantities of waste are not provided. Although it is stated (in paragraph 18.4.30) that exact quantities and types during construction are unknown at this stage, it is also stated (in paragraph 18.4.27) that significant quantities of waste are not anticipated during construction.</p> <p>Could the Applicant:</p>

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Clarify what calculations have been made to inform this conclusion. ii) In line with the requirements of the NPS (EN-1) can the Applicant confirm the anticipated volumes of waste from the Proposed Development, the proposed waste management strategy on-site, and the impact of waste generation from the Proposed Development on the capacity of waste management facilities, particularly when considering other waste arising in the area.
GEN.1.7	Applicant	<p>No methodology for assessing likely significant effects is provided within ES Chapter 18 [PS-077]. Although it is recognised that this chapter has been compiled “<i>due to the brevity of the assessment or the limited impact associated with the Proposed Development</i>”, as stated in paragraph 18.1.2, conclusions of no significant effects have been reached within this chapter and it is unclear how these conclusions have been reached.</p> <p>The Applicant is asked to provide a methodology for establishing significant effects for each of the aspects within ES Chapter 18.</p>
GEN.1.8	Applicant	<p>Limitations to the assessments are described within each of the aspect chapters of the ES apart from ES Chapter 9 (Hydrology, Hydrogeology, Flood Risk and Drainage) [PS-065] and ES Chapter 18 (Miscellaneous Issues) [PS-077].</p> <p>Can the Applicant clarify whether there are any limitations to these assessments.</p>
GEN.1.9	Applicant	<p>Provide an updated version (or addendum) of the cumulative and in-combination effects assessment for each chapter of the ES and associated figures [APP-173, PS-084, PS-085], so that the additional proposals included in the report on the Interrelationship with Other NSIPs [REP1-021] and the findings are consistent with it.</p>
GEN.1.10	Boston Borough Council Lincolnshire County Council North Kesteven District Council	<p>Could the relevant planning authorities (RPAs) confirm if you are in agreement with and provide any other comments regarding the overall approach to the cumulative impact assessment, including the developments considered, and the conclusions therein as set out in both ES Appendix 2.3 [APP-175] and the Interrelationship with other NSIPs [REP1-021].</p>
GEN.1.11	Applicant	<p>Paragraph 1.5.2 of the Outline Decommissioning and Restoration Plan (DRP) [PS-150] states that the final DRP will monitor the effectiveness of mitigation measures. Paragraph 1.18.2 states that the Applicant will be informed of any deviations from the measures set out within the DRP. It is not clear from the information provided how or whether, in the event that</p>

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ExQ1	Question to:	Question:
		<p>monitoring were to identify that mitigation measures were not effective, action would be taken to rectify this position, and how such a process is to be secured.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Comment on what would occur should monitoring reveal that mitigation measures are not being adhered to, or that the mitigation implemented is not achieving the predicted and desired outcomes. ii) Explain what assurances can be provided that any deviations from the outlined mitigation measures or their effectiveness will be addressed. iii) Explain how such a process would be secured through the DCO.
GEN.1.12	Boston Borough Council	<p>The shortlisted cumulative sites [APP-175, PS-084, PS-085] and the Interrelationship with other NSIPs report [REP1-021] include planning applications at Vicarage Drove and Land West of Cowbridge Road.</p> <p>Could Boston Borough Council (BBC):</p> <ul style="list-style-type: none"> i) Provide a copy of site location and layout plans, officer report and decision notice for both applications. ii) Confirm if development has commenced.
GEN.1.13	Applicant	<p>An Equality Impact Assessment has been submitted in relation to pre-application consultation only [APP-031]. Could the Applicant submit an Equality Impact Assessment which includes consideration of persons or groups with a protected characteristic in order to inform the ExA how the proposal would accord with the requirements of the Public Sector Equality Duty by Deadline 3. In doing so, also refer to question NV.1.2</p>
2. BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT		
BIO.1.1	Applicant	<p>ES Appendix 8.8 (Bat Survey Report) [APP-197] states that the survey data is only valid for 18 months from 2 August 2022. Given the Proposed Development is anticipated to commence beyond this, can the Applicant clarify whether updated ecology surveys, for bats and other species, will be conducted prior to construction to ensure the baselines and any proposed mitigation measures remain valid.</p>
BIO.1.2	Applicant	<p>The Landscape Strategy Plan [PS-091] details landscaping proposals for the energy park site only and not the Bicker Fen substation. The accepted Change Application shows an area of</p>

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ExQ1	Question to:	Question:
	National Grid Electricity Transmission Plc	<p>mixed species plantation is proposed to be removed to enable additional substation infrastructure. This is further considered in the Change Application documents [PS-003 onward] which state that '<i>replacement tree planting has not been possible at Bicker Fen substation due to technical constraints and limited land availability</i>'. At Issue Specific Hearing 2 (ISH2) [REP1-020] it was indicated that there are numerous constraints to planting including location of cables.</p> <p>Could the Applicant and National Grid Electricity Transmission Plc (NGET):</p> <ul style="list-style-type: none"> i) Provide further details/plans on the extent of loss of mixed species plantation woodland to be removed to the south-west corner of Bicker Fen substation, with an indication of minimum and maximum area of loss for a) a GIS system and b) an Air Insulated Switchgear (AIS) system. ii) Provide a more detailed explanation as to why planting around the Bicker Fen substation is not appropriate and has not been included in the plans. iii) Give further consideration as to whether off-site planting in the vicinity of the substation (or a contribution to third party planting) has been considered, which potentially could be secured via legal agreement.
BIO.1.3	Forestry Commission	<p>The Forestry Commission in their Relevant Representation (RR) [RR-010] note that there are no plans to remove any trees within the site, however since then the accepted Change Application [PS-003 to PS-153] includes an area of woodland removal at Bicker Fen Substation as shown on the Landscape Strategy Plan [PS-091].</p> <p>The Change Consultation Report [PS-004] submitted with the Change Application includes at Table 5.3 comments from the Forestry Commission with recommendations for additional compensation planting as well as management of the existing plantation. The Applicant has provided comments in response within the Table 5.3.</p> <p>Do the Forestry Commission have any further comments to make in relation to this matter?</p>
BIO.1.4	Applicant	<p>A community orchard is shown on the Landscape Strategy Plan [PS-091] to the south west of the energy park, alongside Elm Grange.</p> <p>The Applicant is asked:</p> <ul style="list-style-type: none"> i) How the community orchard would be secured in the long term.

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ExQ1	Question to:	Question:
		ii) Who would use the orchard, and how would it be accessed by the community – access and parking arrangements etc.
BIO.1.5	Applicant	<p>Table 6.10 of ES Chapter 6 (Landscape and Visual) [PS-059] and Table 19.1 within ES Chapter 19 (Summary) [PS-079] report a major beneficial effect on tree and hedgerow resource within the Energy Park site for the construction phase. However, paragraph 6.5.19 of ES Chapter 6 [PS-059] states that additional planting within the Energy Park site would offset woodland removal within the Bicker Fen Substation site and lead to a moderate beneficial effect. There is therefore discrepancy between the significance of the effect reported.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Clarify the significance of the residual effect on tree and hedgerow resource at the Energy Park site and how this has been determined. ii) If the effect on tree and hedgerow resource is not a major beneficial effect, the Applicant is asked to update paragraph 6.5.19 and Tables 6.10 and 19.1 accordingly. iii) Confirm whether the proposed tree and hedgerow planting heights within the Landscape Strategy Plan [PS-091] are the heights at which they would be planted during construction. iv) Considering this beneficial effect is reported for the construction phase, provide comment on the assumptions which have been made regarding the maturation of the vegetation within the 30-month construction period.
BIO.1.6	Applicant Natural England	<p>Natural England's (NE) RR [RR-019] refers to further information being required regarding potential protected species licences and the Applicant's response [REP1-022] and section 7 of the draft Statement of Common Ground (SoCG) [REP1-016] indicates that they are working with NE to obtain a Letter of No Impediment.</p> <p>Could the Applicant and NE provide an update with timescales for submission and any further comments that they wish to make on this matter.</p>
BIO.1.7	Natural England	<p>An update to the shadow Habitats Regulations Assessment [PS-041] was provided to reflect the Change Application.</p> <p>NE is asked to confirm if they agree with the Applicants' conclusions regarding the effects of the Change Application on European sites from all phases of the development, including in-combination effects.</p>

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3. COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA.1.1	All Affected Persons	<p>APs are asked to provide comments on the following:</p> <ol style="list-style-type: none">i) If they are aware of any inaccuracies in the Book of Reference (BoR) [PS-034], Statement of Reasons (SoR) [PS-030] or Land Plans [PS-013]? If so, please set out what these are and provide the correct details.ii) Consideration of if there are any reasonable alternatives to any Compulsory Acquisition (CA) or Temporary Possession (TP) sought by the Applicant.iii) Confirmation if there are any areas of land or rights that the Applicant is seeking the powers to acquire that you consider are not needed.iv) Detail any other concerns which regard the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that you own or have an interest in.
CA.1.2	Applicant	<p>Part 2 of the BoR [PS-034] lists 'Category 3' persons.</p> <p>The Applicants are asked to:</p> <ol style="list-style-type: none">i) provide further detail/ justification of how you have identified such Category 3 parties for the purposes of the BoR.ii) detail efforts made to identify unknown parties.iii) clarify if there are any other persons who might be entitled to make a relevant claim if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR? <p>This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none">• noise, vibration, smell, fumes, smoke or artificial lighting;• the effect of construction or operation of the Proposed Development on property values or rental incomes;• concerns about subsidence or settlement;• claims that someone would need to be temporarily or permanently relocated;• impacts on a business;

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		<ul style="list-style-type: none">• loss of rights, eg to a parking space or access to a private property;• concerns about project financing;• claims that there are viable alternatives; or• blight.
CA.1.3	Lincolnshire County Council	Are Lincolnshire County Council (LCC) in their role as the Highway Authority aware of: i) any reasonable alternatives to CA or TP sought by the Applicant; and ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?
CA.1.4	Applicant	The SoR [PS-030] states at paragraph 6.1.25 that the Applicant is now not seeking CA powers to secure any freehold rights over the solar park. Could the Applicant provide further explanation as to why this has changed since the initial submission of the BoR and Land Plans, and confirm that only CA of rights are sought for the Proposed Development.
CA.1.5	Applicant	The Applicant is asked to confirm if any land or rights acquisitions would be required in addition to those sought through the dDCO before the Proposed Development could become operational.
CA.1.6	Environment Agency	The draft SoCG with the Environment Agency (EA) [REP1-004] notes that the parties are negotiating Heads of Terms with a view to entering into an option for an Easement agreement. The Schedule of Negotiations with Statutory Undertakers and Landowners v3 [PS-036] states that the Applicant is hopeful that the necessary rights can be acquired by voluntary agreement, and that concerns relating to plots 63A, 63B and 72 have been addressed by the agreement of protective provisions. Could the EA provide an update regarding this matter and set out any further comments relating to CA and TP of rights.
CA.1.7	Applicant	Revision 3 of the Schedule of Negotiations with Undertakers and Landowners [REP1-004] now includes 'next steps' and an estimated timescale for agreements. The majority of entries state ' <i>Estimated completion January 2024</i> '. Could the Applicant:

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ExQ1	Question to:	Question:
		i) Confirm if this timescale is realistic and if there is a likelihood of any agreements being reached earlier than January, given that the final deadline for submission of the final Schedule and related documents into the Examination is set in the timetable as 13 February 2024? ii) Specify if any agreements likely to slip beyond this date.
CA.1.8	Applicant	Numerous landowner entries in the BoR [PS-034] are noted as belonging to a 'Land Interest Group' with the intention on producing a consistent set of heads of terms for the Option for Easements required and agreeing terms of entry for ongoing surveys within the Order Limits. Could the Applicant summarise who makes up this group and their land interests, and whether agreements would be consistently submitted to the Examination?
CA.1.9	Applicant Crown Estate	The ExA notes that revision 3 of the Schedule of Negotiations with Undertakers and Landowners [REP1-004] states that a verbal agreement to grant a lease covering the mineral rights is subject to the Crown Estate's final approval. The document estimates completion by January 2024. Could the Applicant provide details of action to be taken in the event that Crown consent is not received before the close of the Examination.
CA.1.10	Applicant	Paragraph 2.1.11 of the Funding Statement [PS-032] refers to a 'turnkey full EPC contract'. Could the Applicant provide an explanation of what is meant by this.
4. DESIGN, LANDSCAPE AND VISUAL		
DLV.1.1	Applicant	Section 2 of the Design and Access Statement (DAS) [PS-144] refers to the policy context in terms of good design. Has the Applicant considered: <ul style="list-style-type: none"> i) the National Model Design Code January 2021; ii) the National Infrastructure Commission Design Principles for National Infrastructure NIC design; and iii) Use of a design approach statement, design champion and/or design review panel The Applicants are subsequently asked to: <ul style="list-style-type: none"> iv) confirm the relevance of the above to the Proposed Development; and

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ExQ1	Question to:	Question:
		<p>v) demonstrate how these principles have been taken into account in design work to date and how they will be used in future detailed design of the Proposed Development, specifically the:</p> <ul style="list-style-type: none"> - Solar panels and associated equipment - On-site substations and associated equipment and structures - Extension to Bicker Fen substation - Energy storage facility - Boundary treatments - Hard and soft landscaping
DLV.1.2	Boston Borough Council Lincolnshire County Council North Kesteven District Council	<p>Can the RPAs provide comment:</p> <ul style="list-style-type: none"> i) Do the DAS [PS-144], the Technical Guide [PS-045] and the Outline Design Principles Document (DPD) [PS-138] provide enough detail and a sufficient basis to guide detailed design development post consent? Are any further visuals or illustrative drawings required? ii) Is Requirement 6 of the dDCO [PS-024] sufficient to secure the detailed design of the structures listed at Tables 1.1 to 1.6 of the Outline DPD [PS-138]? iii) Do the RPAs have the necessary experience and expertise to take on the design approval post-consent, or would an external design review be necessary? If so, please could the RPAs indicate what additional support you believe would be required and from whom such support should come.
DLV.1.3	Applicant	<p>Within ES Chapter 6 (Landscape and Visual) [PS-059] and ES Chapter 7 (Residential Visual Amenity) [PS-061] only major effects and above are considered significant. However, paragraph 2.10.11 of ES Chapter 2 (EIA Methodology and Consultation) [PS-051] states that major or moderate effects are considered significant. It is noted (paragraph 2.10.12) that this overarching methodology could differ per aspect-specific methodology, and paragraph 6.3.47 of ES Chapter 6 [PS-059] recognises that this is a “<i>high bar</i>”.</p> <p>Could the Applicant explain why a different approach has been used within ES Chapters 6 and 7 from the overarching ES methodology and why effects of moderate significance are not considered as being significant with reference to relevant industry guidance.</p>

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DLV.1.4	Applicant	<p>Paragraph 4.5.44 of ES Chapter 4 [PS-055] states that during operation “<i>No areas of the Proposed Development are proposed to be continuously lit</i>” with lighting on sensors proposed for security purposes. Table 4.4 of ES Chapter 4 states that a design principle of the Onsite Substation (Work No.4) is that “<i>Lighting would be triggered by movement only or manually turned on</i>”. The information provided suggests a level of uncertainty around the frequency and duration for which lighting may be activated, and whether this is limited only to short periods being triggered by movement, or whether the potential exists for lighting to be activated manually and therefore over more constant or prolonged periods. A Lighting Strategy is not provided.</p> <p>Could the Applicant confirm:</p> <ul style="list-style-type: none"> i) Whether lighting will be restricted solely to being triggered by movement and if so how this is to be secured. ii) If there are times at which lighting is to be activated manually: confirm the likely frequency of such events along with likely durations of lighting, and any limitations on the timing, frequency or duration of lighting that would be applied. iii) How any limitations on lighting would be secured through the DCO.
DLV.1.5	Applicant	<p>Paragraph 19.2.8 of ES Chapter 19 (Summary) [PS-079] notes that “<i>prior to the implementation of the proposed mitigation measures, significant effects are not anticipated</i>” in relation to residential visual amenity. However, paragraph 7.4.3 of ES Chapter 7 (Residential Visual Amenity) [PS-061] states that major adverse (significant) effects would occur at the residential properties listed. It is noted in paragraph 7.6.1 that following the implementation of the proposed additional mitigation measures significant effects would not occur at these residential properties.</p> <p>Considering the reliance on mitigation measures, the statement at paragraph 19.2.8 is incorrect. The Applicant is asked to update ES Chapter 19 to ensure it reflects the conclusions made within the ES aspect chapters.</p>

5. DEVELOPMENT CONSENT ORDER

Note:

Issue Specific Hearing 1 on the dDCO was held on 19 September 2023 (ISH1). The agenda for that hearing [EV-004] was published on 5 September 2023. The questions set out below are asked in addition to the questions asked orally at ISH1. They may include some overlap

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		<p>but provide IPs who did not attend ISH1 an opportunity to make submissions on the matters raised. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to repeat their issues in writing, but are invited to submit any additional comments in response to the Applicant's oral case and D1 submissions at D2. The next version of the dDCO is also expected to be submitted at D2, and IPs will be invited to make further comment at ISH3 on 21 November 2023.</p>
DCO.1.1	<p>Applicant Boston Borough Council Lincolnshire County Council North Kesteven District Council</p>	<p>At ISH1 the references to the individual RPAs in the dDCO [PS-024] was referred to in relation to numerous Articles and Schedules. The ExA understands that the Applicant is working with the RPAs to agree which authority is responsible for each of the individual discharge of requirements. References to individual consultees is also to be reviewed. The Applicant is asked to reflect this review and agreed wording with the RPAs in the D2 submission of the dDCO.</p>
DCO.1.2	<p>National Gas Transmission Plc</p>	<p>The RR from National Gas Transmission Plc (NGT) [RR-016] raises a number of comments in relation to protection of apparatus including a high pressure gas transmission pipeline. The Applicant's response [REP1-019 and REP1-022] indicates that protective provisions have been agreed and that access to the pipeline and gas valve will remain for NGT, however the NGT's position is not yet included in the SoCG [REP1-013].</p> <p>Could NGT confirm if protective provisions in Schedule 13 Part 4 of the dDCO [PS-024] are agreed, and whether they wish to raise any further comments in response to the Applicant.</p>
DCO.1.3	<p>National Grid Electricity Transmission Plc</p>	<p>The RR from NGET [RR-017] raises a number of comments in relation to protection of apparatus and that they have entered into a connection agreement with the Applicant. The Applicant's response [REP1-019 and REP1-022] indicates that protective provisions have been agreed and that a grid connection agreement is in place.</p> <p>The SoCG [REP1-014] indicates that the agreed form of protective provisions are in version 3 of the dDCO [PS-024] and that discussions on commercial terms for the protection of NGET's assets are ongoing but expected to be concluded during the course of the Examination.</p> <p>Could NGET confirm if the protective provisions in Schedule 13 Part 7 of the dDCO [PS-024] are agreed, and provide an update on discussions regarding asset protection, highlighting any issues which remain outstanding.</p>
DCO.1.4	<p>National Grid Electricity Transmission Plc</p>	<p>In the latest version of the dDCO received at D1 [PS-024] an additional Article (45) was added in relation to the NGET extension works.</p> <p>Could NGET:</p>

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ExQ1	Question to:	Question:
		<p>i) Explain the situation which might arise that would mean they need to apply for Work No's 6B or 6C under the Town and Country Planning Act 1990 or the General Permitted Development Order 2015.</p> <p>ii) Confirm if they are satisfied with the wording of Articles 32 and 45.</p>
DCO.1.5	Environment Agency	<p>The RR from the EA [RR-009] requests amendments and additions to the protective provisions in the dDCO [PS-024], and the Applicant's response [REP1-019 and REP1-022] states that protective provisions are now agreed and that the dDCO will be updated at D2. Point 6.5 of the draft SoCG with the EA [REP1-011] refers to the wording of Schedule 14 in terms of replacement of 'business day' with 'working days' and the time period for notification. The Applicant's response to this and their oral submissions to ISH1 [REP1-019] states that an amended wording will be reflected in the next deadline.</p> <p>Could the EA confirm if this would address their concerns, and whether they have other outstanding comments relating to the dDCO including the protective provisions at Schedule 13 Part 6 (previously Part 5).</p> <p>The EA may wish to combine their answer with WE.1.4</p>
DCO.1.6	Network Rail Infrastructure Limited	<p>The RR from Network Rail [RR-001] refers to the need for adequate protective provisions and requirements to prevent adverse impacts to the railway. The Applicant has confirmed that they are in discussions with Network Rail on this matter.</p> <p>Could Network Rail confirm if protective provisions in Schedule 13 Part 9 of the dDCO [PS-024] are agreed, and whether they wish to raise any further comments.</p>
DCO.1.7	Applicant	<p>Schedule 13 Part 2 of the dDCO [PS-024] provides protective provisions for operators of electronic communications code networks. The BT Group Plc is included as a Category 2 and 3 party in the BoR [PS-034].</p> <p>The Applicant is asked to confirm if there are any other such operators likely to be affected and clarify to whom Part 2 would apply.</p>
DCO.1.8	Black Sluice Internal Drainage Board	<p>Article 6 and Schedule 3 of the dDCO [PS-024] refer to a range of drainage legislation to be disapplied.</p> <p>Can the Black Sluice Internal Drainage Board (IDB) confirm:</p> <p>i) If you have any comments on the legislation to be disapplied.</p>

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ExQ1	Question to:	Question:
		ii) Is the list of drainage legislation at Schedule 3(1) a complete list, or do you consider any should be added or removed.
6. HISTORIC ENVIRONMENT		
HE.1.1	Applicant Boston Borough Council North Kesteven District Council	<p>ES Chapter 10 [APP-063] includes assessment of heritage assets within a minimum area of 5km. Mill Green Farmhouse, the former Primitive Methodist Chapel, Elm Grange and the Rectory are surrounding buildings within the 5km assessment zone which have all been identified by the Applicant as non-designated heritage assets (NDHA) in the heritage desk-based assessment [APP-206]. The derelict cottages and barn of Six Hundreds Farm, the low boundary wall at Elm Grange, and the former drainage pump at Head Dike are identified as NDHAs within the order land.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Label all of the above-mentioned buildings on a plan. ii) Explain the criteria and or/documentation that led them to identify these buildings as NDHAs. iii) Explain why only Mill Green Farmhouse was considered for further setting assessment but not the other NDHAs. <p>Could NKDC and BBC:</p> <ul style="list-style-type: none"> i) Confirm if you are in agreement with the identification of the above buildings as NDHAs and that only Mill Green Farmhouse should be considered for further assessment. ii) Provide comment on the proposed mitigation set out in paragraph 10.6.2 of ES Chapter 10 [APP-063]
HE.1.2	North Kesteven District Council Historic England	<p>ES Chapter 10 [APP-063] includes a setting assessment of the Grade I listed Kyme Tower and it is concluded at paragraph 10.5.22 that there would be no harm to its significance. NKDC in their LIR [REP1-033] disagree, stating at paragraph 16.26 that <i>'no views of the tower, or away from the tower, should be classed as "incidental"'</i> and they assign a negative impact on its significance.</p> <ul style="list-style-type: none"> i) Can NKDC explain further what contribution they consider the Site makes to the significance of the setting of Kyme Tower and why a negative impact would arise.

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ExQ1	Question to:	Question:
		ii) Can Historic England provide comment on both the Applicant's and NKDCs assessment of harm to Kyme Tower?
HE.1.3	Applicant	<p>NKDC in their LIR [REP1-033] state at paragraph 16.21 that there is an apparent disjoint between ES Chapter 10 [APP-063] and the Outline Written Scheme of Investigation for Archaeological Mitigation [APP-245].</p> <p>Could the Applicant provide clarification and amend ES Chapter 10 as necessary.</p>
7. LAND USE AND SOILS		
LUS.1.1	Applicant	<p>The methodology used to define significant effects within ES Chapter 16 (Land Use and Agriculture) [APP-069] is unclear. Table 16.11 provides a summary of the residual effects however the significance of these effects is not provided.</p> <p>Could the Applicant clarify the methodology used to define significant effects within ES Chapter 16 and provide an update to Table 16.11 which includes the significance of the residual effects.</p>
LUS.1.2	Applicant Natural England	<p>NE's RR [RR-019] refers to further work being required to fully assess the extent of impacts to Best and Most Versatile (BMV) agricultural land. The Applicant's response [REP1-022] indicates that they are content to undertake further Agricultural Land Classification studies on the cable route prior to construction, with the methodology to be agreed with NE.</p> <p>The draft SoCG [REP1-016] (yet to include input from NE) indicates that due to land access not being granted for intrusive soil sampling, that this be completed post-consent and at the detailed design stage. It states that a methodology to address this has been submitted to NE for their review. The Applicant also highlights that the latest draft of NPS EN-3 does not include reference to surveys of underground cabling and access routes. The cabling trenching is expected to be less than 1m across the majority of the route.</p> <p>Could the Applicant provide:</p> <ul style="list-style-type: none">i) An update on when any further studies of the cable route may take place and confirm why they are unable to carry out such studies during the Examination period.ii) A copy of the methodology for intrusive soil sampling which has been submitted to NE for review.

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ExQ1	Question to:	Question:
		<p>Could NE:</p> <ul style="list-style-type: none"> i) Provide a response to the Applicants comments as summarised above. ii) Confirm whether they are satisfied with the methodology for intrusive soil sampling.
LUS.1.3	Applicant Natural England	<p>NE's RR [RR-019] notes that deficiencies in the outline Soil Management Plan (SMP) must be addressed to ensure soil resources are managed and maintained appropriately during construction and for the lifetime of the development. The Applicant's response [REP1-022] indicates that further detail from NE has been sought as part of the SoCG [REP1-016].</p> <ul style="list-style-type: none"> i) Could NE provide details on the further information that they require at this stage, bearing in mind that the Applicant has confirmed that a detailed SMP would be secured by a standalone Requirement in the next version of the dDCO to be submitted at D2 (rather than as part of the Construction Environmental Management Plan (CEMP) secured by R13 of the current version [PS-024]). ii) Could the Applicant provide an update on the matter.
LUS.1.4	Applicant	<p>Paragraph 18.4.36 of ES Chapter 18 [PS-077] states that stripped soils will be stored in bunds no more than 3m in height. Paragraph 4.21 of the outline SMP for the Energy Park Site (Appendix E of the outline CEMP [PS-146]) states that "<i>quantities of soils involved are limited and topsoil mounds would be a maximum of 1m high</i>". The outline SMP for the Offsite Grid Route Corridor (Appendix F of the outline CEMP) indicates that topsoil mounds would be a maximum of 1m to 2m high. The draft SoCG with NE [REP1-016] assumes that soil will be secured in a bund of 3-4m maximum in height. Paragraph 18.4.28 of ES Chapter 18 states that there is also the potential for soils to be removed from the site.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Indicate the quantities of soil that will need to be excavated, stored, or removed from the Order Limits. ii) Provide a consistent response which clarifies the maximum heights and locations of soil stockpiles shown on a plan. iii) Clarify whether these soil estimates are included within the estimated construction phase Heavy Goods Vehicle (HGV) movements presented in Table 5.1 of the Outline Construction Traffic Management Plan (CTMP) [PS-152].

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ExQ1	Question to:	Question:
8. NOISE AND VIBRATION NV.1.1	Applicant Boston Borough Council	<p>ES Chapter 12: Noise and Vibration [PS-069] relates to noise and vibration effects primarily in relation to the energy park, access and cable route where it crosses the A17. NKDC in their LIR [REP1-033] provide a detailed response in respect of the energy park and accesses. BBC provide limited comment in section 12 of their LIR [REP1-025]. RRs from local residents have raised objections relating to construction noise in the area of the Bicker Fen substation [RR-008].</p> <p>Could the Applicant:</p> <ul style="list-style-type: none">i) Explain on what basis the noise generated by the works to extend the existing substation at Bicker Fen have been scoped out of ES Chapter 12 [PS-069].ii) Further to the above, explain how the conclusions in section 12.8 of ES Chapter 12 were arrived at regarding cumulative effects with Vicarage Drove and other nearby projects. <p>Could BBC:</p> <ul style="list-style-type: none">i) Provide any comments you may have specifically on construction and operational noise in the Bicker Fen area arising from the grid connection and substation works, and cumulative effects with other developments.ii) Explain how the overall 'neutral' impact as set out in section 17 of the LIR [REP1-025] was arrived at.
NV.1.2	Applicant	<p>Paragraph 12.3.2 of ES Chapter 12 [PS-069] notes that Build-A-Future East Heckington based at Elm Grange will accommodate young people with Autistic Spectrum Disorder (ASD) or learning difficulties, and recognises that sudden noise events of sufficient amplitude and character has the potential to disturb some people with ASD. It goes on to assume that the design of the school will account for management of the existing baseline environment for ASD pupils sensitive to noise. Table 12.4 sets out the Applicant's response to NKDC on this matter, stating that the school was contacted and no concerns were raised with regard to noise effects on pupils. Paragraphs 12.6.6 and 12.6.7 consider effects of noise and vibration on the school and recommends that the school is informed at the start of piling works.</p> <p>Could the Applicant:</p>

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Explain the assumption in paragraph 12.3.2 that the Build-A-Future East Heckington school will account for management of the existing baseline environment for ASD pupils sensitive to noise. ii) Confirm that the final CEMP will include provision to specifically alert the school of construction works, including the information which they will be provided (type of works, period of works) and a relevant notice period. iii) Consider implications in relation to the requirements of the Public Sector Equality Duty (PSED) (you may wish to combine your answer with question GEN.1.13).
9. PLANNING POLICY AND LEGISLATION		
PPL.1.1	Applicant	<p>Presently there is no designated NPS that has effect with respect to the consideration of the proposed solar park nor the energy facility. Paragraphs 5.5 and 5.6 of the Statement of Need and Planning Statement [PS-142] recognise this, and go on to state that <i>“both EN-1 and EN-3 are still relevant as they relate to renewable energy development, and thus the SoS must have regard to it”</i>, and that <i>“the current NPSs are important and relevant to the determination of this Application pursuant to section 105 of the Planning Act 2008”</i>.</p> <p>It was noted at ISH2 [EV-009 to EV-015, REP1-020] that the Statement of Need and Planning Statement, would be updated as necessary to reflect any new local or national policy or guidance or legislation that emerges during the Examination via an addendum. As part of this, the Applicant is asked to:</p> <ul style="list-style-type: none"> i) Include more detail regarding the matters which are considered to be important and relevant for the purposes of decision making. ii) Consider the approach taken in other solar generation NSIPs including Longfield Solar Farm and Little Crow Solar Park which considered that EN-3 should not take effect or be considered as being important or relevant given that solar is expressly excluded from the coverage of EN-3. iii) Include consideration of whether EN-5 is important and relevant and why.
PPL.1.2	Applicant	The Planning Statement and the ES refer to the suite of energy NPSs.

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Is there a differentiation between those NPSs which you consider the Proposed Development to be 'in accordance with' and those that may be (in part) 'important and relevant'? ii) And to which elements of the Proposed Development are they applicable? Please provide a summary.
PPL.1.3	Boston Borough Council Lincolnshire County Council North Kesteven District Council	<p>Could the RPAs:</p> <ul style="list-style-type: none"> i) Provide to the Examination full copies of any Development Plan policies that have or will be referred to in your LIRs. ii) Provide copies of any Supplementary Planning Documents that may be of relevance. iii) Confirm whether there are any relevant made or emerging neighbourhood plans that the ExA should be aware of, and if so provide details. iv) Confirm whether the Applicants' policy analysis set out in section 4 of the Statement of Need and Planning Statement [PS-142] is comprehensive.
PPL.1.4	Applicant	<p>The current 2023 version of the National Planning Policy Framework has been published since the Application documents were produced.</p> <p>Could the Applicant confirm whether there would be any implications for the Application arising from the 2023 revision and if so include it in the forthcoming addendum to the Statement of Need and Planning Statement.</p>
PPL.1.5	Applicant	<p>Could the Applicant confirm whether there are any implications for the Application arising from the updated Planning Practice Guidance (Renewable and Low Carbon Energy) paragraphs 032 to 036 relating to battery energy storage systems, and if so include it in the forthcoming addendum to the Statement of Need and Planning Statement.</p>
10. SOCIO-ECONOMICS		
SET.1.1	Applicant	<p>The Application Site encompasses two local authority areas. ES chapter 11 [PS-067] paragraph 11.3.27 confirms Boston has been included in the baseline analysis but the effects from the Proposed Development are only considered in North Kesteven. Following ISH2 [EV-009], it is understood that an update will be provided to effects on Boston at D2 [REP1-020].</p>

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ExQ1	Question to:	Question:
		To add to this, the Applicant is also asked why an identification and assessment of the Local Impact Area or Travel to Work Area were not included in the baseline.
SET.1.2	Applicant Boston Borough Council Lincolnshire County Council North Kesteven District Council	<p>The Application includes an Outline Supply Chain, Employment and Skills Plan [APP-243], and this is identified in ES Chapter 11 [PS-067] as being mitigation in maximising the local benefits of the Proposed Development. It states at paragraph 11.6.2-11.6.3 that measures will include local employment opportunities and partnership with local educational institutions.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Confirm if any communications have been made to date with local colleges/university and the form that such partnerships might take? <p>Could the RPA's provide:</p> <ul style="list-style-type: none"> i) Comments on the Outline Supply Chain, Employment and Skills Plan [APP-243]. ii) Confirm if you would be able to liaise with the relevant educational institutions in order to discharge Requirement 16 of the dDCO [PS-024]? iii) Details of any current initiatives in place regarding promotion of related careers in renewable energy in the area?
11. TRAFFIC, TRANSPORT AND PUBLIC RIGHTS OF WAY		
TT.1.1	Applicant	<p>The Proposed Development includes the creation of a permissive path through the site, including footbridge crossings of drains (Work No.9B).</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Provide further details of the process for the planning, implementation (including timing) and maintenance of the new paths. ii) Clarify what would be the legal status and would there be any restrictions on their use? iii) Indicate if a legal agreement regarding the use of the permissive path for the lifetime of the project will be completed within the Examination period.
TT.1.2	Applicant	Paragraph 2.8.2 of ES Chapter 2 [PS-051] states that the future baseline has been considered and paragraph 2.9.1 states that future baseline years of 2026, 2027, and 2067/2068 have been assessed. The updated ES Chapter 14 [PS-073] uses baseline traffic flows from 2022 (with targeted additional surveys relating to the substation from May 2023), including for the assessment of the decommissioning phase in 2067/2068.

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ExQ1	Question to:	Question:
		<p>Could the Applicant clarify whether traffic growth factors have been incorporated into the transport assessment to take into account any anticipated growth or development within the wider area or provide justification for why this is not required and confirmation that a worst-case scenario has been assessed.</p>
TT.1.3	Applicant National Grid Electricity Transmission Plc	<p>Paragraph 4.3 of the outline CTMP [PS-152] states that “<i>Construction traffic accessing the Bicker Fen substation will also follow the same construction route to the A52 and A17 roundabout where it will turn onto the A52 towards Bicker. It is anticipated that the majority of construction traffic will use the existing National Grid Bicker Fen Substation access road and access and egress the site via Cowbridge Road, Bicker Drove and Vicarage Drove, as shown at Figure 2.1.</i>”. It is noted that NGET are expected to submit a final CTMP for their own works, as the Bicker Fen extension Works No’s 6B and 6C would be a standalone phase.</p> <p>Could the Applicant and NGET consider:</p> <ul style="list-style-type: none"> i) Should the dDCO [PS-024] specify a separate CTMP for the Bicker Fen substation works, or is Requirement 14 sufficient to cover this?
TT.1.4	Applicant	<p>Paragraph 14.6.5 of ES Chapter 14 [PS-073] sets out that a maximum of 400 construction workers are anticipated to be on the energy park site at any one time during the peak construction period, with an average of 150 for the majority of the construction. Paragraph 14.6.6 anticipates that the vast majority of workers will be transported by minibuses. NPS EN-1 at paragraph 5.13.3 requires, where appropriate, preparation of a travel plan including demand management measures to mitigate transport impacts.</p> <p>Could the Applicant clarify if a Construction Workers Travel Plan is to be produced, and if so, how would it be secured in the dDCO?</p>
TT.1.5	Applicant Lincolnshire County Council National Grid Electricity Transmission Plc	<p>Table 14.8 of ES Chapter 14 [PS-073] sets out the activity and type of HGV traffic flows to the energy park and indicates that substation transformers and a crane would be delivered via Abnormal Indivisible Load (AIL). Paragraph 14.6.3 indicates that the construction of the energy park would require around 107 AILs.</p> <ul style="list-style-type: none"> i) Could the Applicant and NGET clarify if AILs would be necessary for the works at Bicker Fen substation? ii) Could LCC clarify if they have any comments to make regarding the use of AILs on the local highway network?

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ExQ1	Question to:	Question:
TT.1.6	Applicant Lincolnshire County Council National Grid Electricity Transmission Plc	<p>Paragraph 14.6.14 to 16 of ES Chapter 14 [PS-073] estimate traffic flows to the National Grid Bicker Fen substation extension works to 2,076 vehicles over the 60 week construction period, plus construction worker movements, leading to an average of 18 two way vehicle movements per day. Tables 14.9 and 14.11 indicate Links Four (Cowbridge Road), Five (Bicker Drove) and Six (Vicarage Drove) as having a high impact significance from HGV traffic flows. Paragraph 14.6.22 states “<i>Given that Links Four to Six are of negligible sensitivity, the increases in traffic result in a temporary Negligible level of impact significance at all links, and therefore are Not Significant in EIA terms</i>”.</p> <ul style="list-style-type: none">i) Can the Applicant explain why these particular Links are identified as being of negligible sensitivity value.ii) Can NGET confirm if paragraphs 14.6.14 to 14.6.18 and Table 14.9 of ES Chapter 14 [PS-073] are an accurate indication of existing and proposed traffic flows to the Bicker Fen substation.iii) Can LCC confirm if they agree with the Applicant’s assessment of sensitivity of Links Four (Cowbridge Road), Five (Bicker Drove) and Six (Vicarage Drove), or if, having regard to Table 14.2 of ES Chapter 14 [PS-073], you consider the sensitivity of any of these Links should be increased.
TT.1.7	Applicant	<p>Section 14.8 of ES Chapter 14 [PS-073] sets out that it is not necessary to assess the cumulative transport impacts given the distance from the listed other developments, the temporary nature of the construction phase and the insignificant changes in annual average daily traffic (AADT).</p> <p>Could the Applicant confirm if the additional sites being considered in the Interrelationship with other NSIPs report [REP1-021], in particular Beacon Fen, change these conclusions?</p>
TT.1.8	Applicant Lincolnshire County Council	<p>The outline Decommissioning and Restoration Plan (DRP) [PS-150] sets out at section 1.10 that a separate Decommissioning Traffic Management Plan (DTMP) will be produced and agreed with the RPA.</p> <p>Could the Applicant and LCC consider if the wording of Requirement 18 of the dDCO [PS-024] is sufficient to secure a DTMP?</p>

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ExQ1	Question to:	Question:
12. WATER ENVIRONMENT & FLOOD RISK		
WE.1.1	Applicant	<p>The RR from the EA [RR-009] requests clarification in respect of finished floor levels for the control rooms. The Applicant's response [REP1-022] and the draft SoCG [REP1-011] state that further details will be provided within a revised Outline DPD.</p> <p>Could the Applicant provide an updated version of the Outline DPD at D2.</p>
WE.1.2	Anglian Water	<p>Anglian Water's RR [RR-012] refers to the draft Water Resources Management Plan. Could Anglian Water explain the relevance of the document to the Proposed Development, its current status and provide a copy of any extracts of the latest version which are of relevance to the Examination.</p>
WE.1.3	Applicant	<p>ES Chapter 9 [PS-065] and Appendix 9.1 (Flood Risk Assessment) [AS-020 to AS-023] refer to the Level 1 Central Lincolnshire Strategic Flood Risk Assessment (SFRA) 2015 and the Southeast Lincolnshire SFRA 2017, amongst other versions.</p> <p>Could the Applicant provide a copy of the relevant extracts of the relevant versions of the SFRAs which include the Application Site, including title page/introduction of both SFRAs and mapping plans with an overlay of the Application Site.</p>
WE.1.4	Applicant Black Sluice Internal Drainage Board Environment Agency Lead Local Flood Authority	<p>Water Bodies in a River Basin Management Plan [PS-017] shows the range of watercourses which cross the Order Land and in the surrounding area, many of which will need to be crossed by the Proposed Development.</p> <ul style="list-style-type: none">i) Could the Applicant clarify how the directional drilling or similar technology under the IDB drains and other major wet drains would be controlled through the DCO process?ii) Could the IDB, the EA and Lead Local Flood Authority (LLFA) provide any further comments they wish to raise regarding the proposed methods of watercourse crossings and whether you consider the final details are able to be adequately secured by Requirement 6 of the dDCO [PS-024] alongside the protective provisions set out in Schedule 13 Parts 5 and 7.iii) For the smaller field ditches can the Applicant explain how these will be monitored for water retention and rainfall during construction to ensure that silt run off is minimised.iv) Could the EA, IDB or LLFA comment on the mitigation and monitoring measures.