



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

The Examining Authority's written questions and requests for information (ExQ2) Issued on 19 December 2023

The following table sets out the Examining Authority's second round of written questions and requests for information – ExQ2.

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

Each question has a unique reference number which starts with an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN 2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the Examining Authority if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word format is available on request from the Case Team.

Please contact: Heckingtonfensolar@planninginspectorate.gov.uk and include 'Heckington Fen Solar – ExQ2' in the subject line of your email.

Responses are due by Deadline 4: Tuesday 16 January 2024 (unless otherwise stated)



Abbreviations used:

BBC	Boston Borough Council	LEMP	Landscape and Ecological Management Plan
BMV	Best and Most Versatile (agricultural land)	m	Metre
BoR	Book of Reference	NKDC	North Kesteven District Council
CA	Compulsory Acquisition	NSIP	Nationally Significant Infrastructure Project
CEMP	Construction Environmental Management Plan	NPS	National Policy Statement
CNP	Critical National Priority	OEMP	Operational Environmental Management Plan
D	Deadline (of the Examination Timetable)	R	Requirement
(d) DCO	(draft) Development Consent Order	RPAs	Relevant Planning Authorities
ES	Environmental Statement	S106	Legal agreement under Section 106 of the Town and Country Planning Act 1990
ExA	Examining Authority	SCES	Supply Chain, Employment and Skills Plan
ExQ	Examining Authority's written questions (ExQ1, ExQ2)	SF6	Sulphur hexafluoride
Kg	Kilogram	SMP	Soil Management Plan
LCC	Lincolnshire County Council	TP	Temporary Possession

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: [EN010123-000343-Examination Library.pdf \(planninginspectorate.gov.uk\)](#).

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg GEN 2.1 – refers to question 1 in this table.



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ExQ2: 19 December 2023**Responses due by Deadline 4 (Tuesday 16 January 2024)**

ExQ2	Question to:	Question:
1. GENERAL, MISCELLANEOUS AND CROSS-TOPIC QUESTIONS		
GEN 2.1	Applicant Lincolnshire County Council North Kesteven District Council Boston Borough Council All Interested Parties	<p>The revised National Planning Policy Framework is expected to be published shortly.</p> <p>All parties are invited to make comment on any relevant implications for the Application.</p>
GEN 2.2	Applicant Lincolnshire County Council North Kesteven District Council Boston Borough Council All Interested Parties	<p>On 22 November 2023 the Department for Energy Security and Net Zero published updated versions of the draft National Policy Statements (NPS) for Energy (EN1 to EN5) which contain some changes to elements regarding the scope of critical national priority (CNP) infrastructure and the decision-making process for low carbon generation applications in general (amongst other changes), including for solar generating stations and related connections. These revised draft Statements have been laid before Parliament but are yet to be designated for the purposes of section 104 of the Planning Act 2008.</p> <p>All parties are invited to provide comments on the potential effect of changes in the November 2023 versions of the revised draft Energy NPS on matters related to the Proposed Development compared to the March 2023 versions of the Energy NPS.</p>
GEN 2.3	Applicant	<p>Overarching NPS for Energy EN1 (November 2023) paragraphs 4.2.10 to 4.2.13, illustrated in Figure 2, requires Applicants for CNP infrastructure to demonstrate how their application meets the requirements in NPS EN1 and the relevant technology specific NPS, with application of the mitigation hierarchy as well as any other legal and regulatory requirements.</p> <p>The Applicant is asked to provide a summary of how they have applied the mitigation hierarchy (to demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated) setting out clearly how any mitigation measures will be agreed and monitored, as well as any other legal and regulatory requirements.</p> <p>This should be provided as part of the Applicants summary statement which is required at D6.</p>

ExQ2: 19 December 2023**Responses due by Deadline 4 (Tuesday 16 January 2024)**

ExQ2	Question to:	Question:
GEN 2.4	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>The Applicant's response to ExQ1 GEN 1.7 [REP2-077] included some further detail regarding methodology for assessment of likely significant effect on some of the miscellaneous issues presented within Environmental Statement (ES) Chapter 18 [PS-077].</p> <p>Could Lincolnshire County Council (LCC), North Kesteven District Council (NKDC) and Boston Borough Council (BBC) confirm if they have any comments regarding the methodology for Major Accidents and Disasters; Waste; Electric, Magnetic and Electromagnetic Fields; and Telecommunications as presented.</p>
GEN 2.5	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>An addition has been made to the outline Decommissioning and Restoration Plan [REP3-023] at paragraphs 1.18.2 and 1.18.5 c) relating to monitoring reporting to Relevant Planning Authorities (RPAs) and the action to be taken in the event of a failure.</p> <p>LCC, NKDC and BBC are invited to comment on this additional provision within the Plan.</p>
GEN 2.6	Applicant	<p>The Applicant's response to ExQ1 GEN 1.5 [REP2-077] provides an explanation of the consideration of SF6 in switchgear. It is stated at ii) that the volume of SF6 gas used in a circuit breaker is significantly smaller than that used within gas insulated switchgear equipment, and that medium voltage switchgear contains less than 5kg² of SF6. The specific number of switchgear units required is not provided however ES Chapter 4 [REP2-032] describes multiple components of the Proposed Development which require switchgear including:</p> <ul style="list-style-type: none">• Solar stations (up to 127 proposed as stated in paragraph 4.5.14),• Energy Storage System (which assumes up to 100 inverters with switchgear as stated in paragraph 4.5.20), and• The on-site substation. <p>Could the Applicant:</p> <ol style="list-style-type: none">i) Quantify the total number of switchgear and the corresponding total volume of SF6 gas anticipated to be required for circuit breakers, both within the Energy Park and Bicker Fen substation (excluding that of the gas insulated switchgear option) to justify their statement that "<i>a limited quantity would be used</i>".

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ExQ2	Question to:	Question:
		<p>ii) It is stated that “<i>SF6 alternatives will be considered at detailed design</i>” – indicate how would this be secured and does it need to form part of a requirement.</p>
GEN 2.7	<p>Lincolnshire County Council North Kesteven District Council Boston Borough Council Any Interested Parties</p>	<p>An Equality Impact Assessment was submitted at D3 [REP3-031] which includes consideration of persons or groups with a protected characteristic in order to inform the Examining Authority (ExA) how the Applicant has considered the Equality Act 2010 and provide information to assist the decision maker in applying the Public Sector Equality Duty.</p> <p>Could LCC, NKDC, BBC and any other Interested Parties provide any comments they wish to raise.</p>
GEN 2.8	<p>Applicant Lincolnshire County Council</p>	<p>At Issue Specific Hearing (ISH) 3 [Agenda Item 5b, REP3-038] the Applicant provided an explanation as to why Protective Provisions under Schedule 13 of the DCO for Lincolnshire Fire and Rescue would be inappropriate. The outline Energy Storage Safety Management Plan was revised at D3 [REP3-013] to include at paragraph 2.1.4 provisions for a fee made to Lincolnshire Fire and Rescue.</p> <p>LCC’s response to ISH3 Action point 8 [REP3-052] indicates that discussions are ongoing as to how the matter is best dealt with.</p> <p>The Applicant and LCC on behalf of Lincolnshire Fire and Rescue are asked to clarify:</p> <ul style="list-style-type: none"> i) Agreed reasons why Protective Provisions for Lincolnshire Fire and Rescue would be an inappropriate method of securing such fees. ii) Details of how the fees were calculated. iii) Confirmation as to whether the Applicant’s proposal for funding would be adequately secured within the outline Energy Storage Safety Management Plan as set out in Requirement (R) 7, or whether a Section 106 Agreement (S106) or similar obligation should be sought. If a S106 is necessary, confirmation if this could be achieved within the Examination timetable.
GEN 2.9	<p>Applicant</p>	<p>The Updated Information on Cumulative Projects [REP3-028] paragraph 2.7 refers to a potential new haul road and the Applicant’s summary of their oral case at ISH4 [REP3-039] indicates in a post-hearing submission that the statutory consultation on Beacon Fen Energy Park will be held for six weeks in ‘early 2024’.</p>

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ExQ2	Question to:	Question:
		<p>The Applicant is requested to explain how it intends to address any further information arising from Beacon Fen consultation documents within the cumulative assessment and Interrelationship Report if such further information arises within i) the Examination timetable and ii) the post-Examination period.</p>
GEN 2.10	Applicant	<p>Table 3 of the Shadow Habitats Regulations Assessment report [REP2-022] provides a summary of plans and projects with the potential to have in-combination effects.</p> <p>Could the Applicant explain further why Outer Dowsing Offshore Wind (Generating Station), Boston Tidal Barrier, and the solar farm at Ewerby Thorpe were omitted from the revised Table 3 at D2 given that these projects were included in the previous versions of the [APP-049 and PS-041].</p>
GEN 2.11	Applicant Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>The Applicant's response to ExQ1 BIO 1.5 [REP2-077] clarifies that a major beneficial effect relates to hedgerow resource only and that Table 6.10 ES Chapter 6 [PS-059] does not report tree resource during the construction phase as these effects were not deemed to be significant. Other non-significant residual effects are reported within Table 6.10.</p> <p>i) Could the Applicant provide further explanation why tree resource has been excluded from Table 6.10 or update it to include tree resource.</p> <p>In the Applicant's response to part iv) of ExQ1 BIO 1.5 it is stated that residual beneficial effects are reported solely on the quantum of the proposed vegetation rather than their maturity. Considering this relates to an assessment of the significance of a landscape feature it is unclear why maturity has not been considered.</p> <p>ii) Could the Applicant provide an explanation of why they consider this is appropriate for the landscape assessment.</p> <p>iii) Could LCC, NKDC and BBC provide comment on the Applicant's response to ExQ1 BIO 1.5 [REP2-077].</p>

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ExQ2	Question to:	Question:
2. BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT		
BIO 2.1	North Kesteven District Council Lincolnshire Wildlife Trust Applicant	<p>The ES Technical Note: Additional Ecology Information [REP3-027] includes further details relating to survey methods for quail and arable flora, and a skylark mitigation strategy.</p> <ul style="list-style-type: none"> i) NKDC and LWT are invited to provide comment on the Technical Note. ii) The Applicant is to update the skylark mitigation strategy within the next version of the outline Landscape and Ecological Management Plan (LEMP).
BIO 2.2	Applicant North Kesteven District Council Boston Borough Council Lincolnshire County Council	<p>The most recent update to the draft DCO [REP3-004] includes an amendment to R8(c) which increases minimum Biodiversity Net Gain (BNG) of habitat units to 65% using the Biodiversity Metric 4.0.</p> <p>Statutory Biodiversity Metric tools and guides were released by the Department for Environment, Food and Rural Affairs on Wednesday 29 November 2023.</p> <p>NKDC in their response to ISH3 Action Points [AP3, REP3-040] notes that they have no objection to fixing the use of Biodiversity Metric 4.0 in R8.</p> <p>Longfield Solar Farm (Correction) Order 2023 includes amendments to DCO Schedule 2 R9(2)(a) in relation to the application of Biodiversity Metric 4.0.</p> <p>Could the Applicant provide:</p> <ul style="list-style-type: none"> i) An update to the BNG assessment Appendix 8.12 and 8.13 [REP2-047 and REP2-049] as necessary to include reference to the most recent guidance, and the additional information on condition assessments as requested by NKDC [paragraphs 4.25-4.26, REP2-109 and AP3, REP3-040]. ii) Consideration of whether R8(c) should be reworded to refer to the Statutory Metric in place of Biodiversity Metric 4.0 and/or to reflect the Longfield Solar Farm (Correction) Order 2023. <p>Could NKDC, BBC and LCC provide comment on:</p> <ul style="list-style-type: none"> i) The implications of the recent BNG tools and guidance (noting that this is not yet statutory for NSIPs).

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ExQ2	Question to:	Question:
		<ul style="list-style-type: none">ii) The amendments to R8 to include an increase to the minimum percentage of BNG to 65%.iii) Whether to fix the use of Metric 4.0 given the above.
BIO 2.3	Applicant	<p>The draft Statement of Common Ground with Natural England [REP2-069] indicates that the Applicant plans to have District Level Licences drafted during the Examination process in order for Natural England to be able to issue a Letter of No Impediment. Natural England's response to ExQ1 BIO 1.6 [AS-035] states that they are unable to provide an update on timescales at present.</p> <p>Could the Applicant provide an update with timescales for submission and any further comments that they wish to make on this matter.</p>
BIO 2.4	Boston Borough Council Applicant	<p>BBC comments following ISH4 [REP3-049] refer to ongoing discussions with the Applicant regarding compensation for loss of trees at Bicker Fen substation within the BBC area arising from the change application [PS-001].</p> <p>Paragraphs 5.5.11 to 5.5.13 of the outline LEMP [REP3-021] refer to additional mitigation and enhancement measures for planting in the BBC area.</p> <ul style="list-style-type: none">i) BBC are asked to confirm if they are satisfied with the additional measures as set out in the outline LEMP.ii) The Applicant and BBC are asked to confirm if off-site planting and/or funding can be adequately secured within the LEMP to be secured by R8, or whether a S106 or similar obligation should be sought and if so, whether this could be achieved within the Examination timetable.
BIO 2.5	North Kesteven District Council Forestry Commission	<p>The updated outline LEMP [REP3-021] includes at paragraph 5.5.2 confirmation that a woodland management plan will be created for the final LEMP, which will cover both the community orchard and the replacement woodland planting in the north-west corner of the Energy Park site.</p>

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ExQ2	Question to:	Question:
		NKDC and the Forestry Commission are asked to comment on this additional provision within the LEMP.
BIO 2.6	Applicant	<p>NKDC seek for the replacement planting period within R8 (3) to be increased from five years to seven years in accordance with their 2020 Tree Strategy [REP3-042], and that R21 should be bound by the same replanting period [ISH4 AP6, REP3-040].</p> <p>The Applicant is asked to further consider an increase to the replacement planting clause given that mitigation tree planting is anticipated to mature beyond the five year period.</p>
BIO 2.7	Applicant	<p>Section 5.2 of the outline LEMP [REP3-022] includes provisions for investigating growth failure of trees.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none">i) Detail what other measures are included to address potential failures of both tree and hedge mitigation planting and how is this to be managed and secured.ii) Explain what monitoring is in place to ensure the success of mitigation planting in the light of changing climatic conditions.
BIO 2.8	North Kesteven District Council	<p>The Applicant's response to NKDC's WR [REP2-109], followed by the Applicant's written summary of ISH4 agenda item 5 [REP3-039] confirms that landowners have not consented to a survey of the potential veteran oak tree within group G39. The outline Construction and Environmental Management Plan (CEMP) [REP3-019] has been updated at paragraph 7.37 to include provision for further survey work.</p> <p>NKDC are asked to confirm if they are satisfied with this approach and whether R13 would adequately secure the suite of pre-commencement surveys set out in paragraphs 7.33 to 7.37 of the outline CEMP.</p>
BIO 2.9	Applicant	The D3 cover letter [REP3-001] part 6 indicates a change to the minimum height of transplanted trees from a minimum of 2.5m to 1.5m.

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ExQ2	Question to:	Question:
		<p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Indicate where the amended height is shown in the submitted plans/documents. ii) Further explain the reasons for this change. iii) Indicate any implications for the ES.
BIO 2.10	Applicant	<p>The outline LEMP [REP3-021] includes a schedule of management of maintenance.</p> <p>Could the Applicant explain the amendment to hedgerow cutting with section 6, ref 6.1.7 (Schedule of Management of Maintenance, establishment years 0-5) which has amended the height of site boundary hedgerows from '<i>a minimum</i>' to '<i>an approximate</i>' height of 5m.</p>
BIO 2.11	Applicant	<p>BBC in their comments on the outline LEMP monitoring and review [REP3-048] suggest that monitoring results should be submitted to the Lincolnshire Environmental Records Centre held by the Greater Lincolnshire Nature Partnership and refer to their involvement with the Local Nature Recovery Strategy and monitoring county wide habitat connectivity and recovery.</p> <p>The Applicant is asked to respond to this suggestion by BBC.</p>
3. COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA 2.1	Affected Persons	<p>Can Affected Persons confirm if they have any further comments to raise regarding:</p> <ul style="list-style-type: none"> i) The legitimacy, proportionality or necessity of the Compulsory Acquisition (CA) or Temporary Possession (TP) powers sought by the Applicant that would affect land that they own or have an interest in. ii) Any inaccuracies in the Book of Reference (BoR) [REP3-008], Statement of Reasons [REP2-014] or Land Plans [REP2-004]. If so, set out what these are and provide the correct details.
CA 2.2	Applicant	<p>At the Compulsory Acquisition Hearing (CAH) and within the post-hearing submission [Agenda item 3d, REP3-037] and within the D3 cover letter [REP3-001] it was confirmed that Rights over plots 99I, 275A, 275B and 299 were no longer required. The Applicant proposes to remove plots 275A, 275B and 299 at D4 and has identified that an additional plot on the grid connection route is also no longer necessary (plot 345).</p>

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ExQ2	Question to:	Question:
		Could the Applicant: i) Explain why plot 99I is being retained when the other listed plots are to be removed. ii) Confirm there would be no environmental effects resulting from the removal of plots 275A, 275B, 299 and 345. iii) Confirm that the relevant Affected Persons have been notified.
CA 2.3	Lincolnshire County Council	Revision 5 of the Schedule of Negotiations with Undertakers and Landowners [REP3-010] indicates that LCC do not wish to engage in negotiations during the Examination period. Could LCC: i) Provide reasoning for lack of engagement with the Examination in relation to CA and TP matters. ii) Provide an indication whether there are likely to be any significant constraints on landholdings and highways which would prevent the Rights sought by the Applicant. iii) Clarify if there are any areas of land that the Applicant is seeking to acquire Rights whether by CA or TP which LCC consider would not be needed?
CA 2.4	Environment Agency	The Environment Agency's D2 written representation [REP2-103] indicates that they are reviewing documents with a view to entering into an option for easement and that outstanding matters in relation to landholdings are capable of resolution through agreement during the Examination period, and at D3 that their legal team is currently reviewing draft documents [REP3-051]. Could the Environment Agency provide an update at D4 with an indication that agreement can be provided by D5.
CA 2.5	Applicant	Revision 5 of the Schedule of Negotiations with Undertakers and Landowners [REP3-010] refers to an estimated timescale for the majority of agreements as D6/ the end of the Examination, which has slipped from the previous estimate of January 2024.

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ExQ2	Question to:	Question:
		<p>Could the Applicant:</p> <ul style="list-style-type: none">i) Provide assurances that negotiations will continue and aim to complete by D6.ii) If any negotiations with Affected Persons are unlikely to be concluded until after a decision on the DCO, at D6 provide a written explanation of the reasons why this is the case, with an indication of how the Secretary of State should deal with any outstanding CA and TP matters.iii) If agreement with statutory undertakers is unlikely to be achieved before the end of the Examination, provide at D6 a written case so that the ExA can be assured that the tests in section 127(6) of the Planning Act 2008 would be satisfied.
CA 2.6	Applicant	<p>There are still a number of parcels identified in the BoR [REP3-008] for which the owners/land interests are not known. Appendix 2 of the Applicants D3 Cover Letter [REP3-001] provides an update on the matter.</p> <p>By D6, the Applicant is to provide a similar update on efforts to establish these owners/interests including details on what further steps will be undertaken to identify these owners prior to the exercise of CA powers.</p>
CA 2.7	Crown Estate Commissioners Applicant	<p>Section 135(1) of the Planning Act 2008 precludes the CA of interests in Crown Land unless the land is held 'otherwise than by or on behalf of the Crown', and the appropriate Crown authority consents to the acquisition. Section 135(2) precludes a DCO from including any provision applying to Crown Land or Crown rights without consent from the appropriate Crown authority.</p> <p>Revision 5 of the Schedule of Negotiations with Undertakers and Landowners [Table 4, REP3-010] refers to a '<i>substantial shift in commercial position</i>' by the Crown.</p> <p>Could the Applicant and the Crown Estate Commissioners:</p> <ul style="list-style-type: none">i) Explain the position and provide an update regarding a conclusion of ongoing discussions regarding Article 44 in relation to Crown land. This should include a timetable of discussions, the potential outcome and confirmation of whether this will be concluded by D6 of the Examination (20 February 2024).

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ExQ2	Question to:	Question:
		<p>Could the Applicant:</p> <p>ii) Provide an explanation of action to be taken by the ExA in the event that Crown consent is not received before the close of the Examination.</p>
CA 2.8	Duchy of Lancaster Applicant	<p>Revision 5 of the Schedule of Negotiations with Undertakers and Landowners [Table 4, REP3-010] indicates that discussions with the Duchy of Lancaster's agents are at an advanced stage with the Heads of Terms in a substantially agreed format.</p> <p>Could the Applicant and the Duchy of Lancaster provide an update into the Examination regarding a conclusion of ongoing discussions regarding Article 44 in relation to Crown land. This should include a timetable of discussions, the potential outcome and confirmation of whether this will be concluded by D6 of the Examination (20 February 2024).</p>
4. DEVELOPMENT CONSENT ORDER		
DCO 2.1	National Gas Transmission Plc	<p>The responses to ExQ1 DCO 1.2 from and 1.3 National Gas Transmission Plc (NGT) and National Grid Electricity Transmission Plc (NGET) [REP2-094] indicate that Protective Provisions within Schedule 13 of the dDCO are agreed but <i>'the parties are finalising negotiations over the terms of a commercial agreement which is anticipated to be concluded well within the examination timescales'</i>.</p> <p>Could NGT and NGET provide an update on the outstanding matters at D4, with confirmation of the commercial agreement by D6.</p>
DCO 2.2	National Grid Viking Link	<p>The Applicant's response [Table 7, REP3-025] to National Grid Viking Link (NGVL) [REP2-105] indicates that Protective Provisions and a side agreement will provide adequate protections for NGVL.</p> <p>Could NGVL provide an update on any outstanding matters and confirm if bespoke Protective Provisions need to be added to Schedule 13 of the dDCO [REP3-004] at D4, and confirmation of agreement by D6.</p>

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ExQ2	Question to:	Question:
DCO 2.3	Triton Knoll OFTO Limited	<p>The Schedule of Negotiations with Statutory Undertakers and Landowners [REP3-010] indicates that the Applicant is in positive discussions with Triton Knoll regarding the Heads of Terms for an Option Agreement to take an easement, associated access rights and crossing agreements. It is indicated that updated draft legal agreements were issued on 10 November 2023.</p> <p>Could Triton Knoll provide an update on any outstanding matters and confirm if bespoke Protective Provisions need to be added to Schedule 13 of the dDCO [REP3-004] at D4, and confirmation of agreement by D6.</p>
DCO 2.4	Network Rail Infrastructure Limited	<p>The Applicant's response [Table 8, REP3-025] to Network Rail [REP2-095] indicates that the parties are close to agreement on the Protective Provisions in Schedule 13 Part 8 of the draft DCO [REP3-004]. The Applicant makes reference to the safety of directional drilling under the railway as evidenced by the construction of the Triton Knoll and Viking Link connections. It states that CA is needed in order to ensure the deliverability of the project and paragraph 85 of the Protective Provisions cannot be removed unless agreement is reached.</p> <p>Could Network Rail provide an update on any outstanding matters and confirm if the Protective Provisions in Schedule 13 Part 8 of the dDCO [REP3-004] are agreed at D4, and confirmation of agreement by D6.</p>
DCO 2.5	BT Group plc Vodafone Limited	<p>The BT Group Plc and Vodafone Limited are included as Category 2 and 3 parties in the BoR [REP3-008].</p> <p>Both of these telecommunications operators are asked to confirm if Schedule 13 Part 2 of the dDCO [REP3-004] provides appropriate Protective Provisions for their apparatus as operators of electronic communications code networks.</p>
DCO 2.6	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>An amendment to Schedule 14 (2) of the draft DCO [REP3-004] increases the timeframe for Relevant Planning Authorities to give notice of decision on a Requirement from eight to ten weeks. The Applicant's post-hearing submission [Agenda item 6, REP3-038] explains that no further changes will be made to the deemed discharge mechanism, referring to the 'critical national priority' status of solar in the final draft National Policy Statements.</p>

ExQ2: 19 December 2023**Responses due by Deadline 4 (Tuesday 16 January 2024)**

ExQ2	Question to:	Question:
		LCC, NKDC and BBC are asked to provide any further comments they may wish to raise on Schedule 14.
DCO 2.7	Applicant Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>ISH3 agenda item 6 referred to Schedule 14 (5) of the draft DCO [REP3-004] (Fees) and the Applicant's post hearing submission/ action point 10 [REP3-038] further responds to NKDC's comments regarding refunds to fees and notes that there is a mechanism to retain fees at paragraph 5(2)(b)(i).</p> <p>Schedule 14 (5)(1) refers to the 2012 Fee Regulations. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023 came into force on 6 December 2023.</p> <p>i) The Applicant is requested to amend the relevant wording of Schedule 14 (5) accordingly to reflect the 2023 Regulations.</p> <p>The Applicant, LCC, NKDC and BBC are asked to also consider:</p> <p>ii) The merit of fees being paid per Requirement rather than per application. iii) Whether the provision to introduce an annual indexation of fees from 1 April 2025 as set out in Regulation 18A should be reflected within the draft DCO.</p>
5. HISTORIC ENVIRONMENT		
HE 2.1	North Kesteven District Council Historic England Applicant	<p>NKDC [REP2-101] and Historic England [REP2-091] consider that the solar park site lies within the setting of the Grade I listed Kyme Tower and that harm would arise to its setting (at the lower end of the scale).</p> <p>A plan [REP3-041] has been provided for the ExA to carry out a further Unaccompanied Site Inspection in order to assist in assessing the setting of Kyme Tower. Paragraphs 10.5.17 to 10.5.21 of ES Chapter 10 [REP2-024] sets out the elements which the Applicant considers contribute to its significance and goes onto conclude that no harm is predicted to occur. The Applicant's summary of ISH4 Agenda item 4 a) [REP3-039] reiterates their position regarding</p>

ExQ2: 19 December 2023**Responses due by Deadline 4 (Tuesday 16 January 2024)**

ExQ2	Question to:	Question:
		<p>intervisibility and significance, and offers to provide further information in the form of visualisations.</p> <p>Could NKDC and Historic England:</p> <ul style="list-style-type: none">i) Clarify whether the level of detail provided in paragraphs 10.5.17 to 10.5.21 of ES Chapter 10 [REP2-024] is proportionate to the importance of the heritage asset and if it is sufficient to understand the potential impact of the proposal on its significance.ii) Confirm whether they agree with the elements of setting in paragraph 10.5.17 of ES Chapter 10 and state if there are any additional elements they also consider contribute to its significance.iii) Provide any further comments they may have in relation to the Applicant's summary of ISH4 Agenda item 4 a) [REP3-039] in relation to Kyme Tower. <p>Could the Applicant:</p> <ul style="list-style-type: none">i) Provide visualisations towards/from Kyme Tower to assist the ExA in their assessment of its setting.
HE 2.2	Lincolnshire County Council North Kesteven District Council	<p>The D3 update to the outline CEMP [REP3-019] at paragraphs 7.71 to 7.75 includes provision for protection zones and historic building record of non-designated heritage assets.</p> <p>Could NKDC and LCC confirm if they are satisfied with this approach.</p>
HE 2.3	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>R6 (2) of the draft DCO (REP3-004] includes an additional criteria regarding the need for design details to take account of the results of archaeological investigations.</p> <p>Could LCC, NKDC and BBC confirm their agreement to the proposed additional wording.</p>

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ExQ2	Question to:	Question:
6. LAND USE AND SOILS		
LUS 2.1	Natural England	<p>Natural England's answers to ExQ1 LUS 1.2 and 1.3 [AS-035] relate to the outline Soil Management Plan and the Applicant has subsequently updated the outline Soil Management Plan (SMP) [REP3-017].</p> <p>Natural England is invited to provide comment on the revised outline SMP or to provide agreement of such matters within their Statement of Common Ground.</p>
LUS 2.2	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>R8 LEMP and R19 Operational Environmental Management Plan (OEMP) of the draft DCO [REP3-004] include provision for securing sheep grazing on the solar park site. In response to comments made by NKDC at ISH3/4 the Applicant has proposed an additional commitment within the outline OEMP [paragraphs 2.22 to 2.24, REP3-034] relating to sheep grazing management.</p> <p>LCC, NKDC and BBC are asked to comment on this addition to the OEMP.</p>
LUS 2.3	Applicant	<p>R19(2) of the draft DCO [REP3-004] relating to the Operational Environmental Management Plan has been amended to refer to '<i>... details of how sheep grazing will be managed and maintained within the fenced areas of the solar park at Work No. 1</i>'.</p> <p>Could the Applicant clarify if the fenced areas referred to in R19(2) are those denoted by the blue line on Figure 6.2 Landscape Strategy Plan [REP3-012] and Figures 4-5 of the outline LEMP [REP3-021] or if any additional fencing for containment of sheep is proposed.</p>
LUS 2.4	Lincolnshire County Council North Kesteven District Council Boston Borough Council	<p>The Applicant's has submitted a post-hearing submission for ISH3 agenda item 8 regarding use of Best and Most Versatile (BMV) agricultural land [Appendix 3, REP3-038]. This includes submissions regarding cumulative assessment, changes to calculations of amounts of BMV affected on other solar farm projects in Lincolnshire, and explanation of consideration of significant effect terms.</p> <p>LCC, NKDC and BBC are asked to provide any comments they may wish to raise.</p>

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ExQ2	Question to:	Question:
7. SOCIO-ECONOMICS		
SE 2.1	Applicant Boston Borough Council North Kesteven District Council	<p>The updated outline Supply Chain, Employment and Skills (SCES) Plan [REP3-015] includes provision of an Apprenticeship Scheme amongst other initiatives and commitments, and states at section 3 that a fund to facilitate training and apprenticeships will be provided for the operational lifetime of the Proposed Development, the mechanism for which is to be agreed with NKDC and BBC following determination of the DCO.</p> <p>NKDC and BBC are asked to comment on the amendments to the outline SCES Plan including the amount of and approach to the funding for training and apprenticeships.</p> <p>The Applicant, NKDC and BBC are to clarify:</p> <ul style="list-style-type: none">i) How the proposed funding of £50,000 was calculated.ii) If the Applicant's proposal for funding can be adequately secured within the outline SCES Plan to be secured by R16, or whether a Section 106 Agreement or similar obligation should be sought and if so, could its agreement be achieved within the Examination period.
8. TRAFFIC, TRANSPORT AND PUBLIC RIGHTS OF WAY		
TT 2.1	Lincolnshire County Council	<p>The Technical Note: Transport and Access relates to an assessment of a worst-case scenario of high sensitivity at Cowbridge Road, Bicker Drove and Vicarage Drove [REP3-030] following discussion at ISH4 agenda item 8 and the Applicants post hearing submission [REP3-039].</p> <p>Could LCC provide comment on the Technical Note and advise if any further information is sought.</p>