

Heckington Fen Solar Park

EN010123

Applicants Response to Local Impact Reports

Applicant: Ecotricity (Heck Fen Solar) Limited

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APPLICANT RESPONSE TO LOCAL IMPACT REPORTS

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1. INTRODUCTION

1.1 The purpose of this report is to provide responses from the Applicant to the Local Impact Reports (LIR) submitted by the Relevant Planning Authorities:

- Boston Borough Council (BBC) (**REP1-025**);
- North Kesteven District Council (NKDC) (**REP1-033**); and
- Lincolnshire County Council (LCC) (**REP1-028**).

Table 1 – Applicant’s responses to Boston Borough Council LIR

Theme	Boston Borough Council Comment	Applicant Response
Planning Policy	<p>The South East Lincolnshire Local Plan (SELLP) was adopted in March 2019 and relates to Boston Borough and South Holland District Council. It is considered that the Environmental Statement (ES), and other supporting documents submitted with the Development Consent Order (DCO) clearly articulate the relevant planning policy context.</p> <p>BBC considered that the following policies were relevant, within their LIR:</p> <p>Policy 2 – Development Management Policy 28 – The Natural Environment Policy 29 – The Historic Environment Policy 30 – Pollution Policy 31 – Climate Change and Renewable Low Carbon Energy</p>	<p>The Applicant agrees that the list of policies cited within the LIR are all considered relevant.</p> <p>The BBC LIR does not reference any policies that the Applicant fundamentally disagrees with them on, although it is noted by the Applicant that there are a number of SELLP Policies that BBC do not refer to, which are considered within Lincolnshire County Council LIR. The Applicant has therefore assumed that BBC do not consider the following policies relevant in relation to the proposed development as the focus for BBC is on the cable route (which is within BBC's jurisdiction):</p> <p>Policy 1: Spatial Strategy Policy 3: Design of New Development Policy 33 – Delivering a more sustainable transport network.</p>
Socio-economic	BBC notes potentially positive impacts associated with socio-economic factors during construction.	The Applicant notes this comment, and no further response is deemed necessary.
Various	<p>BBC notes potentially neutral impacts associated with:</p> <ul style="list-style-type: none"> • Local Plan policy and the impact of the cable route; • Air quality and dust management depending on mitigation; • Dust, odour, artificial light, smoke, steam, insect infestation, subject to Lincolnshire Fire and Rescue agreement; • Flood Risk, subject to Environment Agency (EA) and Lincolnshire County Council (LCC) agreement; • Historic Environment, subject to Historic England (HE) and Lincolnshire Heritage (LH) agreement; • Landscape and visual impact; • Noise and vibration; • Socio economic factors once construction is complete; • Traffic and transport, subject to LCC agreement; 	The Applicant notes this comment, and no further response is deemed necessary.

Theme	Boston Borough Council Comment	Applicant Response
	<ul style="list-style-type: none"> Waste management, subject to LCC agreement; and Water Quality and resources, subject to EA agreement. 	
Various	<p>BBC notes potentially negative impacts associated with:</p> <ul style="list-style-type: none"> Air quality and dust management depending on mitigation; Biodiversity, subject to AECOM, Lincolnshire Wildlife Trust (LWT) and Natural England (NE) agreement; Dust, odour, artificial light, smoke, steam, insect infestation, subject to Lincolnshire Fire and Rescue agreement; and Historic Environment, subject to Lincolnshire Heritage (LH) and Historic England (HE) agreement. 	<p>The Applicant notes this comment. Mitigation measures are included in the various control plans including the outline Construction Environmental Management Plan (document reference 7.7), the outline Written Scheme of Investigation - Mitigation (document reference 7.14), and the outline Landscape Ecological Management Plan (document reference 7.8). The Applicant disagrees that there is potentially negative impact on biodiversity; there is expected to be over 100% biodiversity net gain in habitat units.</p>
Planning Policy	<p>The principle for the solar park will be judged against national policy and the policy of the Central Lincolnshire Local Plan, which is the Local Plan for NKDC and two other councils. It is the relevant local plan for the site of the solar park. The cable route lies within Boston Borough and the issues will be considered against national policy and Policy 31: Climate Change and Renewable and Low Carbon Energy of the SELLP, which is the Local Plan for Boston Borough and one other council. The impact of the cable route within the Borough is potentially neutral owing to the temporary disturbance whilst the cable route is excavated, the cable installed and back filled. It will only happen if the solar park is considered to comply with national and local planning policy and as a result the Borough Council considers the impact of the solar park on North Kesteven and the Central Lincolnshire Local Plan has more bearing on the decision. Archaeological impact is relevant but is considered later in this report.</p>	<p>The Applicant agrees with BBC's list of relevant policies. Principal policies are those contained within NPSs. Local policies are important and relevant considerations. The Applicant considers that the NPSs hold greater weight.</p>
Planning Policy Adequacy of the application / DCO	<p>The ES for the application contains chapter 5 (Planning Policy) that addresses the principle of the development. It also contains Chapter 16 on Land Use and Agriculture, which has not been updated. This considers agricultural land quality for the energy park and the export cable route. Therefore, the ES contains adequate information for the Examination Authority to assess levels of compliance with local and national policy, the weight to be applied to them and the impact on soils of the export cable route.</p>	<p>The Applicant notes this comment and welcomes confirmation that the ES contains adequate information.</p> <p>Both ES Chapter 5 (Planning Policy) and Chapter 16 (Land Use and Agriculture) have been updated by the Applicant and submitted at Deadline 2.</p>

Theme	Boston Borough Council Comment	Applicant Response
Air Quality and Emissions	<p>The SELLP contains Policy 30: Pollution. It considers air quality as well as other issues. Air quality will be impacted during construction and decommissioning owing to the generation of dust from disturbing soil. This is relevant for both the construction of the solar park where dust may travel on the wind towards dwellings located within the Borough and also the cable route with the same consequence. Impact from decommissioning is likely to be from the solar park as the connecting cable once disconnected is likely to be left in situ, but if removed will have a lesser impact. Another impact is from emissions from vehicles working on the site or using highways within the Borough. These could have a potentially negative or potentially neutral impact, depending on the success of the mitigation measures employed in the various management plans. The impact of vehicles during decommissioning may be very different depending on how much diesel and petrol use declines over the next 40 years.</p>	<p>Mitigation measures are contained in the control documents and secured through the DCO – most notably in:</p> <ul style="list-style-type: none"> • The outline Construction Environmental Management Plan (document reference 7.7) for measures to control air quality and dust; • The outline decommissioning and restoration plan (document reference 7.9) for measures relevant to decommissioning activities; and • The outline Construction Traffic Management Plan (document reference 7.10) for measures relevant to construction vehicle movements.
Air Quality and Emissions Adequacy of the application / DCO	<p>The ES contains Chapter 15 that discusses air quality. It considers particulates from transport emissions and advises that dust and non-mobile machinery emissions will be controlled via two management plans submitted with the application (Document references 7.7 and 7.10). As such it is considered the ES contains adequate information for the Examining Authority to assess the impact of the proposal on air quality. These two documents are implemented through Requirements 13 and 14 in the DCO. It is suggested that Requirement 13 is discharged by NKDC and BBC, both consulting LCC. BBC are content that Requirement 14 is discharged by LCC without consulting BBC.</p>	<p>The Applicant welcomes this confirmation and has since engaged in discussions with the councils in relation to the discharging bodies for the Requirements. The Applicant has responded to comments from the councils at Deadline 2 in document reference ExA.ResponseDCO-D2.V1 and updated the DCO at Deadline 2 accordingly.</p>
Biodiversity and Geological Conservation	<p>The SELLP contains Policy 28: The Natural Environment. This includes internationally and nationally designated sites such as the Wash SPA, SAC, Ramsar and SSSI designations. It also contains locally designated sites, Local Wildlife Sites and Local Nature Reserves. The policy also seeks to increase biodiversity on site as a result of development and to address gaps in the ecological network. Local biodiversity impact will be from site clearance of any vegetation on the cable route corridor and the likely loss of woodland at the National Grid Substation, a proposal</p>	<p>Whilst the Applicant considers that the Proposed Development should be judged as a whole (taking into account the offset planting that the Applicant has included on the Energy Park Site for the loss of trees at the Bicker Fen Substation), the Applicant notes BBC’s comment in relation to biodiversity improvements within the district. The Applicant has explored a variety of opportunities to help address this point, including consideration of infill planting within the roadside verge at Bicker Fen Substation; further planting within the Borough as may come forward under alternative mechanisms; and finally,</p>

Theme	Boston Borough Council Comment	Applicant Response
	<p>consulted upon after the application was submitted for examination and now formally accepted as an amendment to the scheme by the Examining Authority. The impact on biodiversity within the Borough is a potentially negative because of this loss. The Black Sluice / South Forty Foot Drain is a Local Wildlife Site that will have to be crossed by the cable route, but it is proposed this will be achieved by direct drilling.</p> <p>It is proposed the replacement tree planting is on the solar park rather than at the substation. This does not help the Borough’s tree coverage, which is already low. It is accepted the DCO boundary along the cable route and the location of existing and proposed cables accessing the substation impact the opportunities for replacement planting. However, opportunities to enhance connectivity of habitats, green/blue corridors or other biodiversity improvements between the Solar Park and the substation should be explored. This would lessen the impact of loss of tree cover, but more importantly seek to achieve better connectivity between the nonfarmed habitats at the National Grid and Triton Knoll substations, South Forty Foot Drain LWS and the solar park. This might involve roadside trees and habitat management and any changes the landowners may be considering owing to farming subsidy changes in favour of habitat. This would support local plan policy and ‘landscape scale’ solutions in Government policy.</p> <p>It is also noted that the GIS option may require fewer trees to be removed. BBC would support that option.</p>	<p>a contribution to a planting scheme elected in conjunction with Boston Borough Council. The Applicant understand that the principle of these options is supported by BBC and will continue to discuss and document this in the Statement of Common Ground with BBC (document reference 7.6a).</p> <p>The final decision on the GIS solution will be taken by National Grid (NGET) considering the circumstances at Bicker Fen Substation. GIS infrastructure is typically only offered in exceptional circumstances, and it is understood that an Air-Insulated Switchgear (AIS) is likely to be progressed by NGET due to their Electricity Act licence obligations in relation to public value for money of upgrading the network. However, until detailed design is further completed, both AIS and GIS are assessed to ensure both options remain available and have been adequately assessed in the ES.</p>
<p>Dust, odour, artificial light, smoke, steam and insect infestation</p> <p>Adequacy of the application / DCO</p>	<p>The ES contains Chapter 15 that discusses air quality. It considers particulates from transport emissions and advises that dust and non-mobile machinery emissions will be controlled via two management plans submitted with the application (Document references 7.7 and 7.10). In addition an energy storage safety management plan is submitted. (Document 7.11) As such it is considered the ES contains adequate information for the Examination Authority to assess the impact of the proposal on air quality. BBC acknowledges that Lincolnshire Fire and Rescue is the expert body for fire risk and management and the adequacy of the evidence. BBC, therefore, suggest LCC discharges this requirement and</p>	<p>The Applicant welcomes this confirmation and has since engaged in discussions with the councils in relation to the discharging bodies for the Requirements. The Applicant has responded to comments from the councils at Deadline 2 in document reference ExA.ResponseDCO-D2.V1 and updated the DCO at Deadline 2 accordingly.</p>

Theme	Boston Borough Council Comment	Applicant Response
	<p>consults NKDC and BBC. The other two documents (7.7 and 7.10) will be approved by the BBC/NKDC and LCC respectively.</p>	
<p>Flood Risk</p>	<p>The SELLP contains Policy 4: Approach to Flood Risk. Essential infrastructure is referred to in paragraph 2. The issue is also featured in Policy 2: Development Management, Policy 3: Design of New Development, Policy 28: Natural Environment, Policy 30: Pollution and Policy 31: Climate Change and Renewable and Low Carbon Energy. The Borough is at risk of tidal flooding and the National Grid Substation site is in national flood zone 2. The Council’s Strategic Flood Risk Assessment takes flood defences into account and shows the site is at no Hazard, i.e. the combination of flood depth and velocity. The EA in their Relevant Representation do not flag, at this stage, a concern with flood risk. As such it is considered the proposal has a potentially neutral impact on / from flood risk.</p>	<p>The Applicant notes this positive comment. The final design of the project must be in accordance with the flood risk assessment (document reference 6.3.9.1), as secured by Requirement 6 of the DCO (document reference 3.1).</p>
<p>Historic Environment</p>	<p>The SELLP contains Policy 29: The Historic Environment. The type of historic environment that will be impacted in some way by the proposal is archaeology. The impact on archaeology could be potentially negative or potentially neutral. This is currently unclear owing to the cable route not having completed trial trench investigation and having the results available to inform the mitigation strategy.</p> <p>ES Chapter 10 considers cultural heritage. This reveals that the cable route corridor has had heritage setting assessments, archaeology desk based assessments and geophysical assessments undertaken and a mitigation strategy has been prepared although the trial trench evaluation had not been completed for the Cable Route corridor. Trial trenching has commenced on part of the route since the application was submitted for examination. The results of this will inform the mitigation strategy and as such ES documentation will need updating. The access tracks have not had geophysical or trial trenching undertaken because they will be constructed on the surface. The chapter is supported by 4 appendices. BBC acknowledges that Historic England, Heritage Lincolnshire and LCC are the expert bodies for this issue and the adequacy of the evidence. Req12 of</p>	<p>The Applicant has undertaken trial trenching on the part of the cable route with the greatest archaeological potential. The Applicant has updated Chapter 10 of the ES accordingly (document reference 6.1.10).</p> <p>The Applicant will be undertaking further trial trenching prior to commencement of development of the cable route, as secured by Requirement 12(1) of the DCO (document reference 3.1) and the outline Written Scheme of Investigation - Evaluation (document reference 7.13).</p>

Theme	Boston Borough Council Comment	Applicant Response
Landscape and Visual	<p>the DCO will be discharged by LCC in consultation with BBC and NKDC.</p> <p>The SELLP does not have a single policy that considers this issue. However, Policy 2: Development Management, Policy 3: Design of New Development and Policy 31: Climate Change and Renewable and Low Carbon Energy do refer to elements of the proposal that impact landscape and visual impacts. E.g. size, scale, layout, density, orientation, design, improving the character and quality of an area, protecting or incorporating existing built assets and green infrastructure.</p> <p>The solar park site is positioned some way from residential property located within the Borough. Visual impact will be from the photo voltaic panels, substations and battery storage facilities, which will be softened by distance, proposed landscaping within the site and existing features outside of the site.... The cable route will have a temporary impact during construction. As a result the impact of the proposal on the Borough is likely to be potentially neutral.</p>	<p>The Applicant notes this comment, and no further response is deemed necessary.</p>
Glint and Glare	<p>Section 11 paragraph 11.2 references glint:</p> <p><i>"Some dwellings in the Borough are not affected by glint or glare and those that are can be mitigated by screening."</i></p>	<p>The Applicant agrees with this statement. As assessed within the ES (Chapter: 17 Glint and Glare (document reference 6.1.17/APP-070)), any dwelling that is predicted glint is mitigated by the screening proposed in the form of hedgerow or fence. Not all dwellings are affected by glint.</p>
Noise and Vibration	<p>The SELLP contains Policy 30: Pollution. It considered noise including vibration as well as other issues. Most noise and vibration will be created during construction and decommissioning. Once constructed noise from operating plant will have a lower impact on residents of the Borough and as a result the impact on the Borough is likely to be potentially neutral.</p>	<p>The Applicant agrees that SELLP Policy 30 is relevant and notes that the LIR refers to policy 30 (Pollution) as it required consideration of the potential for unacceptable impacts by way of several potential factors including noise and vibration.</p>
Noise and Vibration Adequacy of the application / DCO	<p>Chapter 12 of the ES considers noise and vibration during construction and operation on residential property. BBC considers that many of these effects will be mitigated through various embedded mitigation measures as proposed by the documents supporting the DCO. It is considered the ES contains adequate information for the Examining Authority to assess the impact of the proposal on noise and vibration. The DCO (Sch2 Req15) requires an operational noise assessment to be submitted to and approved by both relevant planning authorities before work on three work</p>	<p>The Applicant notes that the LIR does not raise any concerns on the assessment presented in chapter 12 of the ES (PS-069) and concludes that the impact on BBC receptors is likely to be neutral, subject to the proposed control and mitigation measures – secured through the Requirements within the DCO.</p>

Theme	Boston Borough Council Comment	Applicant Response
	<p>packages on the energy park site commences. As such the Borough Council can consider the impact on residents of the Borough.</p>	
<p>Socio Economic Policies</p>	<p>The SELLP does not have a single policy that considers this issue. However, Policy 31: Climate Change and Renewable and Low Carbon Energy does relate to this issue in part owing to it supporting renewable energy development. Consequently, it encourages economic activity through the construction of such schemes and with its links to mitigating climate change ameliorates societal impact. The proposal will provide employment during construction. BBC note the temporary nature and so the development is likely to have a potentially neutral impact once completed. The ES suggests the permanent jobs once the development is completed is about 12 jobs, 5 on site and 7 in the wider economy. Benefits from Business Rates are potentially neutral as they relate to the solar park site only. The scheme also has a potentially positive impact on climate change as renewable energy does not directly use fossil fuels to generate electricity and consequently does not add to greenhouse gas emissions at the point of generation. At present greenhouse gases will be emitted to win, work and transport the materials used to manufacture the components, to transport these to the site and to construct the facility but the whole life cycle greenhouse gas emissions is less than gas, coal and hydro (ES Chapter 13 Climate Change, page 25). Decarbonising electrical generation is an incremental process and the scheme is a step towards achieving the Governments Net Zero targets. BBC cannot claim this proposal will make a huge difference to the nation’s or global emissions owing to their different scales but the potential impact has to be on the positive side of neutral because fuel is not being burnt to generate electricity. Taking the two issues together: employment and climate change, given the minor potentially positive impact on climate change, once the development is complete it is considered the overall impact of the proposal will be neutral.</p>	<p>The Applicant notes this comment.</p> <p>While there is no specific reference made in SELLP Policy 31 to the linkage of climate change, and renewable energy and low carbon energy generation to employment or related effects, there is reference made to the contribution of achievement of sustainable development. Economic considerations are one of the three key pillars in terms of the concept of sustainable development. Therefore, the link between climate change, and renewable energy and low carbon energy generation which is the focus of SELLP Policy 31, and the effects considered within the socio-economic assessment are justified and relevant.</p> <p>The Applicant agrees with the summary presented in paragraphs 13.1 to 13.5.</p>
<p>Socio Economic Policies</p>	<p>The ES contains Chapter 11 Socio Economics and Chapter 13 Climate Change. It is considered the ES contains adequate information for the Examining</p>	<p>The Applicant notes and concurs with this comment.</p>

Theme	Boston Borough Council Comment	Applicant Response
Adequacy of the application / DCO	<p>Authority to assess the impact of the proposal on socio-economic issues. The DCO (Sch2 Req16) requires a supply chain, employment and skills plan to be submitted to and approved by both relevant planning authorities and BBC can consider the impact on residents of the Borough.</p>	
Traffic and Transport	<p>The SELLP Policy 2: Development Management considers this issue under criterion 4. The impact by HGV, abnormal loads and construction staff is suggested to be very small owing to the amount of new trips compared to the existing traffic loads on the A17. Traffic is to be managed in the same way as other infrastructure projects, via a 'left in and left out' system. BBC considers that on the whole traffic and transport impacts are likely to be potentially neutral.</p> <p>SELLP Policy 2 (Development Management) considers this issue under criterion 4. Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: access and vehicle generation levels.</p> <p>Chapter 14 of the ES considers this issue. BBC acknowledges that LCC as Highways Authority are the expert body for this issue and the adequacy of the evidence and the DCO (Sch2 Req14) requires the construction traffic management plan to be discharged by the LCC. We are happy with this approach.</p>	<p>The Applicant agrees with this policy summary. It is a correct reflection of the highways and transportation issues covered by Policy 2.</p> <p>Access and vehicle generation levels are addressed in detail in the oCTMP (document reference 7.10), which is secured by Requirement 13 of the DCO (document reference 3.1).</p>
Waste Management Policy	<p>BBC has noted in regard to waste management the Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies (Adopted June 2016) and related national regulations are relevant to construction waste, and future Minerals and Waste Local Plans and regulations will inform decommissioning waste.</p>	<p>The Applicant notes that policies within the Lincolnshire Minerals and Waste Local Plan- Core Strategy and Development Management Policies (Adopted June 2016) relate primarily to the provision of Mineral and Waste facilities. It is noted that paragraph 6.14 in the supporting text of the Minerals and Waste Local Plan states: <i>"it is recognised that Local Planning Authorities have a role to play in encouraging sustainable construction practices in developments in order to minimise the level of C&D waste and ensure the best use of resources. This would be achieved through imposing appropriate planning conditions such as introducing requirements for construction management plans/waste audit programmes."</i></p> <p>The proposals include an Outline Construction Environmental Management</p>

Theme	Boston Borough Council Comment	Applicant Response
		Plan (Document Refence APP-238) and Outline Decommissioning and Restoration Plan (Document Reference APP-240) which address this matter.
Waste Management	<p>The Minerals and Waste LP for LCC and the related national regulations are relevant to how the waste arising from the construction of the solar park will be organised, recycled and disposed of. Future waste local plans and regulations will inform dismantling the infrastructure at the end of its life. The ES concludes no significant cumulative effects. As a result BBC considers the impact of the proposal is potentially neutral.</p> <p>Chapter 18 of the ES considers this issue. The council acknowledges that LCC as Waste Disposal Authority are the expert body for this issue and the adequacy of the evidence.</p>	The Applicant notes this comment, and no further response is deemed necessary.
Water Quality and Resources	<p>The SELLP Policy 30: Pollution considers water quality. It is cross-referenced in the justification for Policy 2: Development Management. The policy relates to surface and ground water. The impact of poor surface and ground water quality and changes in flow depends on the magnitude of the change and the length of time it persists. The ES indicates the cable route is unlikely to affect ground water quality or flows during construction and decommissioning and that the impact is negligible. Therefore, the impact is potentially neutral.</p> <p>Chapter 9 of the ES considers this issue. BBC acknowledges that the EA and LCC are the expert bodies for this issue and the adequacy of the evidence.</p>	<p>The Applicant notes this comment, and no further response is deemed necessary.</p> <p>The DCO, at Requirement 11, secures the need for a surface and foul water drainage strategy to be approved by LCC, in consultation with Black Sluice IDB and Anglian Water prior to commencement.</p>
General	Overall, BBC considers that these issues and the resultant impacts on the Borough can be appropriately dealt with or mitigated through the various documents submitted in conjunction with the Development Consent Order. BBC considers, that subject to the requirements in the draft Development Consent Order, that in isolation, or taken cumulatively, the local impacts of this development on the Borough would be acceptable, and that broadly the scheme would accord with local and national policies.	The Applicant notes this comment and welcomes the conclusion that the project would be acceptable (taking into account the mitigation measures proposed).

Table 2 – Applicant’s responses to North Kesteven District Council LIR

Theme	North Kesteven DC Comment	Applicant Response
General	<p>Para 4.6 notes: The main vehicular access point will be provided via an access off the A17 frontage at Rectory Farm and at Elm Grange, with internal tracks then connecting through the site. A third access point would be located off the A17 towards ‘Six Hundreds Farm’. The internal access tracks follow ditch alignments, and Six Hundreds Farm lies in the approximate eastern third of the Energy Park site.</p>	<p>The Applicant notes this comment but would reiterate accesses at Six Hundreds Farm and Rectory Farm are not proposed to be used for the Energy Park.</p>
Planning Policy NPSs	<p>Para 6.18 notes: Whilst none of the draft NPSs are not yet designated (and therefore also do not ‘have effect’ for the purposes of section 104) they have clear relevance to the Heckington Fen Energy Park not least due to the inclusion of solar photovoltaic-specific policy in draft EN-3. It is NKDC’s view that these NPSs, both current (2011) and draft (2023), are likely to be matters the Secretary of State will consider relevant and important, and where both of the 2023 draft versions (EN-1 and EN-3) note that those NPS ‘may be helpful to local planning authorities (LPAs) in preparing their local impact reports’.</p>	<p>The Applicant notes transitional provisions set out in the March 2023 NPS Government Response are important to understanding the weighting to be given to the emerging NPS amendments currently being consulted on. More detail on this is contained within the submitted Statement of Need and Planning Statement Addendum (document reference 7.3a) submitted at Deadline 2.</p> <p>The NPS's have a clear and significant overriding weight, the Applicant is of the view that the emerging draft NPSs EN-1 and EN-3 are both an important and relevant consideration in the decision-making process.</p>
NPS EN-1	<p>Paragraph 24.1 states: “the 2011 EN-1 states at section 4.13 that whilst access to energy is clearly beneficial to society as a whole, the production, distribution, and use of energy may have negative impacts on some people’s health.”</p>	<p>The Applicant is in agreement that this policy is relevant to the Proposed Development.</p>
Draft NPS EN-3	<p>Paragraph 4.2 states: “the draft EN-3 states that all large infrastructure projects are likely to generate some hazardous and non-hazardous waste and that the Environment Agency’s permitting regime incorporates operational waste management requirements for certain activities.”</p>	<p>The Applicant is agreement this policy is relevant to the Proposed Development. Control of waste is incorporated within the outline Construction Environmental Management Plan (document reference 7.7), which is secured by Requirement 13 of the draft DCO (document reference 3.1).</p>
Planning Policy Local Policies	<p>Table 8.1 sets out Central Lincolnshire Local Plan Policies (CLLP) that NKDC consider relevant, together with a short summary of each. These include:</p> <p>Policy S1: The Spatial Strategy and Settlement Hierarchy Policy S2: Level and Distribution of Growth Policy S10: Supporting a Circular Economy Policy S11: Embodied Carbon</p>	<p>The Applicant notes that NKDC LIR summarises certain policies NKDC have identified as relevant but does not expressly state whether it thinks the Applicant meets those policies. There is no clear analysis contained within the LIR. Notwithstanding this, the Applicant has reviewed and agrees that all policies listed are considered relevant.</p> <p>The Applicant has noted that the Lincolnshire County Council LIR also considered the following CLLP policies relevant (but they were not included within</p>

Theme	North Kesteven DC Comment	Applicant Response
	<p>Policy S14: Renewable Energy (matters for solar based energy proposals)</p> <p>Policy S16: Wider Energy Infrastructure</p> <p>Policy S21: Flood Risk and Water Resources</p> <p>Policy S28: Spatial Strategy for Employment</p> <p>Policy S47: Accessibility and Transport</p> <p>Policy S50: Community Facilities</p> <p>Policy S53: Design and Amenity</p> <p>Policy S54: Health and Wellbeing</p> <p>Policy S57: The Historic Environment</p> <p>Policy S59: Green and Blue Infrastructure Network</p> <p>Policy S60: Protecting Biodiversity and Geodiversity</p> <p>Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains</p> <p>Policy S66: Trees, Woodland and Hedgerows</p> <p>Policy S67: Best and Most Versatile Agricultural Land</p> <p>Policy S84: Ministry of Defence Establishments</p>	<p>the NKDC LIR/considered relevant to this proposal by NKDC):</p> <p>Policy S5 – Development in the Countryside.</p> <p>Policy S12 – Water Efficiency and Sustainable Water Management.</p>
<p>EIA Methodology & Cumulative assessments</p>	<p>Para 10.5 notes: The exceptions to this are the Springwell, Beacon Fen and Fosse Green NSIP solar projects, and the Lincolnshire Reservoir elsewhere within North Kesteven District. There is no ‘fault’ as such in the applicant’s DCO submission, this reflecting the timings of those submissions. However, mindful that those projects have since advanced to a greater or lesser degree the Council wishes to draw the Examiners attention in particular to potential cumulative effects of the Heckington Fen development with the four other NKDC NSIP projects, alongside the 6 other PA2008 solar projects noted in tiers 1 and 2 of the applicants’ assessment.</p>	<p>The Applicant notes this comment and provides a further update at Deadline 2 in relation to these cumulative schemes, so far as information is available within the public domain.</p> <p>Furthermore, these schemes are covered in the Applicant’s Interrelationship Report (document reference ExA.IRReport-D1.V1). It should be noted these schemes will need to consider Heckington Fen within their cumulative assessments.</p>
<p>Landscape</p>	<p>Para 12.27 notes: The Council agrees that both construction and operational landscape and visual impacts are negative upon the character of the Fenland Landscape Character Sub-Area as set out in the 2007 NKDC LCA, even after the maturing of screen planting at year 5. The Council agrees that negative visual effects are particularly pronounced to properties (‘static’ receptors) on Sidebar Lane represented notionally by Viewpoint 4, most of which have front or rear elevations facing towards the western</p>	<p>The Applicant notes this comment, and no further response is deemed necessary. The cumulative visual effects are unlikely to be significant given the distance between Heckington Fen and Beacon Fen, and the residential receptors. No simultaneous or in sequence cumulative views are predicted where the Proposed Development would be evident or cause significant effects. For reference, the residential receptors at ID 4 (cluster): The Barns, The Granaries, Whitehouse Farm, Bridge Farm House, and Car Dyke Farm are located between the proposed Energy Park</p>

Theme	North Kesteven DC Comment	Applicant Response
	<p>edge of the side. Similarly, impacts are negative in particular from the open areas benefitting from less natural screening or by intervening buildings around Rose Cottage, Rainbow Cottage, Blacksmith’s Cottage, Beech House, Rectory Cottages, 1-12 Council Houses, The Wheel, Park View Cottage, Rakes Farm and Six Hundreds Farmhouse along the A17 corridor south of the site. In the Council’s view, negative cumulative operational impacts might also occur with the proposed Beacon Fen Solar Park.</p>	<p>and the cumulative Beacon Fen Solar Park. The visual effects, when judged in isolation, were deemed to be negligible to minor thus not significant.</p>
<p>Glint and Glare Policy</p>	<p>Policy S53: Design and Amenity, sub-section 8 (d) sets out that development proposals ‘should not result in harm to people’s amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare’.</p>	<p>The Applicant considers that Policy S53 is relevant, and the glint assessment addresses this policy. The glint assessment within the ES (Chapter: 17 Glint and Glare (document reference 6.1.17/APP-070)) has confirmed that there will be negligible glint effects at residential receptors around the Energy Park. As a result, there are not expected to be detrimental effects on the amenity of neighbouring properties.</p> <p>The North Kesteven LIR does not specifically reference any other policies relating to glint and glare.</p>
<p>Glint and Glare</p>	<p>Para 23.9 states:</p> <p><i>“The Council’s view is that there are no positive construction, operation and decommissioning impacts, however before mitigation there are negative glint impacts during construction and operation in particular on users of the A17 and in particular at OP36 Holme House, Littleworth Drove.”</i></p>	<p>The Council has identified this however there is no issue as suitable mitigation is being proposed and implemented. As the Applicant concludes in the ES, with this mitigation and screening implemented, all impacts are sufficiently ameliorated.</p>
<p>Ecology, Ornithology and Arboriculture including Biodiversity Net Gain (BNG)</p>	<p>Para 14.18 notes: The Council’s consultant ecologist, AECOM, has reviewed the applicant’s assessment, BNG calculation and outline LEMP, and a copy of the feedback is attached as Appendix 1. AECOM are generally satisfied with the approach taken, the results obtained, the impact assessment conclusions, and the mitigation proposed. It is noted that in general terms, the existing habitat baseline is relatively ‘low risk’ and therefore that the development is capable of delivering BNG.</p>	<p>The Applicant notes this comment. The Applicant has provided a further explanation to its BNG assessment within its Biodiversity Net Gain Assessment Report (document reference ExA.6.3.8.13-D2.V1) submitted at Deadline 2.</p>
<p>Ecology, Ornithology and Arboriculture including</p>	<p>Para 14.19 notes: However, AECOM advise that they are not satisfied with the approach taken for the botanical surveys, specifically the timing and survey effort and in particular the</p>	<p>Survey Approach: Methodology A Preliminary Ecological Appraisal (PEA) of the site was undertaken in April 2022. This identified areas of arable field margins that required further botanical survey. NVC</p>

Theme	North Kesteven DC Comment	Applicant Response
<p>Biodiversity Net Gain (BNG)</p>	<p>suitability of surveying for occurrences of scarce arable flora.</p>	<p>survey methods were not used when undertaking arable plant surveys. Arable Plant surveys followed methodologies derived from Criterion B of the Plantlife 'Important Arable Plant Areas' (IAPA) methodology (Plantlife, 2015).</p> <p>This approach is set out in Section 2.3 of Appendix 8.6 (particularly paras 2.3.4, 2.3.5 and 2.3.6 and Tables 2 and 3).</p> <p>Therefore, concerns regarding the use of National Vegetation Classification (NVC) Survey methods appear to be based on a misinterpretation of the methodologies set out in section 2.0 of Appendix 8.6.</p> <p>As such the Applicant is not proposing to undertake further survey work.</p> <p>Survey Approach: Survey Timing Surveys were undertaken on 9th, 10th, 11th and 12th May 2022. Whilst the Applicant acknowledges that surveys occurred in May only. Surveys were undertaken by a botanical surveyor who holds a FISC Level 6 survey accreditation with specialisms in arable flora.</p> <p>FISC level 6 surveyors are recorders/field surveyors with a national status, who are likely to be commissioned to survey particular plant groups at the national level (BSBI 2023).</p> <p>Surveys recorded a total of 91 species of which only four were listed on the IAPA list of conservation concern. These species were species of local concern with IAPA scores of 1-2 only.</p> <p>Section 2.5 of Appendix 8.6 sets out how May is an acceptable month for the survey of arable vegetation communities, acknowledging that, whilst arable sites may lack certain late-flowering plant families at this time, the value of an arable plant assemblage can still be assessed by the presence of other species, (with most species present at that time in a vegetative state at least).</p> <p>Para 4.1.7 clarifies this further, explaining that whilst surveys later in the flowering season may have added one or two more species to the list, this would not be enough to raise the score above the fifteen points necessary for a site to achieve 'County' level importance within the IAPA framework.</p>

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		<p>As such the Applicant is not proposing to undertake further survey work.</p> <p>Furthermore, the surveyor considered it unlikely that the scale of the work involved would pose a material threat to arable plant assemblages in the area as the excavation and disturbance involved would not be too dissimilar to the workings of normal agricultural machinery. Having undertaken monitoring along cable routes, the surveyor witnessed the ability of arable plants to bounce back, and often thrive, in easement areas.</p> <p>The Applicant has provided a further explanation to its BNG assessment within its Biodiversity Net Gain Assessment Report (document reference ExA.6.3.8.13-D2.V1) submitted at Deadline 2.</p>
<p>Ecology, Ornithology and Arboriculture including Biodiversity Net Gain (BNG)</p>	<p>Para 14.20 notes: AECOM also require further details of the proposed mitigation by way of badger gates in the proposed perimeter fencing, and the implications of security fencing on deer movements. In addition, AECOM note that the impact assessment of birds is rather high level and that the main 'impact pathway' (displacement due to habitat loss rather than injury/mortality) has been sufficiently considered. Whilst the future habitat baseline may be improved for foraging by some bird species, it might not outweigh the loss of nesting habitat.</p>	<p>The Applicant notes this comment, and badger gates are proposed, which the Applicant has secured through an update to the Outline Design Principles (document reference 7.1) submitted at Deadline 2.</p> <p>The Applicant is in the process of composing a draft badger licence and is liaising with Natural England to secure a letter of no impediment. During this process existing badger survey data will be reviewed by Natural England and the Applicant will further refine mitigation measures, including the siting of badger gates within fencing.</p> <p>It is considered that Badgers have only recently colonized the site and, whilst it is recognised that two clans are present, these clans are still in the process of establishing their territories (reflected in the fluctuating occupancy levels of outlier setts).</p> <p>How the badgers are using the site will be surveyed prior to construction as they are known to move setts.</p> <p>The Applicant notes AECOM's comment on birds and assumes that they are referring to skylark nesting habitat. Provision of skylark plots are dealt with, and secured, in the Outline Landscape Ecological Management Plan (document reference 7.8).</p> <p>Furthermore, the impact pathway of 'displacement due to habitat loss; upon ground nesting birds (including skylark and yellow wagtail) has been considered in the updated cumulative assessment submitted</p>

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Ecology, Ornithology and Arboriculture including Biodiversity Net Gain (BNG)	Para 14.21 notes: AECOM also point to insufficient impact assessment on quail, however are content with the assessment on wintering birds provided that Natural England agrees with the findings. Certainty is also needed that the timing and extent/intensity of proposed sheep grazing would also allow for use of pasture by ground nesting birds.	<p>at deadline 2 (Document Ref: ExA.ESTN-Cumulative-D2.V1).</p> <p>Quail was a target species at Heckington - so every survey commenced at dawn and every survey commenced with very careful listening right across the open agricultural landscape for prolonged periods for Quail. 'Intensive searching' is therefore considered to have been undertaken for this species. More importantly, pragmatic mitigation was outlined at para 8.5.10 of Appendix 8.10 (APP-200) for appropriate future surveys to be undertaken (at dawn and dusk) specifically for this species immediately prior to development.</p> <p>Although good practice survey methods recommend dusk surveys for Quail, Quail actually sing just as frequently and loudly at dawn. In order to reasonably and sensibly streamline time and cost efficiencies, and especially given the known problems with the species outlined at para 8.2.9 of Appendix 8.10, dawn surveys for Quail were therefore deliberately combined with the early morning surveys for all other bird species.</p> <p>Further details on the grazing is provided and secured through the outline Landscape Ecological Management Plan (document reference 7.8) and the outline Operational Environmental Management Plan (document reference ExA.oOEMP-D2.V1) submitted at Deadline 2.</p>
Ecology, Ornithology and Arboriculture including Biodiversity Net Gain (BNG)	Para 14.22 notes: AECOM also point to the cumulative impact assessment with other solar projects in the wider landscape/Central Lincolnshire, indicating extensive landscape scale conversion of arable farmland to grassland and other habitats, noting that the cumulative assessment provided in the ecology chapter is rather ' cursory'. AECOM highlight that the applicant's reported combined loss of 1.5% of arable farmland habitat in Lincolnshire is not trivial and that this cumulative habitat loss should be further examined in terms of the relevant 'Natural Character Area' and its specific biodiversity features of interest.	The Applicant has updated the cumulative assessment at Deadline 2 (document reference ExA.ESTN-Cumulative-D2.V1).
Ecology, Ornithology and Arboriculture including Biodiversity Net Gain (BNG)	Para 14.24 notes: The Council's Tree Officer raises no concerns with the submitted AIA, noting that the tree/hedge protection measures are adequate and that soft landscaping details (including therefore with the community orchard) can be secured by Requirement. However, AECOM	The Applicant notes this comment, and subject to permission further survey of the potential tree - G39 - will be undertaken. Due to the cable route corridor width in this location, flexibility in the design is available for mitigating the impact with micro-siting of the cable.

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	highlight that the Oak within Group G39 will need to be re-assessed for 'veteran tree' status and that stand-off distances/root protection zones might need to be adjusted.	
Hydrology, Hydrogeology, Flood Risk and Drainage	Para 15.16 notes: As a result, elements of the Energy Park, such as the energy storage facility and onsite substation, will be elevated above the peak water level associated with a breach of the flood defences (minimum of 1.95mAOD) which will necessitate the localised raising of ground levels and which in turn has the potential to reduce the volume of storage available within the floodplain. To account for the variability of breach depths, the lower edge solar panel height will also be at least 1.95mAOD, meaning that the total panel height will be maximum of 3.5mAOD in the central, northern and north eastern parts of the site and 3m in the west, south and south easterly parts.	<p>The Applicant would add for clarity that the flood risk mitigation is summarised in Chapter 9 of the Flood Risk Assessment and confirms that all flood-sensitive infrastructure will be elevated above the 1,000 year (0.1% annual probability) +20% breach flood level of 1.95mAOD. This does not necessarily require ground raising. For example, the solar panels will be mounted on a rack supported by steel poles driven into the ground. Other infrastructure, such as transformers and energy storage modules, may be elevated above the breach flood level by ground raising and/or the construction of foundation systems/frames/platforms that are 'open' in nature.</p> <p>With regards to the comment "<i>the potential to reduce the volume of storage available within the floodplain</i>", it is important to note that the ES concludes that any impact would be negligible and not significant and at 15.26 of the LIR, the Council agrees that impacts are neutral.</p> <p>The final design of the scheme must be in accordance with the measures in the flood risk assessment, as secured by Requirement 6 of the DCO (document reference 3.1).</p>
Hydrology, Hydrogeology, Flood Risk and Drainage	Para 15.26 notes: With the above mitigation measures, the applicant assigns a 'negligible' and not significant impact on the floodplain/flood storage/flood routeing during construction and operation. The proposals have been subject to extensive pre-application discussion including with the Environment Agency in relation to flood defence breach modelling. Officers are minded to agree that impacts are 'neutral' and that taken in isolation the other sustainability criteria noted in the exception test would in outweigh flood risk considerations.	The Applicant notes this positive comment, and no further response is deemed necessary.
Hydrology, Hydrogeology, Flood Risk and Drainage	Para 15.27 notes: However there is a large reliance in the sequential test approach to being able to bring forward earlier renewable energy delivery relative to a connection into Spalding substation, and also more straightforward option/legal agreements relative to multi-	The Applicant notes this comment highlighted in yellow, and yes, the sequential test methodology considers timescales (principally in relation to the availability of a substation connection), as per EN-1, and whether the alternative sites are 'reasonably available' (in accordance with the NPPF). However, the methodology

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	<p>landowner alternative sites. The Examining Authority should therefore carefully consider the submitted evidence against paragraph 4.2.2 of the 2023 draft EN-1 mindful that if these factors are not wholly accepted by them then impacts might stray into the adverse ('negative') category.</p>	<p>adopted is a criteria-based approach (as per EA guidance) and also considers wider factors, including agricultural land classification, landscape and visual, residential amenity, cultural heritage and biodiversity.</p> <p>With regards to text highlighted in green – this seems to imply that should the Examining Authority not agree that the sequential test has been applied correctly when considered in the context of EN-1 paragraph 4.2.2, then flood risk impacts may shift from 'neutral' to 'adverse'. From a flood risk perspective this is not correct as the conclusions of the FRA are not dependent upon/influenced by the results of the sequential test.</p>
<p>Cultural Heritage</p>	<p>NKDC provides a summary of CLLP S57.</p> <p>In addition, para 16.21 notes: However, reference is made to six areas for archaeological strip, map and record excavation which does not correspond with information contained elsewhere in the ES documents. The ES chapter does not describe any mitigation or control mechanisms in respect of other archaeological priority zones, and there is an apparent disjoint between the results of the Energy Park evaluation, which identified areas of archaeological potential which may require mitigation, the 'six areas' of archaeological mitigation (strip, map and record) described in the cultural heritage Chapter and the areas described Outline Written Scheme of Investigation (WSI) for Archaeological Mitigation. This means that the areas proposed for mitigation (and the appropriate measures) is unclear.</p>	<p>NKDC's summary of Policy S57 is a correct reflection, and the Applicant is in agreement that this policy is relevant to the development proposals. The outline mitigation strategy presented in Chapter 10 (document reference 6.1.10, Revision 2), Figure 10.4 (Revision 2), and Outline WSI – Mitigation (document reference 7.14, Revision 2) seek to accord with the requirements of the policies.</p> <p>The Applicant notes the comment from paragraph 16.21. It is an error that Figure 10.4 depicts only those areas proposed for Strip Map Sample Archaeological Excavation, and not also those areas (like the duck decoy) proposed for other forms of mitigation (e.g., the avoidance of topsoil stripping and other below-ground impact, overseen by an Archaeological Clerk of Works, during the construction phase). The Outline WSI for Mitigation and Figure 10.4 will be updated at Deadline 2 to ensure consistency between the documents.</p>
<p>Cultural Heritage</p>	<p>Para 16.23 notes: The purpose of the trenching programme is to examine the cropmarks and geophysical anomalies identified together with areas where other techniques have not identified potential archaeological features. Trial trenching commenced in July 2023 and therefore the results are not yet available to inform the applicant's assessment. This matter is therefore unresolved at the point of this Local Impact Report, and HTL conclude that the assessment of significant effects on any buried archaeological remains along the cable route is limited by the absence of this information.</p>	<p>The Applicant confirms that, as of the end of September 2023, the cable route trenching has been completed in three land parcels to the south/east of South Forty Foot Drain in areas with the greatest archaeological potential. It has not yet been possible to secure access to further parcels. Requirement 12(1) of the DCO secures the need to undertake evaluation/trenching works (in accordance with the Outline Written Scheme of Investigation for Evaluation) prior to undertaking the cable route works. The results will feed into an update to the Outline Written Scheme of Investigation for Mitigation, which has (together with an update to Chapter 10 of the ES), been submitted at Deadline 2.</p>

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Cultural Heritage	<p>Para 16.25 notes: Whilst there is nothing to suggest that the outstanding cable route trial trench works will reveal remains of more than local or regional significance, Officers agree that 'minor harm' accrues and that it is not yet possible to assign categorically impact significance to the cable route works. There is therefore a negative construction impact upon the archaeological resource in relation to both the Energy Park and cable route works, with the degree of harm as yet unquantified in the latter.</p>	<p>The Applicant notes this comment. Appropriate mitigation is secured through Requirement 12 of the DCO (document reference 3.1).</p>
Cultural Heritage	<p>Para 16.26 notes: Furthermore, whilst the Council's Conservation Officer does not challenge the overall impact assessment on the Scheduled Monument of 'east of Holme House', nor the two NDHAs (Mill Green Farmhouse and the Primitive Chapel), he does not agree that there is 'no harm' to the significance of Kyme Tower. Instead the Conservation Officers notes that it was 'designed to be both conspicuous in the landscape, and offering a 360 degree defensive view is the function of the tower is to offer views, so no views of the tower, or away from the tower, should be classed as "incidental"'. This is further exemplified by views of numerous church towers and spires located outside the study area, which are still clearly visible from the application site. Officers therefore assign a negative impact on the significance of Kyme Tower.</p>	<p>The Applicant notes this comment and confirms there is no known historical association between the tower and the development site. Furthermore, close ranging views of the tower from the surrounding grassed area allows its built form and features of special architectural and historic interest – and its historical associations with the adjacent earthworks and buildings of priory, manor houses and church – to be appreciated. There are no known significant sightlines towards or across the Energy Park. When the tower was in use, it formed part of a larger building and so in all likelihood views towards the development site would have been possible only from a second floor window and the tower battlement. There are mid- and long ranging views of the tower from the surrounding landscape. There is no indication that the Tower was positioned or orientated to ensure its prominence specifically in views from or across the Energy Park.</p> <p>The Energy Park would be visible at long range from the top of the tower, seen within a landscape whose character is derived principally from 18th-century drainage and later development – i.e., not representative of the medieval and earlier post-medieval periods when the tower was built and used. There would be some co-visibility of the Energy Park and the tower in views from the A17, but these views are at such long range that it is difficult to clearly distinguish and identify the tower; therefore these are not considered key views of the asset. The geographical and topographical context of the tower, and the current potential range of the views towards and from it, would not be changed. The change to the character of a part of the wider landscape that is already of modern character will not result in harm to the significance of the asset.</p>

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Socio-economics Policy	<p>NKDC has summarised within their LIR at Chapter 17 (within paras 17.1 to 17.19) that the key socio-economic policies are as follows:</p> <p>CLLP Policy S10 – Supporting a Circular Economy</p> <p>CLLP Policy S20 – Resilient and Adaptable Design</p> <p>CLLP Policy 20 – Spatial Strategy for Employment</p>	<p>NKDC has identified relevant policies in paragraphs 17.1 to 17.6 within their LIR. The Applicant highlights to the Examining Authority that no analysis or application of those policies to the proposals has been expressed in Section 17 of NKDC’s LIR. In light of this, the Applicant is unable to offer any further reply in this context.</p> <p>The Applicant does, however, turn to the other points made in paragraphs 17.7-17.19 of their LIR (see below).</p>
Socio-economics	<p>Para 17.10 notes: The applicant estimates that the total cost of the proposed development is in the region of £400million, and that there will be a maximum of up to 400 construction workers forecast to be on site during peak times during the construction period.</p> <p>Para 17.11 notes: In total, the proposed development could support 932 temporary jobs, both direct jobs on-site and indirect/induced roles in the wider economy, during the 30-month construction period. The Gross Value Added (GVA) economic impact (to the District) associated with the construction phase3 is estimated at £175million over the 30-month build timeframe; an uplift of 74% in terms of construction GVA within the District.</p>	<p>There are discrepancies between the information quoted in paras 17.10-17.11 of NKDC’s LIR and the latest version of the ES Chapter 11 [PS-067]. It is noted that the information in NKDC’s LIR relates to the original submitted version dated February 2023. A subsequent update to this was made in the Change of Application version of the ES dated August 2023, and supersedes the original version. A summary of each noted discrepancy is provided below.</p> <p>Para 11.5.2 of ES Chapter 11 [PS-067] estimates that there will be around 436 on-site jobs generated during the construction phase, and 109 workers on-site during peak times of construction. This is different from the data quoted in para 17.10 of NKDC’s LIR.</p> <p>Para 11.5.4 notes that the Proposed Development could support 1,016 temporary jobs, including both direct on-site jobs and indirect / induced roles in the wider economy during the 30-month construction period. This is different from the data quoted in para 17.12 of NKDC’s LIR.</p> <p>Para 11.5.6 estimates that £190.6million in GVA will be generated over the 30-month build timeframe (current prices), equivalent of £76.2million per annum. Para 11.5.7 notes that this would cause a large uplift in construction GVA in both North Kesteven and Boston (North Kesteven annual construction GVA amounts to £243million, therefore a 31.4% uplift is estimated, and Boston construction GVA amounts to £61million, therefore a 125% uplift is estimated).</p>
Socio-economics	<p>Para 17.12 notes: The applicant estimates that an upper proportion of about 200 (out of 400 in total) construction workers will however be sourced from outside the District, and will therefore require serviced/hotel accommodation throughout some or all</p>	<p>An update to the Accommodation Demand assessment has been made in ES Chapter 11 (document reference 6.1.11) as part of Deadline 2 submission (see paras 11.5.8 to 11.5.16). As part of this update, the assumptions on which the assessment has been made have altered to ensure an</p>

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	<p>of the construction period. Accounting for these demands, an estimated occupancy rate of serviced accommodation in North Kesteven would be 78% in the months of July and August, although the applicant does not quantify approximate GVA associated with this. In addition it is assumed that the applicants available bed-space/occupancy rate calculations are District-wide.</p>	<p>absolute worst-case scenario is assessed. Based on Ready Reckoners in respect of Leakage defined by the Additionality Guide (2014), between 50% and 75% of benefits of the construction period will go to people living outside of the local area and, as such, it has been assumed that between 50% and 75% of construction workers will need to be sourced from outside the local area. Based on the total number of direct on-site jobs expected to be generated by the scheme (436 jobs in total), an estimated 327 jobs (estimated upper parameter in terms of leakage of 75% of the total 436 jobs) will be sourced from outside the local area and require accommodation within the district. This information supersedes that which is presented in NKDC's LIR.</p> <p>The Applicant confirms the available bedspace/occupancy rate are considered District-wide. As a point of clarification, the update to the Accommodation Demand assessment made in ES Chapter 11 [PS-067] as part of Deadline 02 submission now presents the following:</p> <ul style="list-style-type: none"> • Consideration of the effect of accommodating workers within North Kesteven only, which provides an indication of potential worst case, assuming making use of bedspaces in only of the two districts. • Consideration of the effect of accommodating works within Boston only, which provides an indication of potential worst case, assuming making use of bedspaces in only of the two districts. • Consideration of the effect of accommodating workers based on a combined total bedspace within North Kesteven and Boston districts, which will provide a view of the realistic perspective of this accommodation demand effect. <p>NKDC notes in para 17.12 that GVA associated with accommodation demand is not provided as part of the assessment presented in ES Chapter 11 [PS-067]. The analysis provided in ES Chapter 11 [PS-067] presents an assessment of the contribution of the economic output of the construction phase of the Proposed Development (see paras 11.5.6 to 11.5.7 of ES Chapter 11 [PS-067]). This assessment looks at GVA generated by the direct construction jobs along with wider supply chain impacts via the multiplier</p>

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Socio-economics	<p>Para 17.13 notes: Most workers will want to stay as local as possible to the development site (Sleaford area) and which could then impose additional strains on local accommodation provision which in turn could impact on local tourism-generated accommodation demands. It would be beneficial to have more information as to how up to 200 construction workers can be accommodated locally without causing capacity issues.</p> <p>Para 17.14 notes: In terms of operational impacts, the applicant estimates that up to 5 FTE jobs supported on-site, including jobs in general operation and maintenance. It is likely that jobs such as security will be outsourced. As well as the 5 'direct' jobs on-site, the applicant estimates that the operational phase will support an estimated 7 jobs in the wider economy.</p> <p>Para 17.15 notes: In terms of socio-economic impacts on the existing farming operations, there are currently 7 FTE agricultural jobs on site, giving a GVA generated by the existing agricultural employment of £201,409 per annum. This would rise to around £627,028 per annum with the 'substitution' of operation and maintenance type roles; or £13.9million over the operational lifetime. Business rate generation over the intended 40-year lifespan of the scheme, could total around £29.3million, and £52.5million in GVA is expected to be generated by the 18-month decommissioning phase - resulting in an uplift of 22% in (construction-related) GVA in North Kesteven. Cumulative construction and operational phase impacts with other NSIP/TCPA solar farms has also been assessed.</p>	<p>effect. This will include benefits to other sectors such as accommodation.</p> <p>There are discrepancies between the information quoted in para 17.13. of NKDC's LIR and the latest version of the ES Chapter 11 (document reference 6.1.11). It is noted that the information in NKDC's LIR relates to the original submitted version dated February 2023. A subsequent update to this was made in the Change of Application version of the ES dated August 2023, and supersedes the original version.</p> <p>Furthermore, an update to the Accommodation Demand assessment has been made in ES Chapter 11 (document reference 6.1.11) as part of Deadline 02 submission (see paras 11.5.8 to 11.5.16). As part of this update, the assumptions on which the assessment has been made have altered to ensure an absolute worst case scenario is assessed. Based on Ready Reckoners in respect of Leakage defined by the Additionality Guide (2014), between 50% and 75% of benefits of the construction period will go to people living outside of the local area and, as such, it has been assumed that between 50% and 75% of construction workers will need to be sourced from outside the local area. Based on the total number of direct on-site jobs expected to be generated by the scheme (436 jobs in total), an estimated 327 jobs (estimated upper parameter in terms of leakage of 75% of the total 436 jobs) will be sourced from outside the local area and require accommodation within the district. This information supersedes that which is presented in NKDC's LIR.</p> <p>The Applicant confirms the available bed-space/occupancy rate are considered District-wide. However, as a point of clarification, the update to the Accommodation Demand assessment made in ES Chapter 11 [PS-067] as part of Deadline 02 submission now presents the following:</p> <ul style="list-style-type: none"> • Consideration of the effect of accommodating workers within North Kesteven only, which provides an indication of potential worst case, assuming making use of bedspaces in only of the two districts. • Consideration of the effect of accommodating works within Boston only, which provides an indication of potential worst case, assuming making

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		<p>use of bedspaces in only of the two districts.</p> <ul style="list-style-type: none"> • Consideration of the effect of accommodating workers based on a combined total bedspaces within North Kesteven and Boston districts, which will provide a view of the realistic perspective of this accommodation demand effect.
Socio-economics	<p>Para 17.16 notes: However, whilst Table 11.5 of the ES states that no agricultural jobs will be lost as a result of the development, there is no further detail (for example whether these jobs will be subsumed into farming enterprises elsewhere in the District).</p>	<p>The Applicant confirms that the landowner can accommodate the existing jobs within other farming practices.</p>
Socio-economics	<p>Para 17.18 notes: The applicant has also committed to use all reasonable endeavours to provide opportunities for local jobseekers, apprentices and graduates with the relevant skills and experience. The Council's Economic Development team support these initiatives subject to the additional recommendation of hosting local recruitment and contracting opportunity fairs. The team also highlight the potential to enhance both resident and visitor engagement through providing a visitor or interpretation facility; even if simply in a small modular unit.</p>	<p>The Applicant will consider the possibility of hosting local recruitment and contracting opportunity fairs, as well as the potential to provide for an interpretation facility.</p>
Socio-economics	<p>Para 17.19 notes: The Council's position is therefore that construction and decommissioning impacts (GVA and jobs created/supported) would be positive, construction and decommissioning impacts in relation to accommodation demands (potential impacts on tourism bedspace capacity) would be negative, operational impacts (GVA generated) would be positive, and that operational impacts related to job creation would be neutral (subject to confirming displacement of existing agricultural roles).</p>	<p>The Applicant notes this comment, and no further response, other than that above, is deemed necessary.</p>
Noise and Vibration Policy	<p>Section 18 summarises the relevant policy on noise and vibration in EN-1 and the 2023 EN-3 draft. It also identifies CLLP policy S14 and S53 as relevant to noise and vibration.</p> <p>Paragraph 24.5 states: "Part (7) of CLLP policy S53 'Design and Amenity' requires development to avoid adverse impacts associated with noise, dust and air quality, and part (9) requires schemes to minimise the need for resources both in construction and</p>	<p>The Applicant agrees that the listed NPSs and CLLP S14 and S53 are considered relevant.</p> <p>Policy S14 states that renewable energy proposals will be supported if relevant impacts, including noise on neighbouring sensitive uses (including local residents), have been made acceptable, through a robust assessment considering relevant mitigation measures. The policy requires any significant adverse effects to be weighed against the benefits of the proposal. For solar proposals, a</p>

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	<p>operation of buildings and be easily adaptable to avoid unnecessary waste production.</p> <p>One of the 15 objectives of the CLLP as set out in paragraph 1.5.2, under the heading of 'Waste' is 'To minimise the amount of waste generated across all sectors and increase the re-use, recycling and recovery rates of waste materials'.</p>	<p>presumption in favour of permission is stated unless "clear and demonstrable significant harms" arise. Policy S53 is more general and... requires that all development avoids resulting in "adverse noise and vibration taking into account surrounding uses", as part of good design.</p> <p>Measures to control noise, dust, air quality and waste are included the outline Construction Environmental Management Plan (document reference 7.7) secured under Requirement 13 of the DCO (document reference 3.1).</p>
<p>Noise and Vibration</p>	<p>Officers therefore conclude that construction and decommissioning impacts on certain residential receptors (including Elm Grange school and Rectory Cottages, Boston Road) would be negative, albeit temporary and that operational noise impacts (accounting for the worse case scenarios adopted/exclusion of mitigation measures) are mainly neutral.</p>	<p>This section of the LIR summarises the assessment presented in the ES and does not raise any concerns regarding the methodology and assessment outcomes presented. The LIR notes that in many cases, a precautionary approach was applied, and a robust analysis undertaken. The LIR identifies some temporary negative noise impacts during the construction phase, whilst operational noise effects are considered mainly neutral. For the construction phase, whilst the assessment in the ES did identify some residual minor adverse impacts, these were not considered significant (following application of the proposed mitigation measures. Based on the wording of Policy S14, the Applicant however considers that these non-significant adverse noise effects should not have been attributed a negative weight in the overall balance presented in Table 26.1 of the NKDC LIR.</p> <p>Mitigation for operational noise is secured through Requirement 15 of the DCO (document reference 3.1).</p>
<p>Climate Change Policy</p>	<p>The North Kesteven District Council Local Impact Report addresses climate change in paras 19.1 to 19.29. It includes the following policy references:</p> <ul style="list-style-type: none"> • Paragraphs 2.2.5 and 2.2.6 of EN1 (2011) re. the need for a transition to a low carbon economy • Section 4.8 of EN-1 (2011) – climate adaptation • Section 4.9 of draft EN-1 (2023) – climate adaptation • Paragraphs 3.10.56 and 3.10.140 of draft EN-3 (2023) re. the design life of solar panel efficiency • CLLP Policy S11 Embodied Carbon 	<p>Whilst no specific analysis is provided, the Applicant agrees that these policies are relevant.</p>

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	<ul style="list-style-type: none"> • CLLP Policy S14 Renewable Energy (and supporting text) • CLLP Policy S16 Wider Energy Infrastructure 	
Climate Change	<p>The LIR also refers to ‘the golden thread’ running through the following documents, namely the Council’s vision for a sustainable transition to net zero by 2030 for both North Kesteven District Council and the District of North Kesteven, supported by mitigation measures to reduce emissions and adaptation measures to improve resilience to the effects of climate change:</p> <ul style="list-style-type: none"> • the NKDC Climate Emergency Strategy (CES) • the NKDC Climate Emergency Action Plan (CEAP) 22/23 • the NKDC Environment Policy • the NK Plan 22-25 • the NK Community Strategy 	Again, whilst no specific analysis is provided, the Applicant agrees that these strategies, plans and policies are relevant.
Climate Change	Para 19.29 notes: The Council’s position is therefore that, adopting a ‘whole life’ approach to GHG emissions, there are no negative and neutral impacts and that significant positive impacts would accrue.	This aligns with the Applicant’s own assessment, as outlined in Chapter 13 of the ES (document reference 6.1.13).
Climate Change	Para. 19.29 also notes the Council does however wish to draw the ExA attention to the point relating to predicted decommissioning GHG emissions associated with the recycling or disposal of components and panels at specialist disposal facilities and which the applicant confirms focusses solely on the transport of materials and waste rather than processing activities per se.	In summarising the findings of the assessment, para. 19.24 refers to the Applicant’s argument that at the point of decommissioning, recycling technologies and efficiencies are likely to have significantly improved, and any remaining decommissioning related GHG emissions associated with energy generation, transportation, operation of plant and waste disposal throughout the supply chain are anticipated to be much lower as a result of grid decarbonisation, machinery and vehicle electrification.
Accessibility and Transport Policy	Section 20 sets out relevant policy including: CLLP Policy S47 ‘Accessibility and Transport’ requires development to contribute towards an efficient and safe transport network and that proposals should demonstrate, where appropriate, that they have had regard to the need to minimise additional travel demand through the use of measures such as travel planning, safe and convenient public transport, walking and cycling links and integration with existing infrastructure. The Policy also sets out that any development that has severe transport implications will not be	<p>The Applicant agrees with this summary. It is a correct reflection of the highways and transportation issues covered by Policy S47. The Applicant considers that Policy S47 is relevant.</p> <p>The oCTMP sets out appropriate mitigation to make the development acceptable in transport terms, including measures to secure the use of mini-buses.</p> <p>If deemed necessary by the councils at the time of approval of the final CTMP a Construction Workers Travel Plan could be contained alongside the Construction Traffic Management Plan (document</p>

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	granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.	reference 7.10), which is secured via DCO Requirement 14.
Transport, Access, Public Rights of Way and Recreation	Officers therefore conclude that there are positive impacts associated with the provision of a new temporary permissive footpath and positive impacts arising from the proposed community orchard, the locations of which have been designed to offer linkages from and to the PROW network. There are neutral impacts upon the PROW itself. Traffic and transport impacts during construction, operation and decommissioning (subject to agreement of a CTMP via Requirement) would be neutral.	The Applicant notes this comment, and no further response is deemed necessary beyond what is written above.
Air Quality	The Council’s position is that there are no positive construction, operation and decommissioning impacts in relation to air quality and that overall the construction and operational impacts are neutral.	The Applicant notes this comment, and no further response is deemed necessary beyond what is written above.
Land Use and Agriculture	Para 22.19 notes: The applicant has also undertaken a cumulative agricultural land impact assessment considering the effects of 16 (primarily) solar schemes (NSIP and TCPA scale) across the District and Lincolnshire. The timings of the report mean that it has not however accounted for the three other solar NSIP schemes in the District (Springwell, Beacon Fen and Fosse Green).	The Applicant notes this comment and a further update to the ES Chapter 16 documentation is submitted at Deadline 2. Furthermore these schemes are covered in the Applicant’s Interrelationship Report (document reference ExA.IRReport-D1.V1). It should be noted these schemes will need to consider Heckington Fen within their cumulative assessments.
Land Use and Agriculture	Para 22.25 notes: The Council’s agricultural consultant, Landscape reviewed the impacts on agricultural land (Appendix 3). Landscape have been engaged by the Council through the pre-application stage and find that the applicant’s spatial approach to augering and soil analysis is acceptable relative to the size of the site. As also noted below, Landscape consider that the scheme amendment to reduce the DCO order limits and therefore retain additional high grade BMV land is positive. However, Landscape comment that in real terms the difference between grade 3a and 3b land is quite small in this instance and that there is a degree of subjectivity about the difference, though the overall findings are not in dispute.	The Applicant notes this comment, and no further response is deemed necessary. The concluding line that the findings are not in dispute is welcomed.
Land Use and Agriculture	Para 22.26 notes: Landscape also query some of the applicant’s	The Applicant notes this comment, and further notes it is unfortunate that the

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	<p>suggestions in terms of the degree to which existing site drainage/irrigation conditions and the extent of blackgrass impacts the ability to farm the existing site to its fullest extent. Landscape highlight that there are methodologies to limit and manage blackgrass, and that evidence of irrigation constraints are more anecdotal than based in concrete evidence. Furthermore, Landscape note that whilst sheep grazing between panels on the site is perfectly possible, the area is not known for such activity, and concerns are expressed about the likelihood of this occurring. Landscape’s overall conclusion is that through the combination of the scale of the project and the amount of BMV land taken up by the development, the impact is significant at both District and County level.</p>	<p>Landscape consultant was unable to attend the site during the augering and trial trenching. Evidence of irrigation (or lack of) is available from the Environment Agency who note that licences for abstraction may not be successful. Furthermore, grazing is often seen on solar farms, and from speaking to a long term resident at the exhibitions cattle and sheep farming was common around this area. The barn in the north west corner is known as the ‘beef barn’ – an ode to it’s former use.</p> <p>The Applicant has committed to sheep grazing through the outline Landscape Ecological Management Plan (document reference 7.8), secured by Requirement 8 of the DCO, and within the outline Operational Environmental Management Plan (document reference ExA.oOEMP-D2.V1) submitted at Deadline 2 and secured by Requirement 19 of the DCO (document reference 3.1).</p> <p>The land will not be sealed or downgraded, and the ALC resource will not be lost.</p> <p>The Landscape conclusion that the effect is significant at District and County level is presumably based on a difference between current land use and sheep grazing. There is no policy for producing arable crops from agricultural land, and the Landscape methodology differs from other assessments and is not defined.</p>
<p>Land Use and Agriculture</p>	<p>Para 22.28 notes: The Council notes that there is a clear tension with CLLP policies S14 and S67 and both the adopted and emerging NPS which needs to be factored into the planning balance.</p> <p>Whilst paragraph 3.10.14 of the 2023 draft National Policy Statement for Renewable Energy Infrastructure (EN-3) confirms that land type is not a determining factor, it does reiterate that only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, ‘poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible)’.</p>	<p>The Applicant disagrees with para 22.28 and does not consider that there is a 'clear tension' between the proposed development and policies S14 and S67.</p> <p>In regard to BMV land, S14 includes a presumption in favour of photovoltaics and associated infrastructures, including commercial large-scale proposals, unless the proposal does not meet the requirements of S67.</p> <p>It is considered that policy S67 is a positively worded policy which does not preclude the development of BMV land, where the criteria of the policy are met. The Applicant's proposed development meets these criteria.</p>
<p>Land Use and Agriculture</p>	<p>Para 22.29 notes: The Council acknowledges that the applicant has modified their scheme through the pre-application stage, resulting in the removal of areas of Grade 1 and 2 land from the Order Limits. Of itself this was</p>	<p>The Landscape assessment concludes that the overall findings of the ALC are not in dispute. Therefore, the comment regarding proportions is not relevant.</p>

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	<p>a positive step. We also accept that the applicant is entitled to decide, unilaterally, that removal of additional areas of BMV land would be commercially unattractive. However, it remains the case that nearly half of the Energy Park site is classed as BMV land and where Landscape point to there being very limited margin for professional interpretation (noting the subjectivity of overall assessment), before this proportion flips into an overall 'majority' by area.</p>	
<p>Land Use and Agriculture</p>	<p>Para 22.30 notes: The applicant has not proven that the need to develop BMV land has been clearly established (CLLP policy S67, first bullet point), nor in relation to point 3 that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions. The proposals for sheep grazing are developed only to high level, with the applicant stating only that a contract with a grazier is in place but with no further detail provided. None of the draft Requirements in Schedule 2 of the draft DCO expressly deal with grazing management, even though there is seemingly a heavy reliance on reversion to sheep grazing to demonstrate continuance of an agricultural use and to mitigate adverse effects. In the context of that lack of information there is also a disproportionate focus on impacts associated with sealing over/permanent loss of BMV associated with the substation/BESS works relative to other/panelled areas.</p>	<p>There is no requirement for a landowner to use agricultural land for food production, or for any particular type of use. The land could be used for cereals, for biomass (e.g. miscanthus), for short-rotation coppice, for grazing, for growing grass for fodder, fallowed, used for agri-environmental schemes, or not used at all. The choice will come down to the landowner, influenced by factors such as world prices, preferences, availability of machinery and labour, weather and soil type.</p> <p>The Council's comments about future sheep grazing are noted, but they are not related to any particular policy or any particular economic or environmental harm.</p> <p>CLLP policy S67 first bullet is not harmed. Bullets / section a) to d) follow the policy that relates to "significant development resulting in the loss of the best and most versatile land". There is no significant loss of BMV in this case, so this part of the policy is not triggered.</p> <p>The first part of the policy sets out that proposals should protect BMV "so as to protect opportunities for food production and the continuance of the agricultural economy". It is not about current land use. Policy S67 is not therefore harmed.</p>
<p>Land Use and Agriculture</p>	<p>Para 22.31 notes: The Council's position is therefore that construction, operational and decommissioning impacts holistically across land use and agricultural matters are negative.</p>	<p>This view is noted.</p>
<p>Cumulative Effects</p>	<p>Para 25.5 notes: There is no 'fault' as such in the applicant's DCO submission, this reflecting the timings of those submissions. However, mindful that those projects have since advanced to a greater or lesser degree the Council wishes to draw the ExA attention in particular to potential cumulative effects of the Heckington</p>	<p>As noted above, these projects will be considered in an update at Deadline 2, the Interrelationship Report (also updated as required, following submission at Deadline 1); and it will also be for these projects to consider Heckington Fen in their own assessments.</p>

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Summary and Conclusion	<p>Fen development with the four other NKDC NSIP projects, alongside the 6 other PA2008 solar projects noted in tiers 1 and 2 of the applicants assessment.</p> <p>Para 26.5 notes: The Council therefore supports the principle of the development however notes that (not unexpectedly for a project of this scale and nature) there are negative impacts identified for the majority of the ES topics – the exceptions being the ‘Climate Change’, ‘Transport’, ‘Air Quality’ and ‘Miscellaneous Issues’ chapters. This creates a degree of tension, of varying degrees, with the adopted and draft NPSs and policies contained in the 2023 CLLP. The Council does not ‘weight’ those negative impacts on a sliding scale and we reserve the right to make further Written Representations submissions in relation to all matters set out in this LIR, however the four topic areas and associated impacts of greatest concern are in relation to;</p> <ul style="list-style-type: none"> • Impacts on Best and Most Versatile (BMV) agricultural land • Landscape and Visual Impact • Cultural Heritage impacts (above ground and archaeology); and • Ecology, Ornithology and BNG impacts 	<p>The Applicant welcomes the support from NKDC to the principle of the development. The Applicant considers that the matters referred to are adequately and robustly mitigated for, in the following documents:</p> <ul style="list-style-type: none"> - Impacts on BMV land, through the outline Soil Management Plan (document reference 7.15, and Requirement 20 of the DCO), and through the requirement for sheep grazing contained in the outline Landscape Ecological Management Plan (document reference 7.8, and Requirement 8 of the DCO) and within the outline Operational Environmental Management Plan (document reference ExA.oOEMP-D2.V1) submitted at Deadline 2 and secured by Requirement 19 of the DCO (document reference 3.1). It should also be noted that, as the Applicant explains in Chapter 16 of the ES (document reference 6.1.16) less than 3ha of BMV land is ‘sealed over’ or ‘lost’ as a result of the development; - Cultural Heritage and archaeology, through the outline Written Scheme of Investigation (Evaluation and Mitigation) (document references 7.13 and 7.14, and Requirement 12 of the DCO); and - Ecology, Ornithology and BNG, within the outline Landscape Ecological Management Plan (document reference 7.8, and Requirement 8 of the DCO).
AECOM report	<p>The badger report (Appendix 8.7) identifies that this species is a relevant constraint. A survey was completed that identified setts but no attempt was made to map badger pathways to inform understanding of patterns of site use. Similarly, whilst two badger clans occupy the site, no attempt has been made to define the territorial boundaries between the two clans. This is an important consideration given security fencing will constrain badger movement and therefore could result in inter-clan conflict. I accept that the applicant will provide badger gates in fencing (Figure 4.23), but the</p>	<p>The Applicant is in the process of composing a draft badger licence and is liaising with Natural England to secure a letter of no impediment through their DAS service.</p> <p>During this process existing badger survey data will be reviewed by Natural England and the Applicant will further refine mitigation measures, including the siting of badger gates within fencing. It is considered that Badgers have only recently colonized the site and, whilst it is recognised that two clans are present, these clans are still in the process of establishing their territories (reflected in the fluctuating occupancy levels of outlier sets).</p>

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	<p>details of what is proposed is incomplete and the required mitigation is not captured in the Mitigation Schedule. It is not clear to me how the number and configuration of badger gate provision can be specified without an understanding of how each of the two clans utilise the site.</p>	<p>Whilst no further survey is proposed during the examination process pre-commencement surveys will be undertaken and secured appropriately through the granting of the DCO, as referenced in the oLEMP (document reference 7.8).</p>
<p>AECOM report</p>	<p>The badger report identifies that roe deer use the site. Given the security fencing will also exclude deer, further information is needed on the implications of this for deer. This is primarily a welfare consideration given the fencing will obstruct access to habitat and might enclose deer within areas of insufficient habitat.</p>	<p>Security fencing would be high enough to exclude deer from within the solar array areas, but the ditch and grassland buffers throughout the site are being provided at such a scale that the landscape would remain permeable enough for deer to move through the landscape – ensuring deer had continued access to grassland margin habitats, were able to move seasonally through the landscape and weren't at risk of being enclosed within solar array areas.</p> <p>Details on fencing is contained in the outline Design Principles (document reference 7.1) and secured under Requirement 6 and 10 of the DCO (document reference 3.1).</p>
<p>AECOM report</p>	<p>The impact assessment of birds is rather high level. As noted above, there is a need to consider the implications of current Standing Advice when reaching a planning decision. I am not certain that the main impact pathway (displacement due to habitat loss rather than injury/mortality) has been sufficiently considered. I accept the point that the future baseline may be improved for foraging by some bird species, but this may not outweigh the loss of nesting habitat. Similarly, more detail is needed to evidence that the academic studies cited are directly comparable to this site and the proposed development (including comparable grazing regimes, that can be shown to be certain and securable). The proposed mitigation does not address this. A more focussed assessment of birds dependent on arable fields as breeding habitat, many of which are of conservation concern, would be helpful during examination.</p>	<p>The Applicant has updated the cumulative assessment at Deadline 2 (document reference ExA.ESTN-Cumulative-D2.V1).</p> <p>This updated assessment considers the impact pathway 'displacement due to habitat loss' upon ground nesting bird assemblages (including skylark and yellow wagtail).</p>
<p>AECOM report</p>	<p>AECOM are not satisfied with the survey approach for quail, a Schedule 1 bird species. The bird report (Appendix 8.10) states there was "intensive searching" for this species. AECOM do not agree with this statement given the identified survey timings and effort are not consistent with good practice survey methods. In particular, the survey did not cover the</p>	<p>Quail was a target species at Heckington – so every survey commenced at dawn and every survey commenced with very careful listening right across the open agricultural landscape for prolonged periods for Quail. 'Intensive searching' is therefore considered to have been undertaken for this species. More importantly, pragmatic mitigation was outlined at para 8.5.10 of Appendix 8.10 for appropriate future surveys to be undertaken (at dawn and</p>

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	<p>period at dusk specified for surveys for this species.</p>	<p>dusk) specifically for this species immediately prior to development.</p> <p>Although good practice survey methods recommend dusk surveys for Quail, Quail actually sing just as frequently and loudly at dawn. In order to reasonably and sensibly streamline time and cost efficiencies, and especially given the known problems with the species outlined at para 8.2.9 of Appendix 8.10, dawn surveys for Quail were therefore deliberately combined with the early morning surveys for all other bird species.</p>
<p>AECOM report</p>	<p>AECOM are content with the assessment of wintering birds provided that Natural England agrees with the findings of the HRA report.</p>	<p>During consultation Natural England notes the conclusion of sHRA and concludes that there will be no likely significant effect arising from the Proposed Development on any European sites either alone or in combination with other plans or projects. Natural England concurs with the conclusion of the sHRA.</p> <p>In any event, the Applicant has updated the Shadow HRA at deadline 2 (document reference 5.2, version 3) to more closely align with PINS Advice Note 10 and to correspond with the cumulative schemes contained in the Interrelationship Report (document reference ExA.IRReport-D1.V1).</p>
<p>AECOM report</p>	<p>AECOM agree that some of the proposed habitat interventions may result in a neutral impact on birds, although at present there is not enough clarity to provide certainty on this. Examples would be:</p> <ul style="list-style-type: none"> • Certainty that the timing and extent/intensity of sheep grazing would allow for use of pasture by ground nesting birds. How will this be secured? • Details of the arable management regimes for skylark (as indicated in paragraph 8.5.131). At present a commitment is being made, but what is being offered is unclear. It is also unclear how it will be secured. AECOM are not certain that use of arable fields already occupied by skylarks will provide sufficient habitat to compensate the habitat loss from the proposed development. <p>Given this, the cumulative assessment provided in the ecology chapter is rather cursory and more thought needs to be given to the cumulative impact on dependent species. The reported combined loss of 1.5% of arable farmland habitat in Lincolnshire</p>	<p>Habitat management prescriptions, including information on sheep grazing are provided in the oLEMP (document reference 7.8).</p> <p>The Applicant has updated the cumulative assessment at Deadline 2 (document reference ExA.ESTN-Cumulative-D2.V1)</p> <p>This updated assessment considers the impact pathway 'displacement due to habitat loss' upon ground nesting bird assemblages (including skylark and yellow wagtail).</p>

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	<p>is not trivial. I also consider that this habitat loss should be examined in terms of the relevant Natural Character Area and its specific biodiversity features of interest.</p>	
<p>AECOM report</p>	<p>The landscaping strategy (Documents 6.2.6 and 7.8) cannot be agreed until a complete BNG assessment. This was requested at PEI stage and is otherwise a requirement of the good practice guidance accompanying Metric 3.1. Comparable local guidance has also been published with the Central Lincolnshire Local Plan. All good practice requirements need to be met, and any divergences or use of professional judgement fully explained.</p> <p>The level of detail is sufficient to understand what is being offered in broad terms, but it does not represent a full specification suitable to set terms of reference for agreement of the detailed plan later as a Requirement. The quantum of BNG that can be achieved (while likely to be over 10%) cannot be agreed until sufficient information has been provided to verify the applicant’s BNG calculations. In terms of the proposed landscaping, more clarity is needed as follows:</p> <ul style="list-style-type: none"> • Details are not provided on the proposed grassland seed mixtures, or how it is intended to create the habitat. It is not clear that this is enhancement rather than habitat creation for BNG assessment purposes. I do not agree that over-sowing of existing grassland headlands alone is likely to be sufficient to establish species rich grassland. • The plan shows grassland provision where there are existing farm tracks e.g. at the southwest corner. Therefore the extent of grassland provision is likely over-stated. • The balance between new hedgerow creation and the gapping up of existing hedgerows (which is likely to be enhancement) is unclear. This could have relevance to the calculated BNG. 	<p>The Applicant has provided a further explanation to its BNG assessment within Appendix 8.13 Biodiversity Net Gain Assessment Report (document reference ExA.6.3.8.13-D2.V1) submitted at Deadline 2.</p> <p>Further to this comment, the BNG updates the hedgerow specification.</p> <p>Further trees have been incorporated into the northern boundary hedgerow, and also in the north west corner of the Proposed Development.</p>
<p>AECOM report</p>	<p>I would query whether more tree planting could be offered e.g. in hedgerows (over-shading considerations acknowledged)? The Arboricultural Report indicates decline in ash from dieback disease, so it would be beneficial to secure replacement trees of suitable species. I would query why the proposed hedgerow creation is specified in the</p>	<p>Further tree planting has been incorporated into the landscape strategy. Particularly in the northern and north-western boundaries. The level of tree planting proposed within the scheme is in keeping with the wider landscape character of the area.</p>

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	BNG calculations as 'native hedgerow' rather than 'species-rich native hedgerow'?	Following a review of the original metric the use of 'species-rich native hedgerow' has now been adopted to reflect the proposed post development hedgerow type.
AECOM report	I welcome the inclusion of monitoring proposals however these are insufficient at present to permit evidence based conclusions on the success in delivering commitments, and the need for remedial work where targets are not being met. NVC survey is not a suitable method for monitoring, although quadrat sampling may be a suitable means to gather structured data on the establishment of seed mixtures. Data will need to be gathered to measure success in achieving BNG with reference to the published Site Condition Assessment criteria. In summary, more precise monitoring criteria and targets need to be defined.	Monitoring methodologies and schedules have been secured through the updated Outline Landscape Ecological Management Plan (document reference 7.8) and the Outline Operational Environmental Management Plan (document reference ExA.oOEMP-D2.V1).
AECOM report	<p>In terms of the BNG calculations AECOM have raised the following points that need to be addressed or clarified:</p> <ul style="list-style-type: none"> • BNG calculations for watercourse units (including the losses and gains of culverts) • The provision of condition assessment scores • Defining the approach taken when classifying "arable field margins" • Evidence supporting the poor condition of existing woodland compartments on site • Approach to habitat enhancement, creation and retention. • The application of Strategic Significance • The use of tall herb and Ruderal/Ephemeral habitat categories • The use of delayed and advanced habitat creation multipliers 	<p>The Applicant has provided a further explanation to its BNG assessment within its Biodiversity Net Gain Assessment Report (document reference ExA.6.3.8.13-D2.V1) submitted at Deadline 2.</p> <ul style="list-style-type: none"> • Calculations now include BNG assessments for ditches and culverts • Habitat condition scores are provided in the relevant report Appendix • The approach to arable field margins is set out in the reports assumptions • Woodland compartments have been reassessed and remain classified as in 'poor' condition. • The approach to habitat enhancement and creation has been updated to follow guidance set out in the Metric v4.0 User Guide • Strategic Significance has been applied in line with the suggestions provided by AECOM on behalf of NKDC • The use of delayed and advance habitat creation multipliers has been updated. An advanced creation multiplier has been applied to all grassland to be under panels to reflect recommendations provided by Natural England. All other habitat interventions are planned to occur during or post development.
Heritage Lincolnshire Appendix	An appropriate level of baseline information (including trial trenching) is available for an assessment of likely effects for archaeology within the Energy Park. However, the trial trenching for the cable route corridor has yet to be carried out and therefore the assessment of significant effects on	The Applicant has undertaken trial trenching on the part of the cable route with the greatest archaeological potential. The Applicant has updated Chapter 10 of the ES accordingly (document reference 6.1.10).

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	<p>any buried archaeological remains along the cable route is limited by the absence of this information.</p> <p>Once available, the results of the trial trenching on the cable route corridor should be integrated with the foregoing assessments and surveys to complete the baseline evidence required to inform the archaeological mitigation strategy.</p> <p>The Cable Route Corridor has yet to be fully evaluated and therefore the mitigation for this part of the Proposed Development cannot be defined until the results of the trial trenching are available. It is noted that the proposed cable route corridor in places lies near or intersects with recent archaeological investigations including the areas of the cable routes associated with other schemes connecting to the substation at Bicker Fen.</p> <p>The results of the proposed archaeological evaluation (trial trenching) of the Cable Route Corridor are required to complete the assessment of likely effects on the archaeological resource and should be incorporated in the Mitigation Written Scheme.</p>	<p>The Applicant will be undertaking further trial trenching prior to commencement of development of the cable route, as secured by Requirement 12(1) of the DCO (document reference 3.1) and the outline Written Scheme of Investigation - Evaluation (document reference 7.13).</p>
<p>Heritage Lincolnshire Appendix</p>	<p>Additional Mitigation measures for the Energy Park are defined for archaeological strip map sample excavation pre-commencement (Figure 10.4 (document reference 6.2.10)). The excavations will fully record selected Roman features identified by the trial trench evaluation, and will determine the need for any further mitigation (e.g. archaeological monitoring of groundworks, and/or design changes) prior to and/or during construction of the Proposed Development. No further mitigation measures are described in this section.</p> <p>The Chapter summarises the archaeological remains identified within the Energy Park (10.4.23) in the discussion of significance. In the mitigation section reference is made to six areas for archaeological strip, map and record excavation (illustrated as Figure 10.4). This does not correspond with information contained elsewhere in the ES documentation. The Chapter does not describe any mitigation or control mechanisms in respect of other archaeological priority zones as</p>	<p>The discrepancy between the mitigation zones/strategies described and illustrated in the original submission ES Chapter 10 and the Outline WSI for Mitigation has been resolved through updates to both documents. Also see further row below.</p>

Theme	North Kesteven DC Comment	Applicant Response
	<p>described in the Energy Park Evaluation report or assets identified in the assessment of significance section... It is recommended, for avoidance of doubt, that a clear statement is provided that sets out areas of archaeological potential (trenches / field numbers), likely significance of effects and the hierarchy of archaeological mitigation as applicable or if no mitigation is required... A full mitigation strategy should be incorporated in the text and figures and captured in the Mitigation Written Scheme.</p>	
<p>Heritage Lincolnshire Appendix</p>	<p>The inclusion of community outreach and public engagement is welcomed and addresses previous comments. The engagement with a local school already undertaken is noted together with the potential for further learning opportunities and outreach (10.6.4 – 10.6.6).</p>	<p>In September 2023 a further community outreach event was held, at Heckington Village Hall to detail the results of the main Energy Park site and results found on the cable route corridor. The event was advertised in advance and follow up articles in the press also. The event was attended by 17 people.</p>
<p>Heritage Lincolnshire Appendix</p>	<p>An Outline Written Scheme of Investigation for Mitigation (document 7.14) has been submitted in support of the application. Currently this document primarily addresses the archaeological methodologies for mitigation by means of archaeological investigation: strip, map and record and archaeological monitoring and recording ('watching brief') as currently understood for the Energy Park (a written scheme of investigation). However, mitigation measures (the strategy) for other areas are not described here and, nor are they fully described in the Cultural Heritage Chapter.</p> <p>The mitigation strategy should fully describe the full range of archaeological mitigation and any control measures and should include the mitigation requirements for the Cable Route Corridor once the full baseline is available. This document will require updating before any individual written schemes can be developed.</p> <p>The finalised Mitigation strategy document setting out the archaeological areas and mitigation measures should inform other site wide requirements where applicable (such as the Mitigation Schedule, Construction Environmental Management Plan).</p>	<p>The Outline WSI for Mitigation and ES Chapter 10 has been updated to acknowledge, describe and illustrate a range of possible archaeological mitigation measures, i.e.:</p> <ul style="list-style-type: none"> • preservation by situ through exclusion of development, avoidance of topsoil stripping, levelling, unmatted heavy plant movements, and excavations; or strip map record excavation prior to development; or • preservation by record through archaeological monitoring ('watching brief') of selected construction groundworks with the potential to disturb known and potential archaeological deposits (namely topsoil stripping and excavation of cable trenches, access tracks, transformer bases, swales, and tree pits).
<p>Landscape Appendix</p>	<p>Landscape raise comments which (broadly) cover the following areas:</p>	

Theme	North Kesteven DC Comment	Applicant Response
	<ul style="list-style-type: none"> - ALC assessment and % of ALC at the site; - Feasibility of grazing; - Damage to soil during construction, and soil management; - Practical approaches to farming. 	<p><u>ALC assessment and percentages</u></p> <p>As the Applicant explains in its written summary of oral submissions at ISH 2 (REP1-019):</p> <ul style="list-style-type: none"> • BMV land accounts for 42% of England but in Lincolnshire it is c.71% and in North Kesteven c.67% (ES Chapter 16, Table 16.3 and 16.4, document reference 6.1.16). • 8.9million ha are actively used for farming, and therefore circa 3.7million ha (42%) are BMV land actively farmed. • The ALC methodology followed, with initially a semi-detailed ALC survey followed up with extensive additional sampling, was undertaken in consultation, and agreement, with Natural England. • The pattern of land quality identified was complex. The results are in the ALC report [APP-222]. • The ALC plan in ES Chapter 16 Insert 1 shows the complex make-up of the site. <p><u>Soil Management</u></p> <p>The Applicant has prepared a standalone soil management plan (document reference 7.15) for Deadline 2, which is secured through Requirement 20 of the DCO. This contains management and mitigation measures to prevent damage to soils.</p> <p><u>Feasibility of grazing</u></p> <p>The Applicant has engaged in positive discussions with a shepherd, who can farm the land with sheep. The shepherd currently grazes sheep on land which is subject to the proposed Anglian Water reservoir. Grazing is secured through the Outline Landscape Ecological Management Plan (document reference 7.8) and the outline Operational Environmental Management Plan (document reference ExA.oOEMP-D2.V1).</p> <p><u>Practical approaches to farming</u></p> <p>Most of the Energy Park Site is Subgrade 3b with a complex mixture of Subgrade 3a, and Grades 1 and 2. The Grades 1 and 2 form generally smaller patches at the edges of fields, especially to the east and west.</p> <p>The practical difficulties of farming the BMV land at the Energy Park Site can be illustrated from Photos 3 and 4, and Inserts 6, 7, 8 and 9 of ES Chapter 16 (document</p>

Theme	North Kesteven DC Comment	Applicant Response
		reference 6.1.16) and the Savills Report on Farming [APP-220].

Table 3 – Applicant’s responses to Lincolnshire County Council LIR

Theme	Lincolnshire County Council Comment	Applicant Response
Policy Context – National Planning Policy Statements	Paragraph 6.1.2 confirms that NPSs EN-1, EN-3 and EN-5 are considered relevant to the determination of this DCO application <i>"however, none explicitly cover solar powered electricity generation. Nevertheless, they set out assessment principles for judging impacts of energy projects and are still a material consideration that the SoS will need to take into account."</i>	The Applicant agrees that the designated NPSs EN-1, EN-3 and EN-5 (all designated in 2011) are relevant and do not explicitly cover solar powered electricity generation, however the Applicant disagrees with the wording of paragraph 6.1.2 <i>"they are still a material consideration that the SoS will need to take into account"</i> as this does not emphasise the importance of NPSs. The Applicant wishes to stress that the NPS's have a clear and significant overriding weight in decision making. Further detail is given to this argument within the Statement of Need and Planning Statement Addendum (document reference: 7.3a)
Policy Context – Draft Revised National Planning Policy Statements	paragraphs 6.2.4 states: <i>"Both draft EN-1 and EN-3 are not yet designated and therefore do not 'have effect' for the purposes of Section 104 of the PA2008. However, the transitional arrangements set out in these documents confirm that any emerging draft energy NPSs (or those designated but do not have effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the SoS to consider within the framework of the Planning Act and with regard to the specific circumstances of each DCO application. Therefore, both the current and draft NPSs identified above, are likely to be matters the SoS will consider 'important and relevant' and take into account in the determination of the application."</i>	The Applicant is of the view that the LCC LIR gives the impression through their wording that both draft EN-1 and EN-3 <i>"are not yet designated and do not 'have effect'"</i> that the emerging EN1 and EN3 are not that important. The Applicant wishes to disagree with this. The Applicant wishes the Examining Authority to note transitional provisions set out in the March 2023 Government Response are important to understanding the weighting to be given to the emerging NPS amendments currently being consulted on. Pages 51 and 52 of the EN 3 March 2023 Government response says: <i>"While the review is undertaken, the current suite of energy NPS (...) remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the 2008 Act. The Secretary of State has decided that for any application accepted for examination before designation of the updated energy NPSs, the original suite of energy NPS should have effect. <u>The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the designation of the updated energy NPSs.</u> However, any <u>emerging draft energy NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. <u>The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act and with regard to the specific circumstances of</u></u></i>

Theme	Lincolnshire County Council Comment	Applicant Response
		<p><u>each development consent order application.</u>" (our emphasis).</p> <p>The Statement of Need and Planning Statement Addendum submitted at Deadline 2 (document reference 7.3a goes into further detail on this).</p> <p>The NPS's have a clear and significant overriding weight, the Applicant is of the view that the emerging draft NPSs EN-1 and EN-3 are both an important and relevant consideration in the decision-making process. Therefore, the Applicant is of the opinion that these draft policy statements should be afforded significant weight in assessment of the application for the purposes of determination of the application under S105 of the Planning Act 2008.</p>
<p>Policy Context – NPPF</p>	<p>Paragraphs 6.3.2 and 6.3.3 set out LCC's assessment of the application of the NPPF, which state:</p> <p>Paragraph 5 of the NPPF states that the document does not contain specific policies for NSIPs. These are to be determined in accordance with the decision-making frameworks set out in the PA2008 and relevant NPSs for nationally significant infrastructure, as well as any other matters that are considered 'important and relevant' (which might include the NPPF).</p> <p>The NPPF does however state that the planning system should support the transition to a low carbon future and support renewable energy and associated infrastructure (paragraph 152) and that local planning authorities should, when determining planning applications for such development, approve the application if its impacts are (or can be made) acceptable.</p>	<p>The Applicant disagrees with the relevant LCC LIR comments on the application of the NPPF.</p> <p>With regard to Section 6.3, the Applicant wishes to re-emphasise the lesser weight to be given to the NPPF in the context of what LCC has stated, particularly at paragraphs 6.3.2-6.3.3. The NPS's have a clear and significant overriding weight over and above the NPPF, particularly where there is any conflict, and paragraphs 6.3.2-6.3.3 should be read in that context.</p>
<p>Policy Context – NPPG</p>	<p>Paragraphs 6.3.4 and 6.3.5 set out LCC's assessment of the application of the NPPF, which state:</p> <p>The National Planning Policy Guidance (NPPG) outlines guidance on the specific planning considerations that relate to large scale ground-mounted solar PV farms (013 Reference ID: 5-013-20150327). It states that one consideration amongst others should be whether land is being used effectively; recommending that large scale solar</p>	<p>The Applicant disagrees with the relevant LCC LIR comments on the application of the NPPG.</p> <p>Similarly, to points on draft NPSs and NPPG above, and in regard to Section 6.3, the Applicant wishes to re-emphasise the lesser weight to be given to the NPPG in the context of what LCC has stated, particularly at paragraphs 6.3.4-6.3.5. The NPS's have a clear and significant overriding weight over and above the NPPG, particularly where</p>

Theme	Lincolnshire County Council Comment	Applicant Response
	<p>farms are focused on previously developed and non-agricultural land.</p> <p>The NPPG advises that where a proposal involves greenfield land, decision making should consider whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.</p>	<p>there is any conflict, and paragraphs 6.3.4 should be read in that context.</p>
<p>Policy Context – Local Planning Policy</p>	<p>LCC LIR considers that the following CLLP and SELLP policies are relevant to the proposal:</p> <p>Central Lincolnshire Local Plan 2023-2040 (adopted April 2023) (CLLP) Policy S1 - The Spatial Strategy and Settlement Hierarchy Policy S5 - Development in the Countryside Policy S10 - Supporting a Circular Economy Policy S11 - Embodied Carbon Policy S12 - Water Efficiency and Sustainable Water Management Policy S14 - Renewable Energy Policy S16 - Wider Energy Infrastructure Policy S21 - Flood Risk and Water Resources Policy S47 - Accessibility and Transport Policy S50 - Community Facilities Policy S53 - Design and Amenity Policy S54 - Health and Wellbeing Policy S57 - The Historic Environment Policy S59 - Green and Blue Infrastructure Policy S60 - Protecting Biodiversity and Geodiversity Policy S61 - Biodiversity Opportunity and Delivering Measurable Net Gains Policy S66 - Trees, Woodland and Hedgerows Policy S67 - Best and Most Versatile Agricultural Land</p> <p>South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) (SELLP)</p> <p>Policy 1 - Spatial Strategy Policy 2 - Development Management Policy 3 - Design of New Development Policy 4 - Approach to Flood Risk Policy 28 - The Natural Environment Policy 29 - The Historic Environment Policy 30 - Pollution</p>	<p>The Applicant agrees that the policies listed are relevant to the proposal.</p> <p>The Applicant disagrees with some LCC LIR comments in relation to Local Plan Policies and the Applicant considers that the Proposed Development meets all of the policies set out within Section 7 (Local Impacts).</p> <p>The Applicant has demonstrated how and why they meet the policies set out within the whole application, summaries are contained within the Statement of Need and Planning Statement (document reference 7.3) and the Addendum (document reference 7.3a)</p>

Theme	Lincolnshire County Council Comment	Applicant Response
	Policy 31 - Climate Change and Renewable and Low Carbon Energy Policy 33 - Delivering a More Sustainable Transport Network	
Policy Context – Written Ministerial Statement (WMS)	Paragraph 6.3.6 states: The potential impacts of large-scale solar farms were also addressed through a speech by the then Minister for Energy and Climate Change to the solar PV industry on 25 April 2013 and subsequent Written Ministerial Statement (WMS). The speech highlighted the importance of considering the use of low grade agricultural land which works with farmers to allow grazing in parallel with generation, and the WMS (dated 25/3/15 - UIN HCWS488) stressed that meeting our energy goals should not be used to justify the unnecessary use of high quality agricultural land, noting that ‘any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence’.	The Applicant agrees that the WMS is an important and relevant consideration advising that the proposal will need to be justified by the most compelling evidence. The Applicant considers that the application provides compelling evidence in regard to the requirement for use of agricultural land. The Applicant has sought to minimise the impacts where BMV land is lost, it would be limited in extent and duration and justified by other sustainability considerations.
Biodiversity	The Wash - situated approximately 4.9km from the Offsite Cable Route Corridor at its nearest point.	The Applicant has no comment on this other than to correct this distance to over 14km, rather than 4.9km as noted in the LIR.
Landscape and Visual	The general approach to the Landscape Visual Impact Assessment (LVIA) was agreed between the Applicant and the landscape consultant acting on behalf of LCC, with feedback also provided by officers at NKDC and BBC. This agreed approach included the scope of work, the study area (preliminary 5km radius), methodology and viewpoint selection (which was expanded upon at the statutory consultation stage).	The Applicant notes this comment, and no further response is deemed necessary.
Landscape and Visual	The Landscape Consultant appointed by LCC has reviewed the information presented within the ES and has commented that in general the LVIA and the associated figures, appendices and documents provide a thorough analysis of the proposal. The collective assessment is considered thorough, easy to navigate and largely complies with best practice methodology although the Applicant’s conclusion that only Major or Moderate-Major effects should be considered as Significant is not a standard conclusion and so does somewhat downplay the impacts of the development. In line with the Landscape	The Applicant covers this in paragraphs 6.3.42 – 6.3.48 of the ES (PS-059). Paragraph 6.3.47 states the Applicant’s approach to what constitutes a ‘significant effect’: <i>“It is understood that certain landscape assessors, and as raised by LCC’s landscape advisor, may consider ‘moderate’ effects to be also significant or material to the decision making process. Pegasus’ methodology (Appendix 6.1) (document reference 6.3.6.1) is clear on this matter and recognises that major adverse effects are a high bar and relate to the change in landscape character or view that</i>

Theme	Lincolnshire County Council Comment	Applicant Response
	<p>Institute Guidance, LCC’s position is that all effects assessed as being Moderate and above should be considered as Significant and as a result we do have concerns and dispute some of the conclusions made at this stage regarding the landscape and visual impact.</p>	<p>would cause a variation in the landscape character, or its value, change in the sense of place, or degrade or diminish the integrity of a range of characteristic features and elements, or cause a major deterioration in the view”.</p> <p>And also in Paragraph 6.3.44, last line: <i>“In LVIA, any judgement about what constitutes a significant effect is ostensibly a subjective opinion expressed as in this case by a competent and appropriately qualified professional assessor.”</i></p> <p>Neither EC Directive 2011/12/EU nor the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 define a threshold at which an effect may be determined to be significant. In certain other environmental disciplines there are regulatory thresholds or quantitative standards which help to determine the threshold of what constitutes a significant effect. In LVIA, however, any judgement about what constitutes a significant effect is ostensibly a subjective opinion expressed as in this case by a competent and appropriately qualified professional assessor.</p> <p>The GLVIA 3 goes on to reiterate the subjective nature of the assessment of significant effects (paragraph 3.32, page 40): <i>“There are no hard and fast rules about what effects should be deemed ‘significant’ but LVIAs should always distinguish clearly between what are considered to be significant and non-significant effects.</i>”</p>
Landscape and Visual	<p>Although LCC agrees within the Applicant’s assessment that the construction phase would result in short-term significant adverse effects and that these would revert to minor-adverse (and therefore not significant) during the operation phase outside of a distance of 500m from the Energy Park, again given the open nature of the landscape, then whilst this might be the case more generally, this statement does appear to be too generalised given the open nature of the landscape and therefore potential to afford long-distance views.</p>	<p>Evidently LCC agrees with the assessment conducted by Pegasus and with the fact that the residual effects would not be significant. Whilst it is accepted that there may be other long range views towards the Proposed Development that have not been analysed in Chapter 6, the viewpoint selection was coordinated and agreed with the consultees during the PEIR stage. Therefore, it follows that the consultees did not have any concerns about the geographical coverage or nature of the identified receptors, and they did not consider other viewpoints and receptors to be relevant or informative to the discussion on the potential significant effects. The selected viewpoint can serve as proxy views for</p>

Theme	Lincolnshire County Council Comment	Applicant Response
		other long range views gained from the surrounding wider landscape, and as evidenced in Table 6.6 page 41 and 42 of Chapter 6 - Landscape and Visual (document reference 6.1.6/ PS-058 and PS-059) none of the selected long range receptors have been assessed as experiencing significant effects
Landscape and Visual	LCC also has concerns about the cumulative landscape and visual effects of the Proposed Development when assessed alongside other proposed NSIP scale projects being promoted in the area - in particular the Beacon Fen Energy Park which at its closest will be located around 2.9km north west of the HFSP. The Applicant's cumulative assessment will need to be updated to take into account that project as further details emerge however the Council's view is that negative cumulative impacts are likely to arise when this project is considered in conjunction with the proposed Beacon Fen Solar Park.	The Applicant notes this comment, and a further cumulative assessment is submitted at Deadline 2.
Landscape and Visual taken from the Appendix by AAH	Para 5.8 notes: Table 6.6 is a summation of the predicted effects on the viewpoints during the construction phase. Settlements and transport routes are then assessed. It is useful to consider the transport routes as the network in the study area is likely under significant pressure from the volume of traffic as well as the scale of the vehicles, so it is important to appraise these in detail.	The Applicant confirms a separate Transport and Access Chapter is included in the ES (document reference 6.1.14).
Landscape and Visual taken from the Appendix by AAH	Para 6.2 notes: Paragraph 6.7.11 identifies a number of Developments which have been excluded from the LVIA, all of which fall outside of the 3km study area. Whilst it is likely they the distance reduces intervisibility it is important to understand that given the potential for long-range views across the relatively open landscape that the 3km distance is not the only defining reason for omission. This section of the LVIA does not make it clear if fieldwork has been used to reinforce the theoretical assumption that distance renders intervisibility as negligible, therefore resulting in omission.	Chapter 6 - Landscape and Visual (document reference 6.1.6/ PS-058 and PS-059), Paragraphs 6.3.9 - 6.3.17 and Paragraphs 6.4.43 - 6.4.51 provide a detailed and robust analysis of the visual context and reciprocal views gained from within the Order Limits. This justifies the approach adopted in the cumulative assessment.
Landscape and Visual taken from the Appendix by AAH	Para 7.5 notes: Paragraph 6.6.9 onwards details aspects of mitigation considered as enhancements including areas which will be utilised for habitat enhancement, and it is acknowledged that the modest interventions which include offsets will increase separation distances. Whilst this is commendable, the advantages of	The Applicant notes this comment but would clarify that the permissive path would link to the Public Rights of Way network, and the community orchard, which is also located close to the nearby education facility at Elm Grange.

Theme	Lincolnshire County Council Comment	Applicant Response
	<p>these would come from a significant scale and not merely a token effort. Given the size of the scheme it would be useful if the idea of 'modest' enhancement could be scaled up somewhat. One element considered in this section is the creation of a community orchard, but whilst this appears a good idea, it is a sparsely populated area so is there a community present close enough to manage it and benefit fully?</p>	
<p>Landscape and Visual taken from the Appendix by AAH</p>	<p>Para 6.3 (should be 8.3) notes: The assessment has considered all phases of the Development in detail and accounted for the impact on the wider road network during construction and decommissioning, during which the volume of traffic and the numbers of vehicles will be unprecedented for the local network.</p>	<p>The Applicant queries the relevance of this comment in the landscape and visual assessment. The number of vehicle movements is adequately assessed in the Chapter 14 – Traffic and Access.</p>
<p>Landscape and Visual taken from the Appendix by AAH</p>	<p>Para 6.7 (should be 8.7) notes: The 3km study area selection was explained in detail and whilst it is likely that most effects do arise within that circumference, the impacts beyond the 3km boundary, however intermittent, cannot be ignored.</p>	<p>Chapter 6 - Landscape and Visual (document reference 6.1.6/ PS-058 and PS-059) aims to focus on the potential significant effects. As explained above, distant views, even if gained, are unlikely to be significant. This is confirmed by the visual assessment which concludes that none of the identified distant viewpoints located on the periphery of the study area, would be subject to any significant effects - have been judged to be affected to a significant degree – refer to Table 6.6 page 41 and 42 of Chapter 6 - Landscape and Visual (document reference 6.1.6/ PS-058 and PS-059) and corresponding Figure 6.5a (document reference 6.2.6/ APP-138), 6.5b (document reference 6.2.6/ APP-139), and 6.5c (document reference 6.2.6/ PS-094).</p>
<p>Residential Visual Amenity / Planning Policy</p>	<p>Key policies: <ul style="list-style-type: none"> • CLLP Policy S53 - Design and Amenity • SELLP Policy 3 - Design of New Development </p>	<p>The Applicant agrees that these are important and relevant policies.</p>
<p>Residential Visual Amenity</p>	<p>The Council concludes that even with the built-in mitigation measures, the magnitude of change means that construction and operational visual amenity impacts on the 22 identified properties would be negative.</p>	<p>The Applicant wishes to re-affirm that the proposed mitigation planting responds to the field pattern and echoes the historic presence of tree vegetation across the Fen, and simultaneously protects the visual amenity of the nearby receptors.</p>
<p>Ecology and Ornithology / Planning Policy</p>	<p>Key policies: <ul style="list-style-type: none"> • CLLP Policy S14 - Renewable Energy • CLLP Policy S59 - Green and Blue Infrastructure Network • CLLP Policy S60 - Protecting Biodiversity and Geodiversity </p>	<p>The Applicant considers that these are important and relevant policies.</p>

Theme	Lincolnshire County Council Comment	Applicant Response
	<ul style="list-style-type: none"> • CLLP Policy S61 - Biodiversity Opportunity and Delivering Measurable Net Gains • CLLP Policy S66 - Trees, Woodland and Hedgerows • SELLP Policy 3 - Design of New Development • SELLP Policy 28 - The Natural Environment 	
Ecology and Ornithology	<p>As LCC does not have an in-house ecologist we do not dispute the Applicants conclusions in terms of effects at this stage. Therefore LCC recommend that the ExA take into account any specific technical advice and views of those bodies, persons and organisations who have expertise in this area such as comments offered by NKDC (who have commissioned external advice from an ecologist), Boston Borough Council, Natural England and the Lincolnshire Wildlife Trust. Notwithstanding this position, given the Applicants own findings the Council considers that the construction effects arising from this development would be negative. In terms of BNG, the Applicants own assessment has identified a potential to achieve well in excess of the 10% gain that is advocated at a national level and so if this is secured and delivered then this would be a positive impact of the development</p>	<p>The Applicant has since engaged in discussions with the councils in relation to this (and other matters). The Applicant has responded to comments on the DCO from the councils at Deadline 2 in document reference ExA.ResponseDCO-D2.V1. The Applicant has updated the DCO at Deadline 2 (document reference 3.1) to secure 60% of biodiversity net gain in habitat units.</p>
Hydrology, Hydrogeology, Flood Risk and Drainage / Planning Policy	<p>Key policies:</p> <ul style="list-style-type: none"> • CLLP Policy S12 - Water Efficiency and Sustainable Water Management • CLLP Policy S14 - Renewable Energy • CLLP Policy S21 - Flood Risk and Water Resources • CLLP Policy S59 - Green and Blue Infrastructure • SELLP Policy 2 - Development Management • SELLP Policy 3 - Design of New Development • SELLP Policy 4 - Approach to Flood Risk 	<p>The Applicant considers that these are important and relevant policies.</p>
Hydrology, Hydrogeology, Flood Risk and Drainage	<p>During the operational phase of the Proposed Development, the assessment finds that an increase in the impermeable area within the Energy Park site has the potential to increase surface water run-off to the adjacent drains, increasing potential flood risk elsewhere. The assessment also notes that the raising of ground levels to locate flood-sensitive infrastructure above the flood level has the potential to reduce the volume of storage available within the floodplain. Again, the Applicant considers these effects to be negligible and therefore not</p>	<p>The Applicant would add for clarity that the flood risk mitigation is summarised in Chapter 9 of the Flood Risk Assessment and confirms that all flood-sensitive infrastructure will be elevated above the 1,000 year (0.1% annual probability) +20% breach flood level of 1.95m AOD. This does not necessarily require ground raising. For example, the solar panels will be mounted on a rack supported by steel poles driven into the ground. Other infrastructure, such as transformers and energy storage modules, may be elevated above the</p>

Theme	Lincolnshire County Council Comment	Applicant Response
	<p>significant in light of embedded mitigation measures and the Proposed Development being located within a significant expanse of floodplain. The operational phase of the Offsite Cable Route Corridor and National Grid Bicker Fen Substation were not scoped out as part of the assessment due to a lack of identified operational impacts.</p>	<p>breach flood level by ground raising and/or the construction of foundation systems / frames / platforms that are 'open' in nature.</p> <p>The final design of the project must be in accordance with the flood risk assessment (document reference 6.3.9.1), as secured by Requirement 6 of the DCO (document reference 3.1).</p>
<p>Hydrology, Hydrogeology, Flood Risk and Drainage</p>	<p>With the implementation of the outlined mitigation measures, the Applicant concludes that effects on the hydrology, hydrogeology, flood risk and drainage of the area would be negligible and therefore not significant. LCC as the lead local flood authority agrees with the principles of the FRA and the draft DCO includes appropriate conditions requiring detailed design of drainage to be approved by the Local Planning Authority prior to commencement of the Proposed Development. Subject to those details being acceptable, at this stage, the Council concludes that the impacts in relation to hydrology, hydrogeology, flood risk and drainage will be neutral.</p>	<p>The Applicant notes this comment, and no further response is deemed necessary.</p>
<p>Cultural Heritage / Planning Policy</p>	<p>Key policies:</p> <ul style="list-style-type: none"> • CLLP Policy S57 - The Historic Environment • SELLP Policy 2 - Development Management • SELLP Policy 3 - Design of New Development • SELLP Policy 29 - The Historic Environment 	<p>The Applicant considers that these are important and relevant policies.</p>
<p>Cultural Heritage</p>	<p>Construction works associated with the Proposed Development will most certainly have below-ground impacts such as soil compaction, reduction of the protective depths of topsoil and subsoil, and potential changes to the moisture levels and chemical composition of soils. These impacts may affect the survival of any archaeological and/or paleoenvironmental deposits contained therein. Construction activities could also remove, truncate, or compress the known and potential buried archaeological remains located within the Energy Park site. Due to their finite nature, the direct development effects upon the known and potential buried archaeological resource would be long-term, permanent, and adverse, with the two Mesolithic/Neolithic pits and the Roman saltern possibly being wholly destroyed by construction activities. The Applicant's devised mitigation strategy will seek to minimise impacts where</p>	<p>The Applicant welcomes the confirmation that the mitigation strategy (contained within the outline Written Scheme of Investigation – Mitigation and secured by Requirement 12(2) of the DCO) will minimise impacts where possible on known below-ground archaeological assets.</p>

Theme	Lincolnshire County Council Comment	Applicant Response
	possible on known below-ground archaeological assets.	
Cultural Heritage	Whilst the operational phase of the Proposed Development is considered to have no direct physical effects over and above that already identified at construction, the removal of ground-mounted infrastructure and plant movements during the decommissioning phase may result in further disturbance to shallow-buried archaeological deposits. These activities may result in further destruction of features that were partially destroyed during construction (and would therefore be considered significant in EIA).	The Applicant has prepared an outline Decommissioning and Restoration Plan (document reference 7.9), which is secured by Requirement 18 and must be approved by the councils prior to decommissioning activities.
Cultural Heritage	LCC considers that sufficient evaluation (including trenching) has been undertaken on the proposed Energy Park site to inform an adequate mitigation strategy in respect of non-designated heritage assets. Trial trenching for the Offsite Cable Route Corridor commenced in July 2023 and as such, the results are not yet available to inform the Applicant’s assessment. LCC considers these trial trenching results to be necessary in order to provide sufficient baseline data to be able to identify and assess potential development impacts, and for a mitigation strategy to be proposed. Notwithstanding the evaluation carried out to date, and whilst mitigation measures to ensure that any features within the Order Limits are appropriately recorded, the development would nevertheless have an impact on heritage assets (both above and below ground) and therefore consistent with the Applicant’s own conclusions within the ES, agrees that the Proposed Development will have a negative impact on heritage assets.	<p>The Applicant has undertaken trial trenching on the part of the cable route with the greatest archaeological potential. The Applicant has updated Chapter 10 of the ES accordingly (document reference 6.1.10).</p> <p>The Applicant will be undertaking further trial trenching prior to commencement of development of the cable route, as secured by Requirement 12(1) of the DCO (document reference 3.1) and the outline Written Scheme of Investigation – Evaluation (document reference 7.13).</p>
Climate Change / Planning Policy	<p>Key policies:</p> <ul style="list-style-type: none"> • CLLP Policy S14 - Renewable Energy • CLLP Policy S16 - Wider Energy • CLLP Policy S53 - Design and Amenity • SELLP Policy 31 - Climate Change and Renewable and Low Carbon Energy <p>Officers do not dispute the Applicants conclusions at this stage would agree that, adopting a ‘whole life’ approach, there would be significant positive impacts that would accrue in relation to GHG emission reduction.</p>	<p>The Applicant agrees that these policies are relevant. These policies essentially relate to the need for the project/planning balance as a whole.</p> <p>The Applicant agrees with Para. 7.6.13 which states that <i>“Officers do not dispute the Applicants conclusions at this stage would agree that, adopting a ‘whole life’ approach, there would be significant positive impacts that would accrue in relation to GHG emission reduction.”</i></p>
Transport, Access and Public Rights of Way / Planning Policy	<p>Key policies:</p> <ul style="list-style-type: none"> • CLLP Policy S47 - Accessibility and Transport 	The Applicant agrees that these policies are relevant. However, as LCC has not provided any analysis as to whether it

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	<ul style="list-style-type: none"> • SELLP Policy 31 - Climate Change and Renewable and Low Carbon Energy • SELLP Policy 33 - Delivering a More Sustainable Transport Network 	<p>thinks we meet these policies, the Applicant is unable to comment further.</p>
<p>Transport, Access and Public Rights of Way / Planning Policy</p>	<p>CLLP Policy S47 (Accessibility and Transport) states that development proposals are required to contribute towards an efficient and safe transport network. All developments should demonstrate, where appropriate, that they have regard to the need to minimise additional travel demand through the use of travel planning, safe and convenient public transport, walking and cycling links, and integration with existing infrastructure. This policy also states that any development that has severe transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation, which will make the development acceptable in transport terms.</p>	<p>The Applicant broadly agrees with this summary. The wording relating to travel planning in fact states that <i>"measures such as travel planning, safe and convenient public transport, car clubs, walking and cycling links, and integration with existing infrastructure"</i> It is the Applicant's view that the wording of the policy offers some flexibility and states <i>"where appropriate"</i>. The nature of the Energy Park proposals are such that the peak traffic movements are associated with the construction phase.</p> <p>The Applicant agrees with the second part of the policy summary (in respect of severe transport implications), which directly replicates the policy wording.</p> <p>The Applicant considers that Policy S47 is relevant. If deemed necessary a Construction Workers Travel Plan will be contained in the final Construction Traffic Management Plan (document reference 7.10), which is secured via DCO Requirement 14. The oCTMP also sets out appropriate mitigation to make the development acceptable in transport terms.</p>
<p>Transport, Access and Public Rights of Way / Planning Policy</p>	<p>SELLP Policy 31 (Climate Change and Renewable and Low Carbon Energy) states that development of renewable energy facilities and associated infrastructure will be permitted provided, individually, or cumulatively, there would be no significant harm to highway safety (including public rights of way).</p>	<p>The Applicant agrees with this summary. It is a correct reflection of the highways and transportation issues covered by Policy 31.</p> <p>The Applicant considers that Policy 31 is relevant. Table 14.11 of the Environmental Statement (document reference 6.1.14) confirms that it is not anticipated that there will be any significant harm to highway safety. The impact is forecast to be negligible for all stages of construction and operation.</p>
<p>Transport, Access and Public Rights of Way / Planning Policy</p>	<p>SELLP Policy 33 (Delivering a More Sustainable Transport Network) states that Local Planning Authorities will work with developers to make the best use of, and seek improvements to, existing transport infrastructure and services within, and connecting to South East Lincolnshire. Development proposals are required to have regard to the need for better promotion and management of the existing transport network and the provision of sustainable forms of transport. In addition, this policy states</p>	<p>The Applicant agrees with this summary. It is a correct reflection of the highways and transportation issues covered by Policy 33.</p> <p>The Applicant considers that Policy 33 is relevant. Paragraph 3.15 of the oCTMP confirms that it is not anticipated that the proposals will materially affect the PRow HECK/15/1 (i.e. it is proposed to remain open) and paragraph 7.37 of the oCTMP confirms that the PRows adjacent to the South Forty Foot Drain will not be</p>

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	that existing footpaths, cycle routes, and particularly public rights of way, will be protected from development.	affected by the cable route works (i.e. they are proposed to remain open).
Transport, Access and Public Rights of Way	There is not considered to be any underlying safety problems on the A17 close to the Proposed Development. The Energy Park access would operate a "left in - left out" only basis and banksmen can be made available if considered necessary at the site access point to indicate to drivers when it is safe to enter or exit the site access junction. The access arrangement would also enable HGVs to pull off the A17 in one movement and allow two HGVs to pass one another on the internal site access road, preventing the need for large vehicles to stop on the highway. The Offsite Cable Route Corridor will be accessed using existing junctions with the A17 or the A52 Bicker Road, none of which have a material highway safety problem. As such, it is therefore considered that there will be no increase in incidents associated with the temporary 30-month construction phase.	The Applicant notes this comment, and no further response is deemed necessary.
Transport, Access and Public Rights of Way	Once operational, it is anticipated that vehicle movements will not exceed five visits per day to the Energy Park site for equipment maintenance, tending of sheep, and maintenance of Biodiversity Net Gain Areas (including the community orchard); and is therefore considered to be a negligible impact on the local highway network. Decommissioning is expected to generate the same number of movements as construction (or potentially less as the underground cables will be left in situ) and is therefore also considered negligible by the Applicant.	The Applicant notes this comment, and no further response is deemed necessary.
Transport, Access and Public Rights of Way	A Construction Transport Management Plan (CTMP) will be implemented during the Proposed Development's construction phase in order to minimise the impact on local residents, businesses, and the highway network. The CTMP will contain a package of mitigation measures which are expected to include: <ul style="list-style-type: none"> • A "left in - left out" arrangement at the permanent Energy Park site access; • Provision of a contractor's compound within the site, providing an area for HGVs to park and manoeuvre, off the local highway; • Control of HGV arrivals/departures by the site manager to ensure that no HGVs are required to wait on the public highway; 	The Applicant notes this comment, and no further response is deemed necessary.

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	<ul style="list-style-type: none"> • Provision of (dry) wheel washing facilities for use before allowing vehicles to return to the local highway; and • Generally agreed working hours of 08:00 - 18:00 Monday to Friday and 09:00 - 13:00 on Saturdays. 	
Transport, Access and Public Rights of Way	The Applicant also considered cumulative transport impacts associated with 15 other projects (primarily solar-related) located within Lincolnshire. The Applicant concluded that due to these project sites being located some distance from the Energy Park, and the temporary nature of the Proposed Development's construction phase, it is not considered necessary to assess the cumulative transport and access impacts.	The Applicant has updated the cumulative assessment at Deadline 2 (document reference ExA.ESTN-Cumulative-D2.V1).
Transport, Access and Public Rights of Way	With reference to impacts on Public Rights of Way, there is only a single PRoW (HECK/15/1) which runs across the northern boundary of the Energy Park site. This footpath would remain open and useable throughout the entire lifetime of the Proposed Development (only being separated from the Energy Park by security fencing during the construction phase). Reinstatement of footbridges on the eastern and western boundaries of this footpath is currently under discussion between the LCC PRoW team, the EA, landowners, and the Black Sluice Internal Drainage Board. If an agreement is reached, the Applicant has stated that they will help facilitate the construction of these reinstated footbridges. In addition to this footpath, PRoWs Swhd/14/1 and Swhd/13/1 are located within the vicinity of the Offsite Cable Route Corridor. These two PRoWs border the north and south east of the South Forty Foot Drain for two kilometres respectively.	The Applicant notes this comment, and is looking to reinstate the missing footbridges to the west and middle of HECK/15/1 as demonstrated on Figure 4.1f (APP-107). Due to landownership constraints it is not possible to incorporate this into the Proposed Development.
Transport, Access and Public Rights of Way	LCC agrees that there are positive impacts associated with the provision of a new permissive footpath within the scheme insofar as it offers additional walking and recreational opportunities that extend and link to the PROW network. The actual enjoyment and value this route offers to users of this route is perhaps more subjective however given it passes through part of the solar park and so users would be exposed to views of the panels and associated infrastructure for sustained periods as they use this route. Nevertheless the provision of, and access to, a community orchard is also another positive effect of the scheme overall especially as this can be accessed	The Applicant welcomes acknowledgement of the positive effects of these initiatives.

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	without restriction to users of the PROW route.	
Transport, Access and Public Rights of Way	<p>In terms of traffic and transport effects, as the Local Highway Authority, LCC deems the assessment within the 'Transport and Access' chapter of the ES to be appropriate and that it provides a reasonable estimate of HGV and car traffic associated with the development during construction, showing that the impact will be within acceptable levels on the highway network. The draft DCO includes conditions requiring detailed design approval of access and parking to be approved by the Local Planning Authority prior to commencement. Therefore, if the DCO is granted then there would be an opportunity for the Highway Authority to review and ensure those details are acceptable before the development can commence. At this stage however, the Council concludes that traffic and transport impacts during the construction, operation, and decommissioning (subject to agreement of a CTMP) would be neutral.</p>	<p>The Applicant notes this comment, and no further response is deemed necessary.</p>
Land Use and Agriculture / Planning Policy	<p>Key policies:</p> <ul style="list-style-type: none"> • CLLP Policy S14 - Renewable Energy - under a presumption in favour unless, amongst other things, the proposal is (following a site specific soil assessment) to take place on BMV agricultural land and does not meet the requirements of Policy S67 • CLLP Policy S67 - Best and Most Versatile Agricultural Land - to protect opportunities for food production and the continuance of the agricultural economy. Significant development resulting in the loss of BMV agricultural land will only be supported if: <ul style="list-style-type: none"> • The need for the proposed development has been clearly established and there is insufficient lower grade land available; • The benefits and/or sustainability considerations outweigh the need to protect such land, when taking into account the economic and other benefits of the BMV agricultural land; • The impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions; and • Where feasible, once any development which is supported has ceased its useful life, the land will be restored to its former use. • SELLP Policy 31 (Climate Change and Renewable and Low Carbon Energy) 	<p>The Applicant considers that CLLP Policy S14 and Policy S67 are important and relevant policies. The Applicant also considers that SELLP policies 31 and 32 are important and relevant.</p> <p>In regard to BMV land, S14 includes a presumption in favour of photovoltaics and associated infrastructures, including commercial large scale proposals, unless the proposal does not meet the requirements of S67.</p> <p>It is considered that policy S67 is a positively worded policy which does not preclude the development of BMV land, where the criteria of the policy are met. The Applicants proposed development meets these criteria.</p>

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	<p>states that the development of renewable energy facilities and associated infrastructure will be permitted provided, individually, or cumulatively, there would be no significant harm to agricultural land. Provision should be made for post-construction monitoring, and removal of the facility and reinstatement of the site if the development ceases to be operational.</p> <ul style="list-style-type: none"> • SELLP Policy 32 - Climate Change and Renewable and Low Carbon Energy 	
<p>Land Use and Agriculture</p>	<p>A cumulative agricultural land impact assessment was undertaken by the Applicant, considering the effects of 16 NSIP and TCPA scale schemes (primarily solar) across NKDC, BBC, and the wider county. The timing of this assessment meant that it did not however account for three further solar NSIP schemes that are now proposed in the district (Springwell, Beacon Fen and Fosse Green). This assessment notes that if all of the assessed schemes were to gain planning consent alongside the HFSP, and all of the land within the applications' redlines was used for solar development, the total use of agricultural land would amount to 5,950ha (of which approximately 4,200ha would be BMV land). It can therefore be concluded that if all of the 16 schemes became operational and none carried out any ongoing agricultural practices within their application sites for their operational lifetimes, 1% of Lincolnshire's agricultural land (and 1.2% of its commercially farmed area) would be used for solar production.</p>	<p>The Applicant has updated the cumulative assessment at Deadline 2 (document reference ExA.ESTN-Cumulative-D2.V1).</p>
<p>Land Use and Agriculture</p>	<p>The land management and farm enterprises will inevitably change for the duration of the Proposed Development's lifetime. Continued agricultural use of the land within the Energy Park is however possible by using it for grazing sheep and grassland management (especially to encourage nesting and flowering). The use of land under and around solar panels for sheep grazing is common as it is an effective way to manage the grass, provide an income, and improve soil nutrient value. The details within the Farming Report suggest that sheep farming labour is comparable to cereals production and that the overall sheep enterprise could be made up of 4 ewes per ha (resulting in approximately 2,000 breeding ewes across the Energy Park</p>	<p>The Applicant notes this comment, and welcomes the acknowledgement that there will be continued agricultural use of the land within the Energy Park site through the grazing of sheep.</p>

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	<p>site). With a typical rearing percentage of 1.65% lambs per ewe, this would equate to 3,300 lambs being produced per year for food production across the site.</p>	
<p>Land Use and Agriculture</p>	<p>LCC acknowledges that the development has been revised to remove areas of BMV land and it is proposed to graze sheep on the land in lieu of the current arable use. Despite this a large proportion of BMV land would be 'lost' due to the presence of the solar panels and equipment as this would take this land out of productive arable use. Although an agricultural enterprise may still be carried out on the land (e.g. sheep grazing) at this stage it is unclear how this would be secured as part of any DCO and there is uncertainty and ambiguity in the current drafting of the Outline Landscape and Ecology Plan submitted as part of the application (which indicates this would be secured) about exactly who will be responsible for managing any sheep, a commitment to exact herd densities and whether this would be implemented for the life of the development. As a result, LCC has concerns about the impact of the development in terms of the loss of productive arable farmland not only from this site but also when considered in combination with a large number of other NSIP scale projects that are not only being promoted across the County but also within the same District. As such, the LCC's position is therefore that the construction, operational and decommissioning impacts holistically across land use and agriculture are negative.</p>	<p>The Applicant disagrees that a large proportion of BMV land will be 'lost'. As the Applicant explains in Chapter 16 of the ES (document reference 6.1.16, Version 2) c.3ha of BMV land is 'sealed over' or 'lost' as a result of the development. The remainder will result in a change of use.</p> <p>Any potential impacts on BMV land is managed through the outline Soil Management Plan (document reference 7.15, and Requirement 20 of the DCO), with continued agricultural use secured through sheep grazing (contained in the outline Landscape Ecological Management Plan (document reference 7.8, and Requirement 8 of the DCO).</p> <p>The Energy Park will be restored following decommissioning and the land will be suitable for retention of agricultural use, therefore the proposal does not result in a significant permanent loss of agricultural land.</p>
<p>Conclusions</p>	<p>This LIR has undertaken a consideration of several likely issues and impacts that LCC considers will arise from the construction and operation of the HFSP in so far as it affects Lincolnshire. The report has identified positive, neutral and negative effects at this stage.</p>	<p>The Applicant notes this comment, and no further response is deemed necessary.</p>
<p>Conclusions</p>	<p>The HFSP, by its nature, offers positive impacts in terms of the production of clean renewable energy and the UK's transition towards Net Zero as well as the potential to deliver significant biodiversity net gain through the creation of mitigation and enhancements proposed as part of the development. The scheme also offers an opportunity to extend recreational routes in the area as an extension to the current PROW network and includes access to a new community orchard which would be open</p>	<p>The Applicant notes this comment, and has put in place adequate and robust mitigation measures with detailed outline control plans secured through Requirement 2 of the DCO.</p>

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	<p>to users of the PROW network and others (by arrangement). Whilst the Council recognises these potential benefits, there are also a number of negative impacts which would need to be balanced against these positives. These negative impacts have been identified by the Applicant themselves and exist across the majority of the topics/matters covered by the ES. Although some of these impacts may be capable of being reduced, mitigated or off-set and/or addressed through the submission of information as part of subsequent DCO Requirements (should the DCO be confirmed), the negative impacts of most significance and concern to LCC are those in relation to landscape and visual impact and the impact of the development on best and most versatile agricultural land not only arising from this scheme itself but also when considered cumulatively and in-combination with the loss of land from other NSIP scale solar developments that are also being promoted both within the District but also across Lincolnshire.</p>	