

Heckington Fen Solar Park

EN010123

Applicant Response to the Examining Authority's Second Written Questions

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: ExA.ResponsesSWQ-D4.V1

Pursuant to: APFP Regulation 5(2)(q)

Deadline 4: 16th January 2024

Document Revision: 1

January 2024



APPLICANT RESPONSE TO THE EXAMINING AUTHORITY'S SECOND WRITTEN QUESTIONS

Document Properties		
Regulation Reference	Regulation 5(2)(q)	
Planning Inspectorate Scheme Reference	EN010123	
Application Document Reference	ExA.ResponseSWQ-D4.V1	
Title	Applicant Response to the Examining Authority's Second Written Questions	
Prepared By	Heckington Fen Energy Park Project Team (Pegasus)	
Version History		
Version	Date	Version Status
Rev 1	January 2024	Deadline 4



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1. Purpose of this Document

- 1) This document is submitted on behalf of Ecotricity (Heck Fen Solar) Ltd (“the Applicant”) and contains the Applicant's response to the Examining Authority's Second Written Questions issued on the 19th December 2023.
- 2) Details of the Applicant's responses are set out within this document in the subsequent sections below, presented in a tabulated format.
- 3) The Applicant has not responded to questions posed to specific Interested Parties but will review those responses once available and may comment on those at Deadline 5. Questions to Interested Parties are included for completeness, but 'greyed' out in the tables.



Table 1: GENERAL, MISCELLANEOUS AND CROSS-TOPIC QUESTIONS

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
GEN 2.1	<p>Applicant</p> <p>Lincolnshire County Council</p> <p>North Kesteven District Council</p> <p>Boston Borough Council</p> <p>All Interested Parties</p>	<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>	<p>The Government released substantive changes to the National Planning Policy Framework (NPPF) on 19 December 2023 then a further minor amendment to paragraph 14b on 20 December 2023.</p> <p>The Secretary of State for Levelling Up, Housing and Communities, Michael Gove, introduced the changes in a speech on 19 December 2023 at the Planning Speech Event for DLUHC, where he identified five factors which are crucial to winning back support for new development:</p> <ul style="list-style-type: none"> • Beauty • Infrastructure • Democracy • Environment • Neighbourhood. <p>The Applicant has provided a review of the previous March 2023 version of the NPPF within the Statement of Need and Planning Statement (document reference REP2-060) and the Statement of Need and Planning Statement Addendum (document reference REP2-062) submitted at Deadline 2.</p> <p>The majority of amendments made to the NPPF in December 2023 relate to development plan matters and housing delivery, addressed in Sections 3 and 5 of the NPPF. These issues are not relevant to the consideration of the Heckington Fen Solar DCO.</p> <p>The Applicant sets out below the other changes introduced to the NPPF which are of relevance to the Application.</p>

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			<p><u>Sustainable Development</u></p> <p>The Introduction of the NPPF and Section 2 entitled “<i>Achieving Sustainable Development</i>” maintain the focus of the Framework on sustainability and the amendments underline this by introducing the requirement for development, including infrastructure, to be provided in a “<i>sustainable manner</i>” (NPPF paragraphs 1 and 7). The economic social and environmental objectives for planning defined by the NPPF in achieving sustainable development are unchanged in the revised version of the Framework.</p> <p>The sustainability of the proposal has been referred to by the Applicant within the Statement of Need and Planning Statement (document reference REP2-060), highlighting that the proposal will provide a sustainable form of renewable electricity generation (paragraphs 3.46, 4.10, 6.12) Therefore the introduction of section 2 of the December 2023 NPPF does not change the Applicant’s assessment and conclusions and the Applicant still meets the requirements of the new Section 2 of the NPPF.</p> <p><u>Achieving well-designed and beautiful places</u></p> <p>The revision to the Framework has introduced the words “<i>beautiful places</i>” to the title of Section 12, however paragraph 131 (formerly paragraph 126) already stated that:</p> <p><i>“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear</i></p>



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			<p><i>about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."</i></p> <p>The only change to the policy text of the Framework is at Paragraph 138, adding reference to preparation and use of local design codes in line with the National Model Design Code.</p> <p>Currently, North Kesteven District Council, Boston Borough Council and Lincolnshire County Council do not have local design codes which are relevant to this proposal.</p> <p>The design process and considerations have been addressed in Outline Design Principles (document reference 7.1), which are secured by Requirement 6 of the DCO (document reference 3.1).</p> <p>It is not considered that the amendments to the NPPF in regard to design raise any additional considerations requiring further submissions to be made on this matter.</p> <p><u>Meeting the Challenge of Climate Change, Flooding and Coastal Change</u></p> <p>Chapter 14 of the NPPF includes important and relevant policy considerations for the Application, as set out previously by the Applicant. The amendments introduced to this section of the NPPF do not significantly affect the main considerations for the application. Paragraph numbers have been amended as a consequence of other changes to the framework.</p>



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			<p>Former Paragraph 158 is now Paragraph 163. Sub paragraph (a) of this maintains the position that applications should not be required to demonstrate a need for renewable or low carbon energy. The sub section has been revised to add the word significant to the part which encourages local planning authorities to recognise that even small projects <i>"provide a valuable contribution to significant cutting greenhouse gas emissions"</i>.</p> <p>Subsection (b) retains the advice for LPAs to approve applications if the <i>"impacts are (or can be made) acceptable"</i>.</p> <p>An additional paragraph 164 is provided which encourages LPAs to give significant weight to the need to support energy efficiency in existing buildings, through heat pumps and solar panels where these do not benefit from PD rights. Whilst not directly relevant to the Heckington Fen DCO Application, this change further underlines the emphasis which the Government is placing on the delivery of new forms of renewable electricity generation.</p> <p>No change is made to the paragraphs in the Framework Chapter 14 relating to flooding and coastal change and in any event coastal change is not relevant to the Heckington Fen DCO.</p> <p>The Applicant considers that these changes to the NPPF do not introduce matters which are not already addressed in the Application, but underline the importance which the Government is placing on delivery of the energy proposal such as Heckington Fen to address the urgent need for new renewable energy sources.</p> <p><u>Conserving and Enhancing the Natural Environment.</u></p>

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			<p>Text within the paragraphs of Chapter 15 of the revised Framework is unchanged from the previous edition, other than the changes to paragraph numbers which are consequential of other changes to the Framework.</p> <p>It is relevant however that former Paragraph 175 which is renumbered to Paragraph 182 retains a footnote relating to agricultural land, now numbered as Footnote 62. The first sentence of this footnote remains unchanged, requiring that:</p> <p><i>“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”.</i></p> <p>In addition a new sentence has been added which states:</p> <p><i>“The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”</i></p> <p>Commentary was provided on the issue of Land Use and BMV under Appendix 3 of Written Summary of Applicant Oral Case at Issue Specific Hearing 3 (ISH3) on Tuesday 21st November 2023 submitted by the Applicant at Deadline 3. This appendix addressed the important and relevant consideration in respect of agricultural land and addresses matters relating to food production. It is noted that the proposal will not result in a loss of high value food crops and will have a negligible impact on food security.</p> <p>The Applicant considers that the matter of consideration of food security has already been suitably addressed in earlier submissions</p>

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			<p>to the Examination and the revision to the NPPF has is suitably met by this.</p> <p><u>Conclusions</u></p> <p>The main changes to the NPPF which pertain to the Heckington Fen DCO are outlined above. The relevant amendments to the Framework place additional emphasis on achieving sustainable development, delivery of renewable energy which will contribute to significantly cutting greenhouse gas emissions and considering food production in the development of agricultural land. These changes serve to further support the principle of the Heckington Fen DCO as a sustainable renewable energy project. The implications for food production have been considered in the application and examination submissions and have been shown to be negligible.</p> <p>The Application therefore remains in accordance with the requirements of the NPPF, which in any event is not the primary determining policy. It remains the case that, whilst the NPPF is acknowledged to be an important and relevant consideration, the NPS take precedence and should be given over-riding weight in determining the DCO.</p>
GEN 2.2	<p>Applicant</p> <p>Lincolnshire County Council</p> <p>North Kesteven District Council</p>	<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</p>	<p>The Applicant has provided a review of the previous draft versions of the NPS (including the March 2023 versions) within the Statement of Need and Planning Statement (document reference REP2-060) and the Statement of Need and Planning Statement Addendum (document reference REP2-062) submitted at Deadline 2.</p>



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	<p>Boston Borough Council</p> <p>All Interested Parties</p>	<p>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>	<p>The Applicant sets out below and provides comments on the principal changes introduced to the NPSs in November 2023 since the March 2023 versions, which are of relevance to the application.</p> <p><u>EN1</u></p> <p><u>Section 1 – Background</u></p> <p>Paragraph 1.1.2 – additional text explaining the structure of EN1.</p> <p>Section 1.2 sets out the Role of the NPS.</p> <p>Paragraph 1.2.4 inserts additional text confirming that the NPS and technology specific NPSs are the “<i>primary policy for Secretary of State in decision making</i>”.</p> <p>The Applicant considers that this change does not require any change to the Application. This change provides a clarification of the already accepted principle which has been acknowledged in the Applicant’s Statement of Need and Planning Statement Addendum (paragraphs 1.1.2, 2.2.3, 3.2.3, 4.2.2, and 8.4.16 of document reference REP2-062) in relation to the weight to be given to the NPS as an important and relevant consideration, in the context of the transitional arrangements set out in paragraph 1.6. The transitional arrangements are considered further below.</p> <p><u>Sections 2 – Government Policy on energy and energy infrastructure development</u></p> <p>Paragraphs 2.1.1, 2.1.5 & 2.1.2 provide reference to Powering up Britain, the Strategic Spatial Energy Plan and the second National Infrastructure Assessment have been added to EN1, giving additional</p>

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			<p>updated evidence to the stated need for renewable energy generation and meeting net zero.</p> <p><u>Section 2.2 – Net Zero by 2050</u></p> <p>Paragraph 2.2.1 remains unchanged summarising the commitments to meeting net zero and the additional Paragraph 2.2.2 notes the Government’s intention to update the decarbonisation plan in coming years and that such updates should be considered as the updates are published.</p> <p>The Applicant considers that no additional information is required for the application in relation to these changes. The amendments to the NPS reflect recent Government statements which underline the strong and urgent need for additional renewable energy generation. The Applicant has commented upon these matters in the Applicant’s Statement of Need and Planning Statement Addendum (paragraphs 3.3.5, 9.3.1, 9.3.4 9.2.1 and 9.4.3 of document reference REP2-062).</p> <p><u>3.2 – Secretary of State decision making</u></p> <p>Paragraphs 3.2.3 to 3.2.4 clarify that it is not the role of planning to deliver or limit specific amounts of infrastructure, this is a market decision. Additional text confirms the Government does not seek to impose target or limits on the amount of new infrastructure through the NPS and that a large number of consented projects can deliver an affordable energy system.</p> <p>Paragraphs 3.3.57 and 3.3.58 are new paragraphs reconfirming the commitment to net zero and reduction in greenhouse gas. The urgent need for new electricity infrastructure is confirmed and it is</p>



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			<p>stated in the NPS that there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward.</p> <p>Paragraph 3.3.61 retains the statement that the need for energy infrastructure is established by the NPS and additional text confirms that a combination of power sources are urgently required.</p> <p>The above revisions underline the approach adopted to the need for additional new low carbon energy stated in the Draft NPS. The Applicant has referred to the Government's most recent commitments in the updated Statement of Need and Planning Statement (document reference REP2-060) and the Statement of Need and Planning Statement Addendum (document reference REP2-062), addressing in particular the identified need for the proposal within the NPS. The Applicant considers that the above revisions within the revised NPS do not affect the consideration already given to this within the application documents, other than to provide additional emphasis to the need for the proposal.</p> <p><u>Critical National Priority</u></p> <p>Paragraph 3.3.62 critical national priority for the provision of low carbon infrastructure and additional text cross refers to paragraph 4.2 which expands the definition of the energy generating technologies considered as a Critical National Priority.</p> <p>EN-1 states in paragraph 3.3.63 that:</p> <p><i>'Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being</i></p>



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			<p><i>addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.'</i></p> <p>This is addressed further below in respect of Paragraph 4.2.</p> <p><u>Section 4 Assessment Principles</u></p> <p>Paragraphs 4.1.5 to 4.1.7 cover weighting impacts and benefits. This is mostly unchanged from the draft March 2023 NPS in relation to the consideration of benefits and adverse effects. Paragraph 4.1.7 includes additional text in relation to CNP infrastructure, confirming that the need case will outweigh the residual effects in all but the most exceptional cases, although this presumption is lifted where residual impacts present an unacceptable risk to human health, public safety, defence, irreplaceable habitats or the achievement of net zero.</p> <p><u>Section 4.2 - The critical national priority for low carbon infrastructure.</u></p> <p>A new section is added to the NPS under this heading. This restates the need to meet net zero and achieve energy security noting that these objectives can only be delivered by enabling the development of new low carbon sources of energy at speed and scale.</p> <p>Paragraph 4.2.4 confirms that the Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.</p> <p>Paragraph 4.2.5 sets out the scope of energy included within this definition as part of the CNP, including all onshore and offshore</p>

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			<p>generation that does not involve fossil fuel combustion, electricity grid infrastructure falling under EN5 (including powerlines and substations).</p> <p>Paragraphs 4.2.6 to 4.2.9 confirm that the overriding need case and substantial weight to be given to the need in assessing applications is as set out in preceding paragraphs of the NPS and that the CNP does not confer additional need. The CNP influences how the residual impacts are considered in the planning balance and the NPS goes on to provide detail on how this assessment should be made.</p> <p><u>Applicants' Assessment for CNP infrastructure</u></p> <p>Paragraphs 4.2.10 to 4.2.13 confirm the need to continue to show that the application meets the requirement of the NPS and applies a mitigation hierarchy as well as other legal and regulatory requirements. Applicants are required to apply the mitigation hierarchy and identify how residual impacts have been compensated for as far as possible. Where residual impacts relate to a HRA (Habitat Regulations Assessment) or MCZ (marine conservation zone) derogation needs to be demonstrated.</p> <p><u>Non HRA and non MCZ residual impacts of CNP infrastructure</u></p> <p>Paragraphs 4.2.15 to 4.2.17 confirm that where the application does not affect HRA or MCZ then it is unlikely that consent will be refused on the basis of residual impacts. The NPS sets out that the CNP infrastructure will constitute exceptional circumstances in respect of Green Belt, SSSI landscape designations and heritage assets.</p> <p><u>HRA and MCZ residual impacts of CNP infrastructure</u></p>

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			<p>Paragraphs 4.2.18 to 4.2.22 set out how the Secretary of State would approach the necessary derogations required for HRA and MCZ effects of applications if relevant.</p> <p>The Applicant considers that the introduction of CNP to the NPS underlines the in principle support for the Heckington Fen DCO as outlined in the Applicant's assessments submitted in support of the Application and submitted to the Examination. There are implications with regards to CNP and the mitigation hierarchy and more detail on this will be provided at Deadline 6, as per Question GEN 2.3 which requests additional comment on the application of the mitigation hierarchy to be addressed at Deadline 6.</p> <p><u>4.3 – Environmental Effects</u></p> <p>Paragraph 4.3.20 introduces the need for the Secretary of State to have regard to the requirements of the Environment Act 2021, including achievement of the targets set therein.</p> <p><u>4.6 – Biodiversity Net Gain (BNG)</u></p> <p>Various clarifications are made to this section, confirming that the requirements for BNG apply to NSIP and a BNG calculation should be prepared to applications.</p> <p>Paragraph 4.6.3 confirms that the Secretary of State should give limited weight to gains which are provided to meet a legal requirement, including the Environment Act 2021.</p> <p>The BNG assessment submitted in support of the application confirms that the minimum requirements of the Environment Act 2021 are exceeded. The Applicant considers that information</p>

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			<p>currently provided in the BNG assessment addresses the requirements of the revised NPS and the change has no additional effect on the important and relevant considerations for the Application.</p> <p><u>EN3</u></p> <p>Paragraph 2.17 provides confirmation of low carbon onshore and offshore electricity generation that does not involve fossil fuel combustion are defined as Critical National Priority Infrastructure and cross references to section 4.2 of EN1.</p> <p>Paragraph 2.1.8 confirms that the assessment principles of Section 4 of EN1 apply to CNP Infrastructure.</p> <p>Paragraph 2.3.7 adds reference to the Environment Act 2021.</p> <p>Section 2.10. addresses specifically Solar Photovoltaic Generation.</p> <p>Paragraph 2.10.9 reconfirms the target of net zero by 2050, highlighting solar as a key part of the Government's strategy for decarbonising the energy sector.</p> <p>Paragraph 2.10.10 clarifies that ground and roof mounted solar form part of the deployment of 70GW of solar by 2035.</p> <p>Paragraph 2.10.11 cross reference made to Powering Up Britain and energy security plan, seeking ground mounted solar deployment across the UK mainly on brownfield, industrial and low and medium grade agricultural land. Farming and solar are noted as being complementary allowing deployment of solar which delivers</p>

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			<p>environmental benefits with consideration of ongoing food production or environmental improvement.</p> <p>Factors influencing site selection and design are set out at paragraphs 2.10.18 to 2.10.48. The network connection section has been moved forward, although with minimal other change from the earlier March 2023 draft.</p> <p>With regard to agricultural land the revision retains the statements that land type should not be a predominating factor in determining the suitability of the site location (2.10.29) and ground mounted solar is not prohibited on BMV agricultural land (2.10.30).</p> <p>The above policy changes are not substantive enough to have implications on the scheme proposals as already set out, including in the Applicant's review of the 2023 Draft EN 3 in the Statement of Need and Planning Statement Addendum (Section 3 of document reference REP2-062).</p> <p><u>EN5</u></p> <p>Paragraphs 1.1.5 and 2.1.5 make reference to CNP and confirm that this includes all powerlines and associated infrastructure such as substations in the scope of EN5.</p> <p>Paragraph 2.1.6 outlines assessment principles set out in EN1 continue to apply to CNP infrastructure, requiring demonstration that significant negative effects would be avoided, reduced mitigated or compensated for, following the mitigation hierarchy. As noted above the Applicant's comments on CNP and the mitigation</p>



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			<p>hierarchy will be provided at Deadline 6, in accordance with ExA SWQ GEN 2.2.</p> <p>Paragraph 2.6.3 confirms that CPO rights to acquire land compulsorily may be sought by means of the DCO as part of an application to the Secretary of State, "as a last resort".</p> <p>This clarification accords with the previous tests for CPO which the Applicant has been working to in any event. Details are set out in the Deadline 4 Schedule of Negotiations in relation to the CPO process, demonstrating that this revision to EN 5 is being met.</p> <p>Paragraph 2.9.25 outlines the matters to be considered in proposing undergrounding of cables. In relation to best and most versatile agricultural land, the final bullet point includes an additional requirement for development and implementation of a Soil Resources and Management Plan.</p> <p>The Application is supported by an Outline Soil Management Plan (document reference REP3-017), which is secured by Requirement 20 of the DCO (document reference 3.1). The Applicant considers that the amendment to EN5 is therefore already addressed within the application and the change has no effect.</p> <p><u>Transitional Arrangements</u></p> <p>The NPSs published in November 2023 have been presented to Parliament and are expected to be designated in early 2024. The NPSs are therefore highly likely to be designated before a decision is made on the Heckington Fen Solar Park.</p>



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			<p>Paragraph 1.6.2 of the revised EN 1 confirms that the Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. Notwithstanding, the revised NPS are at a very advanced stage and should have substantial weight as relevant and important matters in decision making. The weight afforded to them is substantial because they provide guidance on decision making on solar Nationally Significant Infrastructure Projects (NSIPs), something no other document was written to do. They were also published on 22 November 2023, so present the most up to date Government policy and guidance. They are highly relevant to the Application.</p> <p><u>Conclusions</u></p> <p>The Applicant's Statement of Need and Planning Statement (document reference REP2-060) and the Statement of Need and Planning Statement Addendum (document reference REP2-062) submitted at Deadline 2 demonstrated that the Application accords with draft NPS policy. The changes to the NPS arising from the most recent revision do not introduce additional policy requirements which would alter this conclusion.</p> <p>The forthcoming NPS introduced solar as CNP infrastructure. In doing so, the Government has shown recognition of the urgent need for solar NSIPs and provides a clear tilted balance in favour of consenting the scheme, provided other policy tests are met. The Applicant considers that the supporting information to the Application confirm that the relevant and important policy tests have been met.</p>

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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>	As requested, the Applicant will address this question at Deadline 6 submission stage.
GEN 2.4	Lincolnshire County Council North Kesteven District Council	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	

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	Boston Borough Council	<p>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</p>	<p>i) The total number of circuit breakers operating above 1kV across the entire development is not expected to exceed 750. This includes the 400kV connection at Bicker Fen Substation, the onsite substation, and the various circuit breakers employed throughout the onsite</p>

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		<p>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> <p>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</p>	<p>distribution system connecting the solar panels and energy storage equipment.</p> <p>It is not possible to accurately quantify the small level of fugitive emissions from the leakage of SF6 due to insufficient data. Manufacturers of electrical switchgear and transformers are increasingly able to provide equipment that either does not contain any SF6, or is sealed for life with extremely low leakage rates.¹</p> <p>For this reason, it is assumed that emissions of SF6 from this project will be minimal and not material to the greenhouse gas assessment. SF6 should therefore be considered in the context of a <i>de minimis</i> threshold, in accordance with the guidance outlined at paragraph 13.3.5 of Chapter 13 of the environmental statement (Climate Change) (document reference PS-071).</p> <p>ii) As highlighted above, manufacturers are readily producing SF6-free infrastructure and it is highly likely that the Applicant will be able to use SF6 alternatives. The Applicant's equipment selection and procurement process will involve specifying non-SF6 equipment with allowable exemptions only if the operating duty cannot be met or planning parameters would otherwise be exceeded. In the case of equipment installed at National Grid's Bicker Fen Substation (with the exception of the main GIS infrastructure in which National Grid have</p>

¹ Widger, P. and Haddad, A. (2018). Evaluation of SF6 Leakage from Gas Insulated Equipment on Electricity Networks in Great Britain

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		<p>(excluding that of the gas insulated switchgear option) to justify their statement that "a limited quantity would be used".</p> <p>ii) It is stated that "SF6 alternatives will be considered at detailed design" – indicate how would this be secured and does it need to form part of a requirement.</p>	<p>committed to avoid the use of SF6), an exemption may also be allowed if National Grid required SF6 equipment as a result of their standards or requirements. The Applicant is therefore confident that where SF6-free options exist then they will selected for this project. Notwithstanding this, and in order to meet the requirements of paragraph 2.9.59–2.9.64 of EN-5, the Applicant is content to agree to:</p> <p>a. at the detailed design stage, consider carefully whether the project could be conceived to avoid the use of SF6-reliant assets;</p> <p>b. Where the development cannot be so conceived, undertake an assessment of technical alternatives and provide an explanation of why these alternatives are technically infeasible including an explanation of the cost differential between the SF6-reliant asset and the SF6-free alternative.</p> <p>The Applicant has captured this commitment in an update to the outline design principles (document reference 7.1, revision 4), which is secured by Requirement 6 of the DCO. In the event that the Applicant needs to use SF6 equipment, the Applicant will therefore evidence the steps taken when submitting the final design details under Requirement 6.</p> <p>In addition, the Applicant is bound by the UK F-gas Regulations which requires leakage prevention, gas recovery and reporting on SF6; Table 3.7 of the OEMP was included at Deadline 2 [document reference REP2-</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			075] to secure the monitoring and management measures in the event that SF6 equipment is used.
GEN 2.7	Lincolnshire County Council North Kesteven District Council Boston Borough Council Any Interested Parties	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. Could LCC, NKDC, BBC and any other Interested Parties provide any comments they wish to raise.	
GEN 2.8	Applicant Lincolnshire County Council	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.	i) The Applicant advocates that the standard convention for Protective Provisions is to protect an asset <i>in situ</i> or a statutory undertaker's apparatus. In the Applicant's view, the commitment sits better within the wider package of measures and mitigation for the energy storage – i.e. within the Outline Energy Storage and Safety Management Plan (REP3-013) (oESSMP), which is a certified document and secured by Requirement 7 of the DCO. Notwithstanding this, the Applicant recognises that there is precedent at Part 13, Schedule 15 of the Longfield Solar Farm Order 2023 for placing these types of commitments as a protective provision on the face of the Order. In view of this, and in order to reach agreement with LCC, the Applicant is content

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<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> <p>i) Agreed reasons why Protective Provisions for Lincolnshire Fire and Rescue would be an inappropriate method of securing such fees.</p> <p>ii) Details of how the fees were calculated.</p> <p>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.</p>	<p>to include these measures as a protective provision. The Applicant has updated the DCO accordingly at Deadline 4 (document reference 3.1).</p> <p>ii) LCC kindly provided the Applicant with the following justification in November 2023:</p> <p><i>"LFR have estimated that to inspect the BESS and do necessary background checks and work this will involve 21 days of work in the first year. In subsequent years this will be 2 days a year... for the duration of the development. "</i></p> <p>LCC also explained that:</p> <p><i>"A minimum of one LFR middle manager will be assigned to work on any Battery Energy Storage System application. Due to the technical nature of the work, LFR have built in resilience to the process, and wherever possible will have 2 managers working on the applications and details.</i></p> <p><i>All work will be signed off by the department head which will then require dedicated time for the senior manager to engage, review and sign off the completed work.</i></p> <p><i>Due to the technical nature of the work, LFR may on occasions be required to commission work to support sign off of technical elements.</i></p> <p><i>Site visits will be required and LFR have therefore factored in fuel and vehicle costs.</i></p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p><i>LFR operational crews require updating, will complete site visits and time will be taken to ensure local level response is tailored and updated. "</i></p> <p>iii) As noted under (i) above, the Applicant has included these measures within Schedule 13 of the DCO at Deadline 4.</p>
GEN 2.9	Applicant	<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> <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>	<p>In order to prepare a response to this question the Applicant has reviewed the submitted Written Oral Case for ISH 4 (document reference REP3-039) to clarify the discussion that took place in the hearing. This review has determined that the Applicant made no offer to submit further information on the progression of the Cumulative Sites in the post-Examination period, nor does the Applicant consider it proportionate or necessary to do so. The Examination period for the Heckington Fen application must end by the 19 March 2024. Once the Heckington Fen Examination has closed, whilst the Applicant will still monitor the progress of the Beacon Fen application and (as necessary) engage with the Beacon Fen applicant, the responsibility to assess further detailed cumulative assessment between the Heckington Fen application and the Beacon Fen application falls on the applicants of Beacon Fen as their proposal progresses through the statutory consultation and the Examination process.</p> <p>The timetable for the cumulative assessment whilst within the Examination Period was discussed at ISH4 and was followed up, by the Applicant, with the RPAs after the closure of ISH4. The update of the position following these discussions with the RPAs was presented as a Post Hearing Submission by the Applicant within the Written Oral Case for ISH4 (document reference REP3-039). The post hearing submission clarified that it has been agreed with the</p>



ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p>RPA that any "new" sites (either TCPA or NSIP) have to be shared with the Applicant by Deadline 4 of the Heckington Fen DCO Examination, so that they can be assessed for a submission within the Interrelationship Report for Deadline 5. Sites already presented within the Interrelationship Report, which includes Beacon Fen, will be reviewed and updated for Deadline 5.</p> <p>Since ISH4 and Deadline 3 the Applicant has made further approaches to the applicants of Beacon Fen to try and determine when they will be holding their statutory consultation and publishing their PEIR. On the 11 January 2024, the applicants for Beacon Fen announced their statutory consultation will run from Monday 22 January to Sunday 3 March 2024. The applicants for Springwell have announced that their statutory consultation will commence on the 11 January 2024. Due to Deadline 4 being on the 16 January 2024, it is intended to consider the more detailed information on these two DCO schemes and submit the updated Interrelationship Report at Deadline 5 (13 February 2024). With the commencement of the statutory consultation on these two DCO applications it is expected that the Applicant will be able to review the extent of the Order Limits for both sites and determine if the potential haul road for Beacon Fen DCO has been added. The PEIR / statutory consultation for Beacon Fen would also offer clarity on the current proposed layout, which as discussed at ISH 4 is currently not within the public domain and has not been shared with the Applicant or the RPAs. It is expected that any PEIR for the Beacon Fen proposal will also clarify their current intended construction traffic route and access point(s) into their site. Assuming this information is published the Applicant will update both the Interrelationship Report (document reference: REP3-032) and ES Technical Note on Cumulative Projects (document reference: REP3-028) and consider the information presented in the PEIR/statutory consultation within these</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			cumulative assessment reports at Deadline 5. If there is a delay in the publication of the Beacon Fen PEIR the Applicant will review any new published information for Deadline 6. This programme has been discussed with the RPAs and agreed to be acceptable timeframes for them.
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>	<p>Outer Dowsing Offshore Wind (Generating Station) and Boston Tidal Barrier were removed in error when the sHRA was updated to align with the revised cumulative list. The sHRA has been amended to include these sites and is submitted at Deadline 4 (document reference 5.2, revision 4).</p> <p>Land At Ewerby Thorpe (14/1034/EIASCRC, North Kesteven District Council (NKDC)) – a Town and Country Planning Act (TCPA) project is for the erection of solar array with generating capacity of up to 28 MW. Only an EIA Screening Opinion Request was submitted to NKDC. The land for this application has now been absorbed into the DCO application for Beacon Fen Energy Park (number 12 on shortlist) and will therefore not progress as a standalone application.</p> <p>The findings of the sHRA have not altered as a result of the omission and re-inclusion of the above sites.</p>
GEN 2.11	Applicant Lincolnshire County Council North Kesteven District Council	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	<p>i) The Applicant confirms that, with regards to the tree resource – assessed solely as a landscape feature, separate from the landscape character issues the degree of change has been judged to be low beneficial, resulting in moderate beneficial, yet not significant effects at Year 1. For this reason, Table 6.10 excluded the tree resource. Table 6.10 summaries only those effects that were deemed significant at Year 1 (construction and operational phases), and then</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
	Boston Borough Council	<p>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>	<p>comments on the residual effects: non-significant and significant, as appropriate.</p> <p>ii) In response to the second part of the question – the scale of effects was determined based on the quantity alone, not a qualitative assessment, as only such an approach allows for an objective assessment upon the landscape features. This will be clarified at Deadline 5 with Chapter 6 of the environmental statement updated accordingly.</p> <p>The 'maturity' of the tree resource is not taken into account when assessing the value of tree vegetation or the degree of change to the tree vegetation as such an assessment would be onerous and unclear with the 'maturity' of the vegetation difficult to establish on an individual basis and with precision. The maturity of tree vegetation does contribute to the high susceptibility of tree resource. This is stated in Chapter 6 [PS-059], paragraph 6.5.15 <i>"Trees, as a landscape feature, are generally more difficult to replace and require a longer time to establish, thus are judged to be of high susceptibility"</i>.</p> <p>The ExA refers to the 'significance of a landscape feature' and the Applicant interprets this to be the function of the tree resource in landscape character terms. The maturity of the tree resource, for any which need to be removed and those proposed as mitigation planting is considered, in the round – if not necessarily explicitly stated, in the assessment of landscape character effects, Chapter 6 [PS-059], paragraphs 6.5.48 and 6.5.49, and paragraph 6.5.61. Further details on the proposed mitigation planting and their maturity are provided in paragraphs 6.6.6 – 6.6.8. In addition,</p>



ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p>the management and monitoring measures for the proposed mitigation planting are included in the OLEMP (document reference 7.8 Revision 5), with any tree planting that fails to thrive within the first 7 years “... replaced with the same species and variety at the size specified on the original landscape planting plans.” This provision is secured by Requirement 8 of the draft DCO. This ensures that any proposed tree planting reaches maturity, and sufficient height and form / canopy spread and, therefore, would have the ability to exert positive influence over the local landscape and act as a mitigation measure, both in landscape character and visual terms. The Applicant considers such approach to be applicable to the landscape character assessment only. The maturity of the tree vegetation influences the character of the local landscape and its perception, particularly in terms of residual effects. For example, areas of juvenile tree planting may indicate forces for change and / or change to the established landscape pattern, when associated with commercial forestry plantations or in response to climate change or change in agricultural practices and land use. Such juvenile tree planting, by its nature likely to be of low height, not well developed, and with small scale canopies, would not necessarily be visible or evident as a landscape feature that would have the ability to influence or change the character of the local landscape. In other words, regardless of its maturity, height and canopy cover, the quantum of such vegetation does not necessarily change. Its influence upon the character of the local landscape, however, would be evidently different and directly correlating to its maturity,</p>



Table 2: BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
BIO 2.1	<p>North Kesteven District Council</p> <p>Lincolnshire Wildlife Trust</p> <p>Applicant</p>	<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> <p>i) NKDC and LWT are invited to provide comment on the Technical Note.</p> <p>ii) The Applicant is to update the skylark mitigation strategy within the next version of the outline Landscape and Ecological Management Plan (LEMP).</p>	<p>ii) The Applicant has provided additional information regarding the skylark mitigation strategy at paragraphs 5.5.9 – 5.5.13 of the oLEMP (document reference 7.8). In summary the following mitigation mechanisms are proposed:</p> <ul style="list-style-type: none"> • The provision of enhanced foraging resource onsite via arable reversion; • A proportion of territories absorbed naturally off-site through displacement; • A proportion of on-site territory retention through habitat creation, and • A proportion of 'off-site' suitable habitat and skylark plot provision on land outside of the Order Limits but under option and within the Applicant's control (Figure 1.4 Field Plan document reference APP-077) including the creation of 124 skylark plots (at a density of 2 plots per ha).
BIO 2.2	<p>Applicant</p> <p>North Kesteven District Council</p> <p>Boston Borough Council</p>	<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</p>	<p>i) Updates to Appendix 8.12 and 8.13 addressing points raised by NKDC and their advisors is submitted at Deadline 4. The Applicant has confirmed use of The Statutory Biodiversity Metric (published by Department for Environment Food and Rural Affairs on 29 November 2023) at paragraphs 5.5.17 and table at 6.2 of the oLEMP (document reference 7.8).</p> <p>ii) The Applicant welcomes the confirmation from NKDC and LCC at Deadline 3 (REP3-040 and REP3-052) that they are</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
	Lincolnshire County Council	<p>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> <p>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].</p> <p>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>	<p>content for the DCO to stipulate an exact metric. Given that the most recent guidance was published on 29 November 2023, the Applicant has updated the DCO at Deadline 4 (document reference 3.1, revision 6) to refer to the Statutory Biodiversity Metric published by DEFRA on 29 November 2023. The Applicant also acknowledges the approach under the Longfield Correction Order. The Applicant has therefore updated the DCO at Requirement 8 in a similar manner. Requirement 8(2)(c) of the DCO now reads as follows:</p> <p><i>"... (c) how a minimum of 65% biodiversity net gain in habitat units, calculated using The Statutory Biodiversity Metric published by Department for Environment Food and Rural Affairs on 29 November 2023 (or such other biodiversity metric approved by the relevant planning authority in consultation with the relevant statutory nature conservation body), will be secured during the operation of the whole of the authorised development; and... "</i></p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<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). 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</p>	<p>The Applicant has engaged with Natural England (NE) via their Discretionary Advice Service (DAS) with the aim of securing a 'Letter of no impediment' in relation to badger mitigation. Natural England have assigned a Wildlife Adviser to the project and the Applicant submitted the first draft of the application before Christmas. Some further clarification points were sought by NE on 8 January 2024; the Applicant responded to these points on 8 January 2024 and confirmed further information would be provided by 19 January 2024 following a site inspection.</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		further comments that they wish to make on this matter.	
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> <p>i) BBC are asked to confirm if they are satisfied with the additional measures as set out in the outline LEMP.</p> <p>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.</p>	<p>The Applicant welcomes the confirmation from BBC in REP3-049 that they are happy with the commitment in the OLEMP to offset tree loss at Bicker Fen substation. It is therefore common ground that the commitment within the OLEMP together with the onsite additional tree planting fully compensates and/or enhances trees within the BBC area.</p> <p>The parties have discussed whether a section 106 agreement is required. There is a cascade system to the measures outlined within the OLEMP, for example – the Applicant must first seek to engage with landowners on the grid route to offer hedgerow planting (or other improvements to promote connectivity) up to a value of £10,000 (which would be secured via contract and/or through the land agreements). It may, therefore, be that this first approach consumes the full package of measures meaning that no alternative scheme or contribution needs to be provided to BBC. Notwithstanding this, and given that the Applicant has agreed to progress a section 106 agreement with the RPAs for the purpose of the skills contribution, the Applicant is content to also include the potential for the tree/planting connectivity contribution of £10,000 within the section 106 agreement. The Applicant proposes to keep the commitment within the OLEMP to ensure that the principle of the mitigation is secured, with the section 106 agreement as the subsequent legal/contractual vehicle for the delivery of the payment (if relevant).</p> <p>The Applicant expects to conclude heads of terms for the section 106 agreement (based on the principle from the OLEMP) with the</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p>RPA's prior to the close of the Examination but the full section 106 agreement is likely to be completed after the close of Examination. Notwithstanding this, the Applicant considers that appropriate weight can be applied to the mitigation measures given that the principle is included in the control plan, which is secured by DCO Requirement and BBC is the relevant approval body.</p>
BIO 2.5	<p>North Kesteven District Council</p> <p>Forestry Commission</p>	<p>The updated outline LEMP [REP3-O21] 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> <p>NKDC and the Forestry Commission are asked to comment on this additional provision within the LEMP.</p>	
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-O42], and that R21 should be bound by the same replanting period [ISH4 AP6, REP3-O40].</p> <p>The Applicant is asked to further consider an increase to the replacement planting clause given that mitigation tree</p>	<p>The Applicant has updated Requirement 8(3) within the DCO at Deadline 4 (document reference 3.1) to refer to a seven-year replacement period.</p> <p>The Applicant has amended paragraph 4.4 of the oLEMP, (document reference 7.8) to confirm extension of replacement planting period from 5 to 7 years.</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		planting is anticipated to mature beyond the five year period.	
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> <p>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.</p> <p>ii) Explain what monitoring is in place to ensure the success of mitigation planting in the light of changing climatic conditions.</p>	<p>i) Where possible species selected for planting have been assessed against climate resilience/environmental tolerance criteria set out in 'TDAG (2019) Tree Species Selection for Green Infrastructure', where this has not been possible, e.g. the selection of species for the community orchard, local varieties of Lincolnshire provenance matched closely to local climatic conditions have been selected. This additional information has been added at paragraph 2.10 of the oLEMP, (document reference 7.8).</p> <p>Other measures to address the potential failures of both tree and hedge mitigation planting include the requirement to manage and monitor all habitats on site for the lifetime of the proposed development with the aim of ensuring the delivery of the schemes projected BNG unit values (as set out in the BNG Report – document reference ExA.6.3.8.13-D4.V2). Monitoring, secured through the OLEMP, will take place in years 1, 3, 5 and then every five years during the operational phase of the development. If, during these monitoring sessions, tree and hedgerow planting is seen to be failing the adaptive monitoring strategy (as set out in the OLEMP, particularly at paragraph 5.1.2, 5.5.17 and 6.2) it will trigger remedial actions to ensure the target BNG unit values continue to be met across the lifetime of the proposed development.</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			ii) It is proposed within the OLEMP that management and monitoring of the site will be undertaken within an 'adaptive management framework' with management prescriptions reviewed in years 1, 2, 5, 10 and then every 5 years. Using an adaptive management approach will also identify any unexpected external influences which may impact planting such as new plant diseases, invasive species or increased flood risk that become relevant to site management because of broader climatic changes over time. This additional information has been added/amended at paragraphs 5.1.2, 5.1.4, 5.2.2-5.2.8, and 6.1.2-6.1.7 of the oLEMP, (document reference 7.8)
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</p>	

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		paragraphs 7.33 to 7.37 of the outline CEMP.	
BIO 2.9	Applicant	<p>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.</p> <p>Could the Applicant:</p> <p>i) Indicate where the amended height is shown in the submitted plans/documents.</p> <p>ii) Further explain the reasons for this change.</p> <p>iii) Indicate any implications for the ES.</p>	<p>i) The amended minimum height of transplanted trees from 2.5m to 1.5m is indicated within the planting schedule tables on drawing P20-2370_76P Landscape Strategy Plan, sheet 2 (document reference: 6.2.6 / REP3-012). This location is further clarified within Appendix 3 of this document by means of a red revision cloud.</p> <p>ii) The Applicant confirms that a number of plant nurseries have been contacted, which confirmed that trees at such height (of 2.5m) are difficult to procure and it is not certain that they will be available. The Applicant was advised that trees at 1.5m height are more readily available, hence the proposed change.</p> <p>iii) The Applicant has considered the implication of having lower tree stock planted at Year 1 and wishes to confirm that the assessment of residual effects presented in Chapter 6 (document reference 6.1.6/ PS-059) remains valid. Based on the estimated growth rate 0.5m / year for hedgerow vegetation – paragraph 6.3.63 of Chapter 6 (document reference 6.1.6/ PS-059), it is considered that similar growth rate would be applicable to the proposed tree vegetation. On that basis, it is anticipated that at Year 5 the maturing tree canopies would be approximately 4m high. The residual effects rely on the fact that the maturing canopies have grown</p>

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			and became sufficiently dense to provide a sense of physical and visual enclosure.
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 'a minimum' to 'an approximate' height of 5m.</p>	<p>The Applicant wishes to confirm that this change corrects the previously provided information, which was not precise and did not fully reflect the strategy illustrated on Figure 6.2: Landscape Strategy Plan (document reference REP3-012). To confirm, Figure 6.2: Landscape Strategy Plan (document reference REP3-012) refers to hedgerows 'to grow up to and be maintained' at 3m and 3.5m height, and approximately 5m high, managed at maturity. The OLEMP therefore reflects this.</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>	<p>The Applicant can confirm that the OLEMP monitoring strategy has been updated (at paragraph 6.2.2, document reference 7.8) to include the provision of species data to local environmental records centre (in this case, Lincolnshire Environmental Records Centre) at each monitoring interval. An update to the OLEMP is submitted at Deadline 4.</p>

Table 3: COMPULSORY ACQUISITION AND TEMPORARY POSSESSION

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
CA 2.1	Affected Persons	<p>Can Affected Persons confirm if they have any further comments to raise regarding:</p> <p>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.</p> <p>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.</p>	
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</p>	<p>i) Plots 99I, 275A, 275B and 299 were shown shaded grey on the Land Plans (document reference 2.1) to signify no rights sought. It has further been agreed that plots 275A, 275B and 299 will be removed entirely from the Order Limits as shown on the updated Land Plans submitted at Deadline 4. The relevant rows in the Book of Reference will also be updated to make it clear that these numbers are no longer required.</p> <p>Plot 99I however needs to remain on the Land Plans and in the Book of Reference shaded grey, as while no</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>plot on the grid connection route is also no longer necessary (plot 345).</p> <p>Could the Applicant:</p> <p>i) Explain why plot 991 is being retained when the other listed plots are to be removed.</p> <p>ii) Confirm there would be no environmental effects resulting from the removal of plots 275A, 275B, 299 and 345.</p> <p>iii) Confirm that the relevant Affected Persons have been notified.</p>	<p>powers of compulsory acquisition are sought over this land parcel, the land is still required within the Order Limits to allow works to be conducted on this land associated with Work No. 6C.</p> <p>Plot 345 has also been removed from the Deadline 4 Land Plans and identified as '<i>Number No Longer Used</i>' in the Book of Reference.</p> <p>ii) The Applicant has considered the environmental effects resulting from the removal of plots 275A, 275B, 299 and 345. The Applicant confirms that the removal of these plots would not create any "new" environmental effects that had not already been assessed within the EIA or stated within the wider application bundle. The removal of these plots will also not increase the potential environmental effect elsewhere within the Order Limits or the wider local traffic network. Therefore, the environmental effects presented in the submitted EIA and stated within Chapter 19: Summary (document reference REP2-030) remain accurate with the removal of these plots. Due to this conclusion, none of the plans within the EIA have been updated with the appended Order Limits boundary as all are assessing a worst-case scenario.</p> <p>iii) The Applicant can confirm that all interested parties included in the Book of Reference for the above plots have been written to on 9 January 2024 to confirm the plot has been removed from the Land Plans and marked</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			as no longer required in the updated Book of Reference submitted at Deadline 4.
CA 2.3	Lincolnshire County Council	<p>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.</p> <p>Could LCC:</p> <p>i) Provide reasoning for lack of engagement with the Examination in relation to CA and TP matters.</p> <p>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.</p> <p>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?</p>	
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	

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>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].</p> <p>Could the Environment Agency provide an update at D4 with an indication that agreement can be provided by D5.</p>	
CA 2.5	Applicant	<p>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.</p> <p>Could the Applicant:</p> <p>i) Provide assurances that negotiations will continue and aim to complete by D6.</p> <p>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</p>	<p>i) The Applicant can confirm that negotiations will continue with all interested parties where land or rights in land are required, in order to secure those rights by private agreement. The Applicant has also instructed the additional services of a further land agency team to assist with negotiations and provide further resource to seek to conclude agreements where possible by close of Examination.</p> <p>ii) The Applicant notes the request for a further update on the progress of negotiations by Deadline 6, in particular providing an explanation where agreements are unlikely to be concluded.</p> <p>iii) The request for an update at Deadline 6 has been noted.</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>should deal with any outstanding CA and TP matters.</p> <p>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.</p>	
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>	<p>The Applicant will continue to seek to identify the owners of the parcels currently containing an Unknown entry in the Book of Reference. A further update will be provided at Deadline 6 on the continued efforts to establish ownership.</p> <p>Since Deadline 3, the Applicant has continued to engage with identified interested parties who have an interest in parcels of land adjacent to those Unknown parcels in an attempt to clarify ownership. On 3 January 2024 a member of the Applicant's land team undertook a site visit to Royalty Farm in an attempt to speak with the owner to determine their interest in the property; unfortunately no owner was present. The Applicant's land referencing team have also undertaken a further site visit on 15 January 2024 to try to determine any parties with an interest in the two unknown plots. Site notices were also erected as close to these plots of land as possible, to provide a further opportunity for unknown interests to make contact with the land team.</p> <p>Efforts to identify unknown interests in land will continue until such time that any exercise of CA powers is required to secure the</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p>required rights. There remain two parcels of land (313 and 317) which have unknown Freehold owners and these are small sections of access track, over which rights of permanent access only are sought. These plots of land fall between registered titles and land identified as adopted highway on the County Council maps. Other plots where Unknown is noted in the Book of Reference are third party Category 2 interests from historic conveyances.</p>
CA 2.7	<p>Crown Estate Commissioners</p> <p>Applicant</p>	<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-O10] refers to a '<i>substantial shift in commercial position</i>' by the Crown.</p> <p>Could the Applicant and the Crown Estate Commissioners:</p> <p>i) Explain the position and provide an update regarding a conclusion of ongoing</p>	<p>The Applicant has been engaged with The Crown Estate's agents for over a year, with a view to agreeing a private treaty agreement and securing S.135 consent from The Crown.</p> <p>The Applicant is conscious that matters relating to the amount of compensation are not issues that are dealt with within the Examination. As such, the Applicant has sought to respond to the question at a high level, whilst also intending to provide the information sought by the ExA.</p> <p>i) The Applicant set out, from the outset, to ensure that The Crown Estate was compensated in excess of the rights benefitting The Crown Estate. The Crown Estate's agent's starting position, in respect of negotiations, has been to adopt a position whereby it believes it holds, and is prepared to use for commercial advantage, a ransom position over the Project. This was set out in correspondence from The Crown Estate's agent to the Applicant's agent on 10 January 2023:</p> <p><i>'As far as I can tell matters cannot progress without our cooperation and there is no legal mechanism that I am aware of to compel my</i></p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>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> <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>	<p><i>client's cooperation. Without trying to sound glib, that seems like the very definition of ransom from my perspective.'</i></p> <p>This correspondence was issued following the offer made by the Applicant on 5 January 2023, which reflected a figure considerably in excess of the value of the rights affected by the Project. Although the Applicant disagrees with the position that The Crown Estate should be using its <i>de minimus</i> interest in land (and withholding S.135 consent) to negotiate a disproportionate commercial figure for the land rights required for the Project, the Applicant revised its offer on 1 March 2023 (to over forty times the original offer), and agreed to a legal structure requested by The Crown Estate. This revised position was agreed between the parties, and Heads of Terms were prepared and issued by the Applicant's solicitors to reflect the terms agreed. These terms remained unresponded to, until a revised proposal was submitted to the Applicant on 14 November 2023 by The Crown Estate's agents. The proposal put forward is completely disproportionate to the rights sought by the Project, and commercially are without any merit in the absence of The Crown Estate's immunity from compulsory acquisition powers and an adoption of a ransom position.</p> <p>Initiated by the Applicant's agents, the agents for The Crown Estate and the Applicant met on 11 January 2024, to further discuss a way forward. The Crown Estate' agent confirmed The Crown Estate was reneging on the previously agreed position and had instructions only to agree the figures put forward in the correspondence of 14 November 2023. As such, the meeting was brief and unsatisfactory. The Applicant's agent followed up the meeting with the agreed actions, including the request for an all-parties' meeting. This</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			<p>correspondence remains unresponded to at the time of this submission.</p> <p>By way of a timetable, the Applicant will continue to pursue a meeting with The Crown Estate and its agents and is willing to consider dispute resolution measures to close the extensive gap between the parties. However, the Applicant is not encouraged by the late change in approach by The Crown Estate, and the lack of appetite to engage meaningfully or reasonably to reach a resolution.</p> <p>ii) The Applicant does not consider that it can advise on the actions to be taken by the ExA if consent is not received by close of Examination; it will be a matter of great frustration to the Applicant if matters are not resolved. In the absence of an agreement, The Crown Estate is excluded from the compulsory acquisition powers sought in the dDCO, and they would have means of securing compensation via statutory means if there was any interference with their property rights for the purpose of constructing and operating the Project. As such, The Crown Estate is not prejudiced by the Project proposals. As set out above, the Applicant will continue to engage with a view to reaching an agreement, even beyond the close of Examination. It would not be unique to this project if negotiations with The Crown Estate extended beyond the close of Examination, and it is hoped that The Crown Estate, motivated by its objective set out on its website of <i>'Being a leader in supporting the UK towards a net zero carbon and energy-secure future,'</i> will defer back to the previously agreed position and allow terms to be finalised.</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
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>	<p>The Applicant's agent met with the agent for the Duchy of Lancaster on 16 January 2024. Positive progress was made with the terms for a private treaty agreement, and it is expected that terms will be finalised in advance of D6 to enable legal drafting of documents.</p>

Table 4: DEVELOPMENT CONSENT ORDER

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
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 'the parties are finalising negotiations over the terms of a commercial agreement which is anticipated to be concluded well within the examination timescales'.</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>	

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	<p>BT Group plc Vodafone Limited</p>	<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	<p>Lincolnshire County Council North Kesteven District Council Boston Borough Council</p>	<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>	
DCO 2.7	Applicant	ISH3 agenda item 6 referred to Schedule 14 (5) of the draft DCO [REP3-004]	<p>i) The Applicant has updated Schedule 14 of the DCO at Deadline 4 (document reference 3.1) to cite the 2023</p>

	<p>Lincolnshire County Council</p> <p>North Kesteven District Council</p> <p>Boston Borough Council</p>	<p>(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.</p> <p>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>	<p>Regulations. In line with statutory drafting conventions, given that the 2023 Regulations amend the original 2012 Fee Regulations (which remain in force), the 2012 Fee Regulations continue to be the appropriate legislation to reference within the body of Schedule 14 at paragraph 5(1), but the footnote makes clear that the 2012 Regulations have been updated by the 2023 Regulations.</p> <p>ii) The Applicant considers that there is merit in the fees being paid per Requirement rather than per application; this provides a more equitable position for the discharging authorities otherwise all submissions for discharge could be submitted under one application with, in theory, only one fee payable. The Applicant has updated paragraph 5(1) of Schedule 14 of the DCO at Deadline 4 to read as follows:</p> <p><i>"... 5.-(1) Where an application is made to the relevant planning authority for written consent, agreement or approval in respect of a requirement, the fee prescribed under regulation 16(1)(b) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(a) (as may be amended or replaced from time to time) is to apply for the discharge of each requirement (whether dealt with in separate applications or combined within a single application) and must be paid to the relevant planning authority for each application..."</i></p> <p>The Applicant also notes that this wording reflects recent draft DCOs such as the Gate Burton final draft DCO (submitted at Deadline 6), the Cottam Solar</p>
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			<p>Project DCO (submitted at Deadline 3), and the West Burton Solar Project DCO (submitted at Deadline 2).</p> <p>iii) Whilst the wording of paragraph 5 of Schedule 14 already allows for future amendments of the 2012 Regulations to be incorporated (by virtue of the wording "<i>as may be amended or replaced from time to time</i>"), and footnotes the recent 2023 Fee Regulation amendments, for the avoidance of doubt, the Applicant has included an additional sub-paragraph (3) at Schedule 14 paragraph 5 of the DCO to make expressly clear that indexation will apply in line with Regulation 18A, as follows:</p> <p><i>"... (3) Any fee paid under this Schedule is subject to regulation 18A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012(b) (as may be amended or replaced from time to time)..."</i></p>
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Table 5: HISTORIC ENVIRONMENT

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
HE 2.1	<p>North Kesteven District Council</p> <p>Historic England</p> <p>Applicant</p>	<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 intervisibility and significance, and offers to provide further information in the form of visualisations.</p> <p>Could NKDC and Historic England:</p> <p>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</p>	<p>A Screened Zone of Theoretical Visibility (sZTV) and Viewpoint Location Plan- Kyme Tower have been prepared from the base of Kyme Tower, i.e. at ground level, to illustrate the lack of visibility of the Energy Park in what the Applicant considers to be the key close-ranging views of Kyme Tower (i.e. where/how the asset is best appreciated). The sZTV is presented at Appendix 1 of this document. Two photomontages have also been prepared (Viewpoint (VP) A and VPB): the first capturing a close-ranging view and the second a longer-ranging view of the asset. The photomontages are presented at Appendix 2 of this document.</p> <p>The sZTV is LiDAR based (Light Detection and Ranging), combining the Digital Terrain Model (DTM) and Digital Surface Model (DSM) to derive screening features. This method of sZTV takes into account the varied heights of screening features as derived from historic LiDAR surveys, and is therefore representative of the time of survey for that area. Any changes in vegetation cover or building addition/removal will not be taken into account after this date. Vegetation is considered to be a continuous block from canopy to ground, creating solid screening features, it does not consider tree trunks. In reality, vegetation may have gaps, particularly vegetation that experiences leaf drop. Filtered views are not considered, therefore site photography has been used to verify sZTV outputs which illustrate a theoretical extent of visibility. The sZTV has also raised the ground level within the Energy Park by 3m or 3.5m (according to the Proposed Development layout) to model the scenario of the scheme being built out.</p> <p>The sZTV illustrates the land visible (yellow shading) to a 1.7m tall observer standing at ground level on the public road and within the</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>understand the potential impact of the proposal on its significance.</p> <p>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.</p> <p>iii) Provide any further comments they may have in relation to the Applicant's summary of ISH4 Agenda item 4 a) [REP3-O39] in relation to Kyme Tower.</p> <p>Could the Applicant:</p> <p>i) Provide visualisations towards/from Kyme Tower to assist the ExA in their assessment of its setting.</p>	<p>grassed area of Kyme Tower (black hatching). It indicates that the Tower itself is visible (as expected) and also the adjoining land to the north and east. It further indicates that vegetation screens the outlying land to the east and south-east and creates heavily filtered views out to the west and south-west. This suggests that there will be very limited to no visibility of the Energy Park from ground level within the curtilage of Kyme Tower.</p> <p>This is further supported by the VPB photomontage, which captures a key view of Kyme Tower from the public road skirting the northern edge of the grassed area. It further illustrates that there would only be the very smallest glimpse of the Energy Park from this location on account of intervening built form and vegetation. Such limited visibility of the Proposed Development will not compromise the ability to, or otherwise adversely affect the, experience of Kyme Tower from within its curtilage.</p> <p>VPA is located within a layby on the A17 that affords a long-ranging view of Kyme Tower with peripheral co-visibility of the Energy Park. The photomontage is realigned from RVAA Viewpoint 5 (Figure 7.3-Photomontages Part 2, 6.2.7/APP-150). It demonstrates that components of the Energy Park would be obliquely co-visible with Kyme Tower from this location. However, the visible infrastructure would comprise only a small portion of the panorama and be seen in the context of the modern housing on Sidebar Lane. Such limited visibility of the Proposed Development will not compromise the ability to, or otherwise adversely affect the experience of Kyme Tower from the A17.</p> <p>It was not possible to produce a photomontage to assess outward views from the top of the Tower. There are health and safety issues in accessing the parapet via the external stair turret (the main</p>

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
			staircase and floors of the tower have been removed). Also, the Tower is not open to the public, although it is noted that Historic England's <i>GPA3</i> states that contribution of setting to heritage significance does not depend on there being public rights or ability to access the asset.
HE 2.2	Lincolnshire County Council North Kesteven District Council	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. Could NKDC and LCC confirm if they are satisfied with this approach.	
HE 2.3	Lincolnshire County Council North Kesteven District Council Boston Borough Council	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. Could LCC, NKDC and BBC confirm their agreement to the proposed additional wording.	

Table 6: LAND USE AND SOILS

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
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	<p>Lincolnshire County Council</p> <p>North Kesteven District Council</p> <p>Boston Borough Council</p>	<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	R19(2) of the draft DCO [REP3-004] relating to the Operational Environmental Management Plan has	The Applicant confirms the dashed blue line denotes the indicative location of permanent security fencing around the solar panels. The Applicant also recognises that temporary stock fencing, akin to

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		<p>been amended to refer to ‘... details of how sheep grazing will be managed and maintained within the fenced areas of the solar park at Work No.1’.</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>	<p>electric fencing, may be required to segregate areas within the fences, or in the watercourse offsets or biodiversity net gain areas as part of the normal agricultural practices of livestock management during the operational phase. The installation and removal of this fencing will be under the control of the grazier.</p> <p>Requirement 10 of the DCO provides that any fencing (whether permanent or temporary) must be approved by the relevant planning authority.</p>
LUS 2.4	<p>Lincolnshire County Council</p> <p>North Kesteven District Council</p> <p>Boston Borough Council</p>	<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>	

Table 7: SOCIO-ECONOMICS

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
SE 2.1	<p>Applicant</p> <p>Boston Borough Council</p> <p>North Kesteven District Council</p>	<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> <p>i) How the proposed funding of £50,000 was calculated.</p> <p>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</p>	<p>i) The £50,000 was informed by other NSIPs, and could subsidise 50 placements.</p> <p>ii) The Applicant has discussed with BBC, LCC, and NKDC whether a section 106 agreement is required. The parties agree that the principle of the mitigation is secured within the outline plan [REP3-015], including the principle of a fund to facilitate training and apprenticeships to a value of £50,000 per annum (index linked) for the lifetime of the scheme. This is particularly so given that the final scheme submitted under Requirement 16 must be in accordance with the outline plan and the RPAs have approval powers under this Requirement.</p> <p>Notwithstanding this, in order to front-load the work, the Applicant has agreed to progress the drafting of the section 106 agreement as the legal/contractual vehicle for the delivery of the contribution.</p> <p>The Applicant expects to conclude heads of terms (based on the principles within the outline SCES plan) for the section 106 agreement with the RPAs prior to the close of the Examination. The full section 106 agreement is likely to be completed after the close of Examination. Notwithstanding this, the Applicant considers that appropriate weight can be applied to the mitigation measures given that the principle is included in the control plan, which is secured by DCO Requirement.</p>



ExA Question Number:	Question Addressed to:	Question	Applicant's Response
		if so, could its agreement be achieved within the Examination period.	



Table 8: TRAFFIC, TRANSPORT AND PUBLIC RIGHTS OF WAY

ExA Question Number:	Question Addressed to:	Question	Applicant's Response
TT2.1	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>	



Appendix 1- Screened Zone of Theoretical Visibility and Viewpoint Location Plan- Kyme Tower



KEY

- Order Limits
- Screening Features Extracted from Lidar
- Observer Area
- Screened Zone of Theoretical Visibility
- Kyme Tower
- Viewpoint Location

LiDAR Screened ZTV Production Information -
 - EA LiDAR Data (Environment Agency Open Data Release) has been utilised; combining the Digital Terrain Model (DTM) and Digital Surface Model (DSM) to derive screening features.

This method of ZTV takes into account the varied heights of screening features as derived from historic LiDAR surveys, and is therefore representative of the time of survey for that area. Any changes in vegetation cover or building addition/removal will not be taken into account after this date.

- Viewer height set at 1.7m (in accordance with para 6.11 of GLVIA Third edition) and has been modelled within the grounds of Kyme Tower only as shown by the Observer Area
- The Energy Park is modelled as presented in the layout plans and treated as a 'built feature' within the landscape
- Calculations include earth curvature and light refraction

N.B. This Zone of Theoretical Visibility (ZTV) image illustrates the theoretical extent of where the development may be visible from, assuming 100% atmospheric visibility.

Date of LiDAR survey data: 2022

Screened Zone of Theoretical Visibility and Viewpoint Locations - Kyme Tower

DATE	SCALE	SHEET	REVISION
11/01/2024	1:30,000@A3	-	A

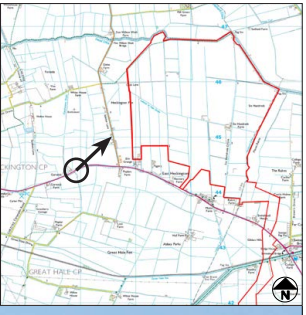
DRAWING NUMBER P20-2370_118

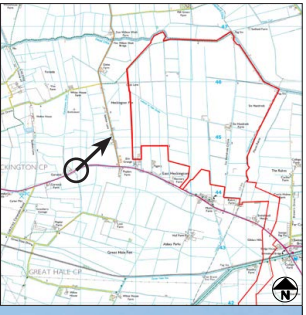
↑ 0 1 km





Appendix 2 – Heritage Photomontages





Kyme Tower

Site Extents



Camera make & model - Canon 6D MKII
 Lens make & focal length - Canon EF 50mm, f/1.4 USM
 Date & time of photograph - 15/12/2022 @ 15:40
 OS grid reference - 517931, 344422

Viewpoint height (AOD) - 3m
 Distance from site - 1.03km
 Projection - Cylindrical
 Sheet Size - A1

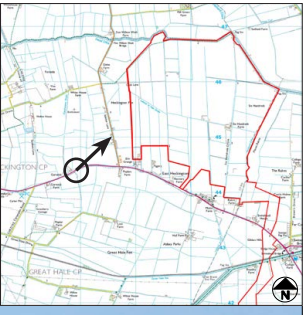
Visualisation Type - Type 3
 Horizontal Field of View - 90°
 Height of camera AGL - 1.5m
 Page size / Image size (mm) - 841 x 297 / 820 x 260

Key
 - - - - Substation and Energy Storage - Maximum Height and Footprint Parameters

VIEWPOINT A - PHOTOMONTAGE (YEAR 1)

View from Boston Road looking north east
 DCO Reference Number: 6.2.6





Kyme Tower

Site Extents



Camera make & model - Canon 6D MKII
 Lens make & focal length - Canon EF 50mm, f/1.4 USM
 Date & time of photograph - 15/12/2022 @ 15:40
 OS grid reference - 517931, 344422

Viewpoint height (AOD) - 3m
 Distance from site - 1.03km
 Projection - Cylindrical
 Sheet Size - A1

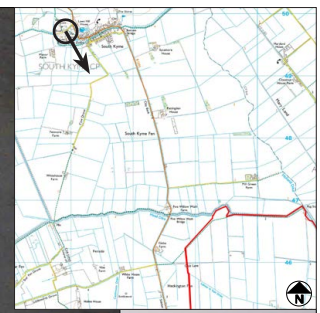
Visualisation Type - Type 3
 Horizontal Field of View - 90°
 Height of camera AGL - 1.5m
 Page size / Image size (mm) - 841 x 297 / 820 x 260

Key
 - - - - Substation and Energy Storage - Maximum Height and Footprint Parameters

VIEWPOINT A - PHOTOMONTAGE (YEAR 5)

View from Boston Road looking north east
 DCO Reference Number: 6.2.6

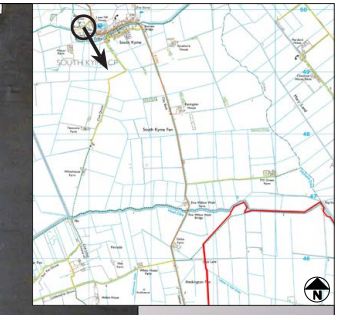






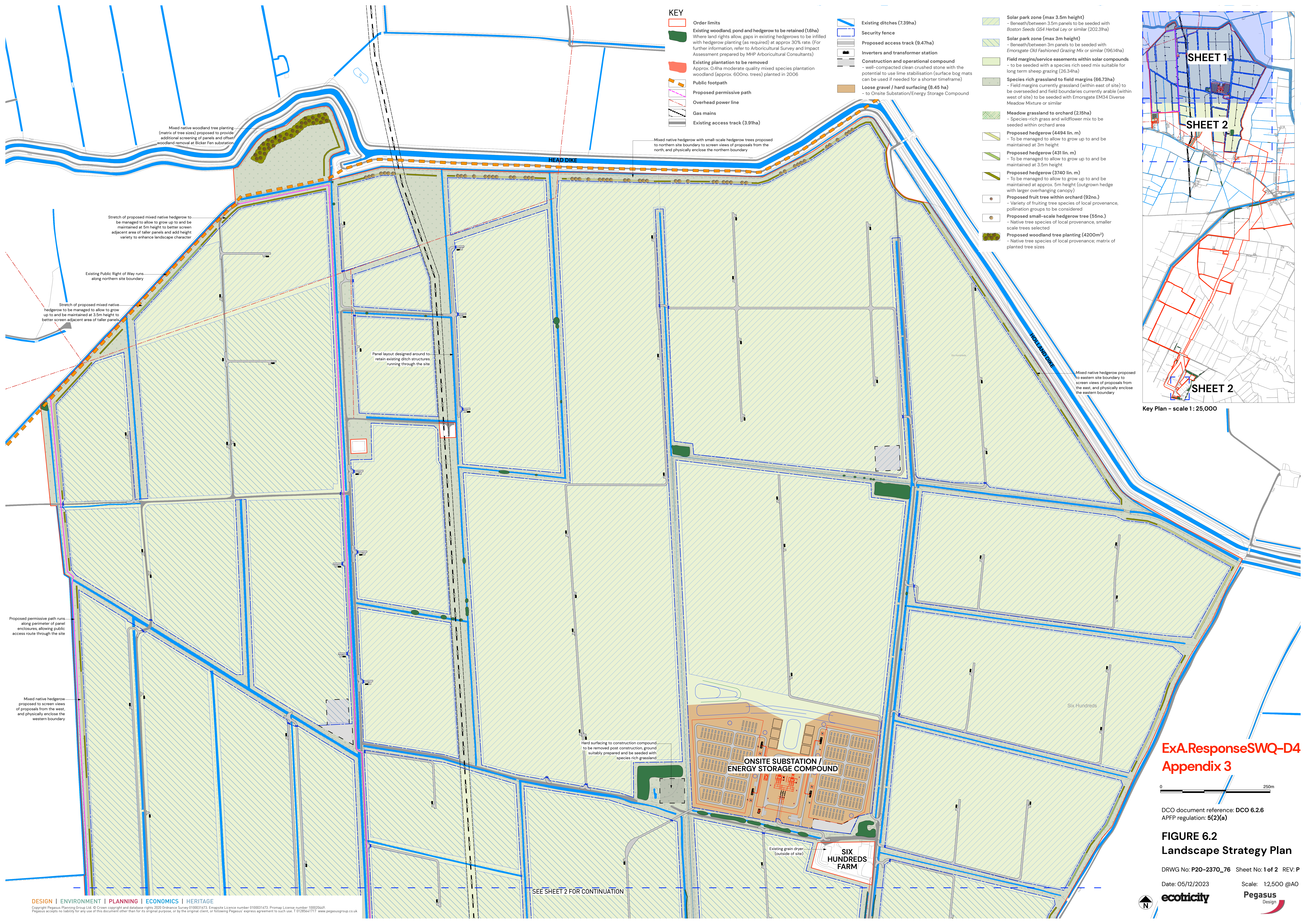
Site Extents

Site partially visible through gap in existing vegetation





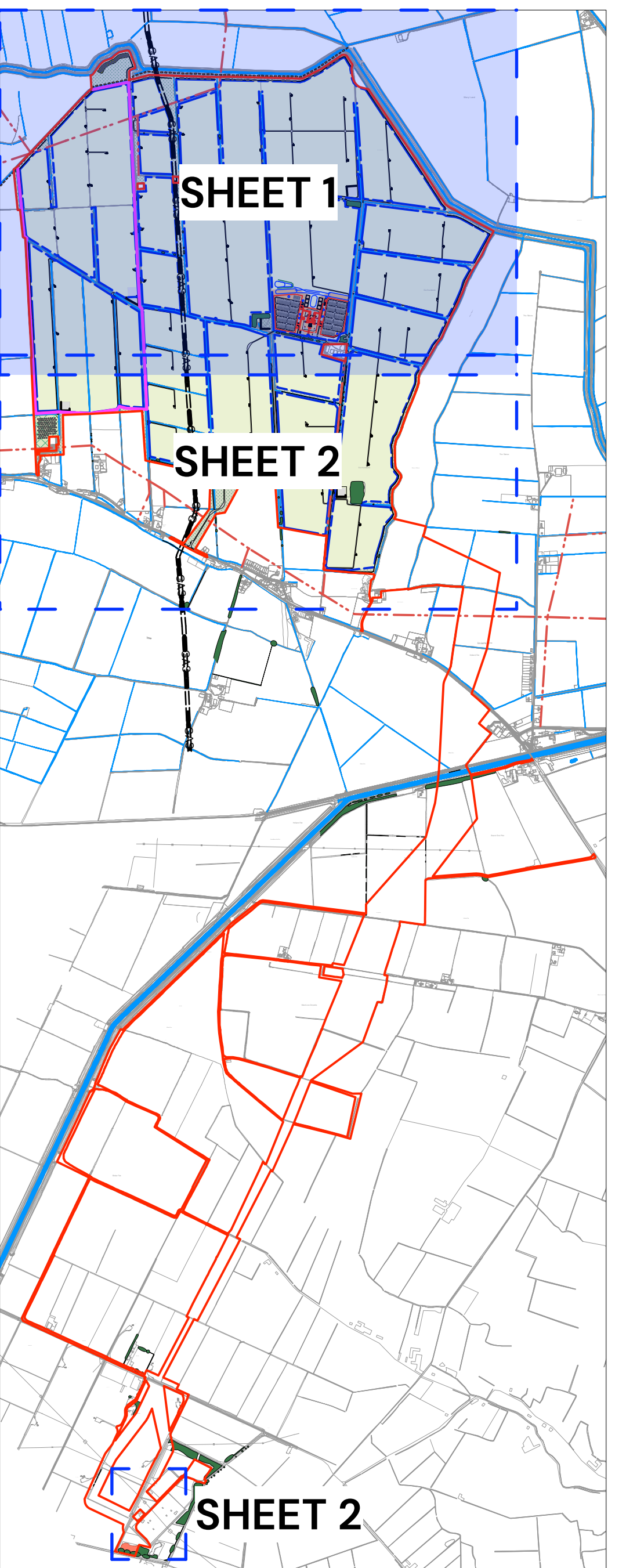
Appendix 3 – BIO 2.9 (i)



KEY

- Order limits
- Existing woodland, pond and hedgerow to be retained (1.6ha)
Where land rights allow, gaps in existing hedgerows to be filled with hedgerow planting (as required) at approx 30% rate. (For further information, refer to Arboricultural Survey and Impact Assessment prepared by MHP Arboricultural Consultants)
- Existing plantation to be removed
Approx. 0.4ha moderate quality mixed species plantation woodland (approx. 600no. trees) planted in 2006
- Public footpath
- Proposed permissive path
- Overhead power line
- Gas mains
- Existing access track (3.9ha)
- Existing ditches (7.39ha)
- Security fence
- Proposed access track (9.47ha)
- Inverters and transformer station
- Construction and operational compound
- well-compacted clean crushed stone with the potential to use lime stabilisation (surface bog mats can be used if needed for a shorter timeframe)
- Loose gravel / hard surfacing (6.45 ha)
- to Onsite Substation/Energy Storage Compound

- Solar park zone (max 3.5m height)
- Beneath/between 3.5m panels to be seeded with Boston Seeds GS4 Herbal Ley or similar (202.3ha)
- Solar park zone (max 3m height)
- Beneath/between 3m panels to be seeded with Emorgate Old Fashioned Grazing Mix or similar (196.14ha)
- Field margins/service easements within solar compounds
- to be seeded with a species rich seed mix suitable for long term sheep grazing (26.34ha)
- Species rich grassland to field margins (66.73ha)
- Field margins currently grassland (within east of site) to be overseeded and field boundaries currently arable (within west of site) to be seeded with Emorgate EM34 Diverse Meadow Mixture or similar
- Meadow grassland to orchard (2.15ha)
- Species-rich grass and wildflower mix to be seeded within orchard area
- Proposed hedgerow (4494 lin. m)
- To be managed to allow to grow up to and be maintained at 3m height
- Proposed hedgerow (431 lin. m)
- To be managed to allow to grow up to and be maintained at 3.5m height
- Proposed hedgerow (3740 lin. m)
- To be managed to allow to grow up to and be maintained at approx. 5m height (outgrown hedge with larger overhanging canopy)
- Proposed fruit tree within orchard (92no.)
- Variety of fruiting tree species of local provenance, pollination groups to be considered
- Proposed small-scale hedgerow tree (55no.)
- Native tree species of local provenance, smaller scale trees selected
- Proposed woodland tree planting (4200m²)
- Native tree species of local provenance; matrix of planted tree sizes



Key Plan - scale 1: 25,000

Mixed native woodland tree planting (matrix of tree sizes) proposed to provide additional screening of panels and offset woodland removal at Bicker Fen substation

Mixed native hedgerow with small-scale hedgerow trees proposed to northern site boundary to screen views of proposals from the north, and physically enclose the northern boundary

Stretch of proposed mixed native hedgerow to be managed to allow to grow up to and be maintained at 5m height to better screen adjacent area of taller panels and add height variety to enhance landscape character

Existing Public Right of Way runs along northern site boundary

Stretch of proposed mixed native hedgerow to be managed to allow to grow up to and be maintained at 3.5m height to better screen adjacent area of taller panels

Panel layout designed around to retain existing ditch structures running through the site

Mixed native hedgerow proposed to eastern site boundary to screen views of proposals from the east, and physically enclose the eastern boundary

Proposed permissive path runs along perimeter of panel enclosures, allowing public access route through the site

Mixed native hedgerow proposed to screen views of proposals from the west, and physically enclose the western boundary

Hard surfacing to construction compound to be removed post construction, ground suitably prepared and be seeded with species rich grassland

ONSITE SUBSTATION / ENERGY STORAGE COMPOUND

Existing grain dryer (outside of site)

SIX HUNDREDS FARM

SEE SHEET 2 FOR CONTINUATION

ExA.ResponseSWQ-D4 Appendix 3

0 250m

DCO document reference: DCO 6.2.6
APFP regulation: 5(2)(a)

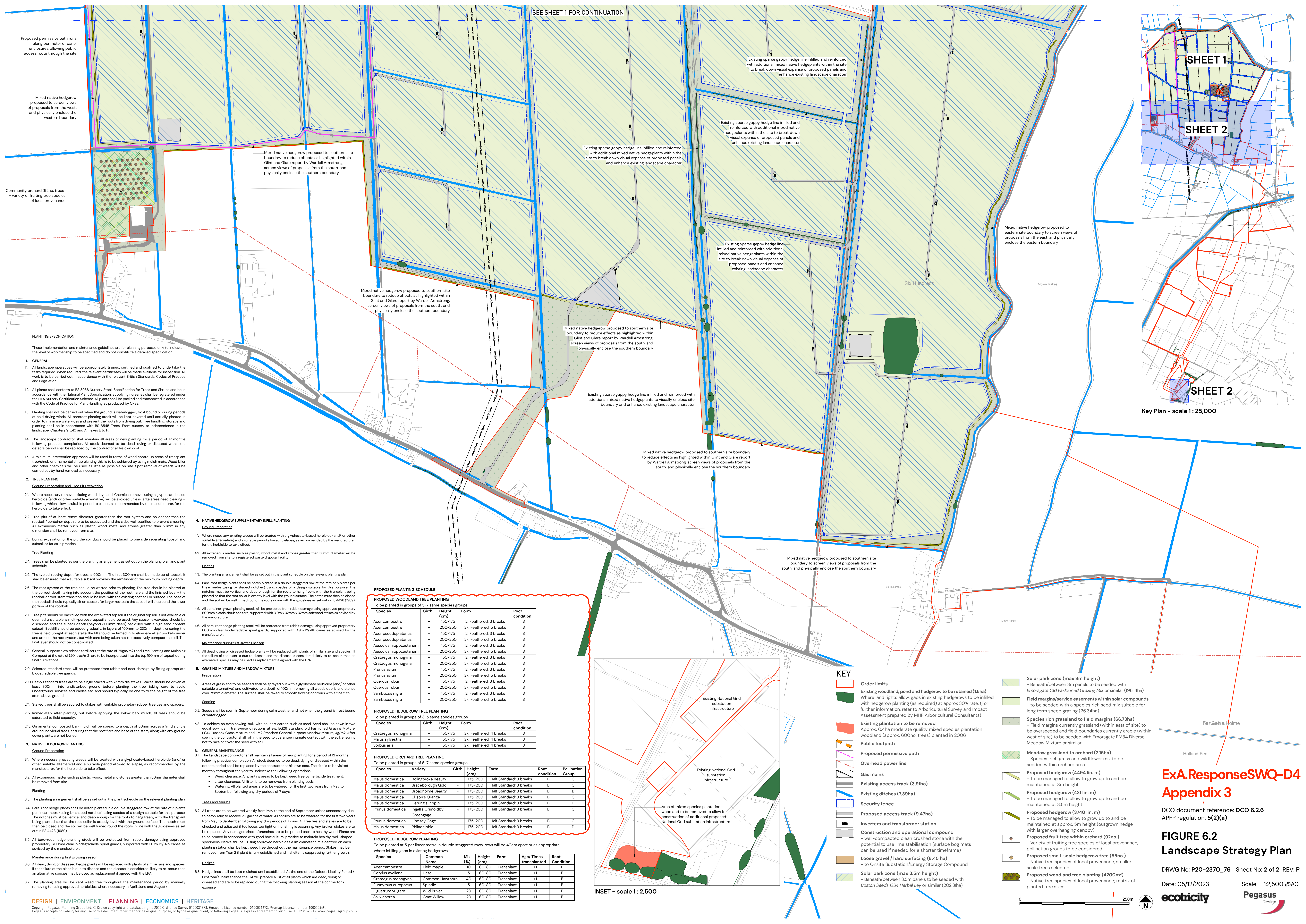
FIGURE 6.2 Landscape Strategy Plan

DRWG No: P20-2370_76 Sheet No: 1 of 2 REV: P

Date: 05/12/2023

Scale: 1:2,500 @A0





Proposed permissive path runs along perimeter of panel enclosures, allowing public access route through the site

Mixed native hedgerow proposed to screen views of proposals from the west, and physically enclose the western boundary

Mixed native hedgerow proposed to southern site boundary to reduce effects as highlighted within Gint and Glare report by Wardell Armstrong, screen views of proposals from the south, and physically enclose the southern boundary

Community orchard (92no. trees) - variety of fruiting tree species of local provenance

PLANTING SPECIFICATION
These implementation and maintenance guidelines are for planning purposes only to indicate the level of workmanship to be specified and do not constitute a detailed specification.

- GENERAL**
- All landscape operatives will be appropriately trained, certified and qualified to undertake the tasks required. When required, the relevant certificates will be made available for inspection. All work is to be carried out in accordance with the relevant British Standards, Codes of Practice and Legislation.
- All plants shall conform to BS 3936 Nursery Stock Specification for Trees and Shrubs and be in accordance with the National Plant Specification. Supplying nurseries shall be registered under the NTA Nursery Certification Scheme. All plants shall be packed and transported in accordance with the Code of Practice for Plant Handling as produced by CPSE.
- Planting shall not be carried out when the ground is waterlogged, frost bound or during periods of cold drying winds. All bare-root planting stock will be kept covered until actually planted in order to minimise water-loss and prevent the roots from drying out. Tree handling, storage and planting shall be in accordance with BS 5834: Trees From nurseries to independence in the landscape, Chapters 9 to 10 and Annexes E to F.
- The landscape contractor shall maintain all areas of new planting for a period of 12 months following practical completion. All stock deemed to be dead, dying or diseased within the defects period shall be replaced by the contractor at his own cost.
- A minimum intervention approach will be used in terms of weed control. In areas of transplant trees/shrubs or ornamental shrub planting this to be achieved by using mulch mats. Weed killer and other chemicals will be used as little as possible on site. Spot removal of weeds will be carried out by hand removed as necessary.

2. TREE PLANTING
Ground Preparation and Tree Pit Excavation

- Where necessary remove existing weeds by hand. Chemical removal using a glyphosate based herbicide (and/or other suitable alternative) will be avoided unless large areas need clearing - following which allow a suitable period to elapse, as recommended by the manufacturer, for the herbicide to take effect.
- Tree pits of at least 75mm diameter greater than the root system and no deeper than the rootball / container depth are to be excavated and the sides well scarified to prevent smearing. All extraneous matter such as plastic, wood, metal and stones greater than 50mm in any dimension shall be removed from site.
- During excavation of the pit, the soil dug should be placed to one side separating topsoil and subsoil as far as practical.
- Tree Planting*
- Trees shall be planted as per the planting arrangement as set out on the planting plan and plant schedule.
- The typical rooting depth for trees is 900mm. The first 300mm shall be made up of topsoil; it shall be ensured that a suitable subsoil provides the remainder of the minimum rooting depth.
- The root system of the tree should be wetted prior to planting. The tree should be planted at the correct depth taking into account the position of the root flare and the finished level - the rootball or root stem transition should be level with the existing host soil or surface. The base of the rootball should typically sit on subsoil for larger rootballs the subsoil will sit around the lower portion of the rootball.
- Tree pits should be backfilled with the excavated topsoil, if the original topsoil is not available or deemed unsuitable, a multi-purpose topsoil should be used. Any subsoil excavated should be discarded and the subsoil depth (beyond 300mm deep) backfilled with a high sand content subsoil. Backfill should be added gradually, in layers of 150mm to 200mm depth, ensuring the tree is held upright at each stage the fill should be firmed in to eliminate all air pockets under and around the root system, but with care being taken not to excessively compact the soil. The final layer should not be consolidated.
- General-purpose slow release fertiliser (at the rate of 75g/m²) and Tree Planting and Mulching Compound at the rate of 200g/m² are to be incorporated into the top 150mm of topsoil during final cultivations.
- Selected standard trees will be protected from rabbit and deer damage by fitting appropriate biodegradable tree guards.
- Heavy standard trees are to be single staked with 75mm dia stakes. Stakes should be driven at least 300mm into undisturbed ground before planting the tree, taking care to avoid underground services and cables etc. and should typically be one third the height of the tree stem above ground.
- Staked trees shall be secured to stakes with suitable proprietary rubber tree ties and spacers.
- Immediately after planting, but before applying the below bark mulch, all trees should be saturated to field capacity.
- Ornamental composted bark mulch will be spread to a depth of 50mm across a 1m dia circle around individual trees, ensuring that the root flare and base of the stem, along with any ground cover plants, are not buried.

3. NATIVE HEDGEROW PLANTING
Ground Preparation

- Where necessary existing weeds will be treated with a glyphosate-based herbicide (and/or other suitable alternative) and a suitable period allowed to elapse, as recommended by the manufacturer, for the herbicide to take effect.
- All extraneous matter such as plastic, wood, metal and stones greater than 50mm diameter shall be removed from site.
- Planting*
- The planting arrangement shall be as set out in the plant schedule on the relevant planting plan.
- Bare-root hedge plants shall be notch planted in a double staggered row at the rate of 5 plants per linear metre (using L-shaped notches) using spades of a design suitable for this purpose. The notches must be vertical and deep enough for the roots to hang freely, with the transplant being planted so that the root collar is exactly level with the ground surface. The notch must then be closed and the soil will be well firmed round the roots in line with the guidelines as set out in BS 4428 (1989).
- All bare-root hedge planting stock will be protected from rabbit damage using approved proprietary 600mm clear biodegradable spiral guards, supported with 0.9m 12/14lb canes as advised by the manufacturer.
- Maintenance during first growing season*
- All dead, dying or diseased hedge plants will be replaced with plants of similar size and species. If the failure of the plant is due to disease and the disease is considered likely to re-occur then an alternative species may be used as replacement if agreed with the LPA.
- The planting area will be kept weed free throughout the maintenance period by manually removing (or using approved herbicides where necessary in April, June and August).

4. NATIVE HEDGEROW SUPPLEMENTARY INFILL PLANTING
Ground Preparation

- Where necessary existing weeds will be treated with a glyphosate-based herbicide (and/or other suitable alternative) and a suitable period allowed to elapse, as recommended by the manufacturer, for the herbicide to take effect.
- All extraneous matter such as plastic, wood, metal and stones greater than 50mm diameter will be removed from site to a registered waste disposal facility.
- Planting*
- The planting arrangement shall be as set out in the plant schedule on the relevant planting plan.
- Bare-root hedge plants shall be notch planted in a double staggered row at the rate of 5 plants per linear metre (using L-shaped notches) using spades of a design suitable for this purpose. The notches must be vertical and deep enough for the roots to hang freely, with the transplant being planted so that the root collar is exactly level with the ground surface. The notch must then be closed and the soil will be well firmed round the roots in line with the guidelines as set out in BS 4428 (1989).
- All container-grown planting stock will be protected from rabbit damage using approved proprietary 600mm plastic shrub shelters, supported with 0.9m x 32mm x 32mm softwood stakes as advised by the manufacturer.
- All bare-root hedge planting stock will be protected from rabbit damage using approved proprietary 600mm clear biodegradable spiral guards, supported with 0.9m 12/14lb canes as advised by the manufacturer.
- Maintenance during first growing season*
- All dead, dying or diseased hedge plants will be replaced with plants of similar size and species, if the failure of the plant is due to disease and the disease is considered likely to re-occur, then an alternative species may be used as replacement if agreed with the LPA.

5. GRAZING MIXTURE AND MEADOW MIXTURE
Preparation

- Areas of grassland to be seeded shall be sprayed out with a glyphosate herbicide (and/or other suitable alternative) and cultivated to a depth of 100mm removing all weeds debris and stones over 75mm diameter. The surface shall be raked to smooth flowing contours with a fine tith.
- Seeding*
- Seeds shall be sown in September during calm weather and not when the ground is frost bound or waterlogged.
- To achieve an even sowing, bulk with an inert carrier such as sand. Seed shall be sown in two equal sowings in transverse directions at a 6026 Standard Old Fashioned Grazing Mixture, 6010 Tussock Grass Mixture and EM2 Standard General Purpose Meadow Mixture, 4g/m². After sowing the contractor shall roll in the seed to ensure intimate contact with the soil, ensuring not to rake or cover the seed with soil.

6. GENERAL MAINTENANCE

- The landscape contractor shall maintain all areas of new planting for a period of 12 months following practical completion. All stock deemed to be dead, dying or diseased within the defects period shall be replaced by the contractor at his own cost. The site is to be visited monthly throughout the year to undertake the following operations:
 - Weed clearance: All planting areas to be kept weed free by herbicide treatment.
 - Litter clearance: All litter is to be removed from planting beds.
 - Watering: All planted areas are to be watered for the first two years from May to September following any dry periods of 7 days.
- Trees and Shrubs*
- Tree areas are to be watered weekly from May to the end of September unless unnecessary due to heavy rain to receive 20 gallons of water. All shrubs are to be watered for the first two years from May to September following any dry periods of 7 days. All tree ties and stakes are to be checked and adjusted if too loose, too tight or if chuffing is occurring. Any broken stakes are to be replaced. Any damaged shoots/branches are to be pruned back to healthy wood. Plants are to be pruned in accordance with good horticultural practice to maintain healthy, well-shaped specimens. Native shrubs - Using approved herbicides a 1m diameter circle centred on each planting station shall be kept weed free throughout the maintenance period. Stakes may be removed from Year 2 if plant is fully established and if shelter is suppressing further growth.
- Hedges*
- Hedge lines shall be kept mulched until established. At the end of the Defects Liability Period / First Year's Maintenance the CA will prepare a list of all plants which are dead, dying or diseased and are to be replaced during the following planting season at the contractor's expense.

PROPOSED PLANTING SCHEDULE

PROPOSED WOODLAND TREE PLANTING
To be planted in groups of 5-7 same species groups

Species	Girth (cm)	Height (cm)	Form	Root condition
Acer campestre	-	150-175	2; Feathered; 3 breaks	B
Acer campestre	-	200-250	2c; Feathered; 5 breaks	B
Acer pseudoplatanus	-	150-175	2; Feathered; 3 breaks	B
Acer pseudoplatanus	-	200-250	2c; Feathered; 5 breaks	B
Aesculus hippocastanum	-	150-175	2; Feathered; 3 breaks	B
Aesculus hippocastanum	-	200-250	2c; Feathered; 5 breaks	B
Crataegus monogyna	-	150-175	2; Feathered; 3 breaks	B
Crataegus monogyna	-	200-250	2c; Feathered; 5 breaks	B
Prunus avium	-	150-175	2; Feathered; 3 breaks	B
Prunus avium	-	200-250	2c; Feathered; 5 breaks	B
Quercus robur	-	150-175	2; Feathered; 3 breaks	B
Quercus robur	-	200-250	2c; Feathered; 5 breaks	B
Sambucus nigra	-	150-175	2; Feathered; 3 breaks	B
Sambucus nigra	-	200-250	2c; Feathered; 5 breaks	B

PROPOSED HEDGEROW TREE PLANTING
To be planted in groups of 3-5 same species groups

Species	Girth (cm)	Height (cm)	Form	Root condition
Crataegus monogyna	-	150-175	2c; Feathered; 4 breaks	B
Malus sylvestris	-	150-175	2c; Feathered; 4 breaks	B
Sorbus aria	-	150-175	2c; Feathered; 4 breaks	B

PROPOSED ORCHARD TREE PLANTING
To be planted in groups of 5-7 same species groups

Species	Variety	Girth (cm)	Height (cm)	Form	Root condition	Pollination Group
Malus domestica	Bolingbroke Beauty	-	175-200	Half Standard; 3 breaks	B	C
Malus domestica	Braceborough Gold	-	175-200	Half Standard; 3 breaks	B	C
Malus domestica	Broadholme Beauty	-	175-200	Half Standard; 3 breaks	B	B
Malus domestica	Elison's Orange	-	175-200	Half Standard; 3 breaks	B	C
Malus domestica	Herring's Rimdippy	-	175-200	Half Standard; 3 breaks	B	D
Prunus domestica	Ingall's Grimodby Greengage	-	175-200	Half Standard; 3 breaks	B	C
Prunus domestica	Lindsay Gage	-	175-200	Half Standard; 3 breaks	B	C
Malus domestica	Philadelphie	-	175-200	Half Standard; 3 breaks	B	D

PROPOSED HEDGEROW PLANTING
To be planted at 5 per linear metre in double staggered rows, rows will be 40cm apart or as appropriate where infilling gaps in existing hedgerows

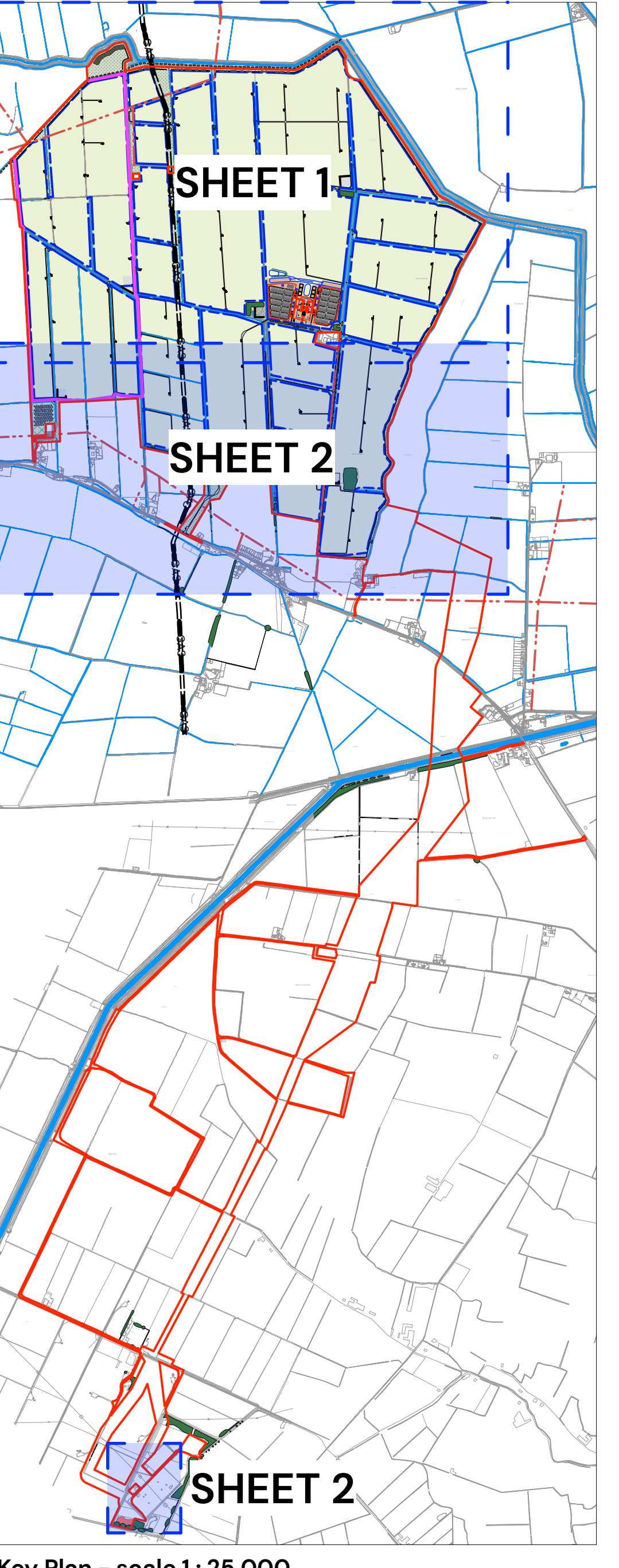
Species	Common Name	Mix (%)	Height (cm)	Form	Age/ Times transplanted	Root Condition
Acer campestre	Field maple	10	60-80	Transplant	1+1	B
Corylus avellana	Hazel	5	60-80	Transplant	1+1	B
Crataegus monogyna	Common Hawthorn	40	60-80	Transplant	1+1	B
Euonymus europaeus	Spindle	5	60-80	Transplant	1+1	B
Ligustrum vulgare	Wild Privet	20	60-80	Transplant	1+1	B
Salix caprea	Goat Willow	20	60-80	Transplant	1+1	B



INSET - scale 1:2,500

- KEY**
- Order limits
 - Existing woodland, pond and hedgerow to be retained (16ha) Where land rights allow, gaps in existing hedgerows to be infilled with hedgerow planting (as required) at approx 30% rate. (For further information, refer to Arboricultural Survey and Impact Assessment prepared by MHP Arboricultural Consultants)
 - Existing plantation to be removed Approx. 0.4ha moderate quality mixed species plantation woodland (approx. 600no. trees) planted in 2006
 - Public footpath
 - Proposed permissive path
 - Overhead power line
 - Gas mains
 - Existing access track (3.9ha)
 - Existing ditches (7.39ha)
 - Security fence
 - Proposed access track (9.47ha)
 - Inverters and transformer station
 - Construction and operational compound - well-compacted clean crushed stone with the potential to use lime stabilisation (surface bog mats can be used if needed for a shorter timeframe)
 - Loose gravel / hard surfacing (8.45 ha) - to Onsite Substation/Energy Storage Compound
 - Solar park zone (max 3.5m height) - Beneath/between 3.5m panels to be seeded with Boston Seeds GS4 Herbal Ley or similar (202.3ha)

- Solar park zone (max 3m height) - Beneath/between 3m panels to be seeded with *Emergate Old Fashioned Grazing Mix* or similar (196.14ha)
- Field margins/service easements within solar compounds - to be seeded with a species rich seed mix suitable for long term sheep grazing (26.34ha)
- Species rich grassland to field margins (66.73ha) - Field margins currently grassland (within east of site) to be overseeded and field boundaries currently arable (within west of site) to be seeded with *Emergate DM34* Inverse Meadow Mixture or similar
- Meadow grassland to orchard (2.15ha) - Species-rich grass and wildflower mix to be seeded within orchard area
- Proposed hedgerow (4494 lin. m) - To be managed to allow to grow up to and be maintained at 3m height
- Proposed hedgerow (431 lin. m) - To be managed to allow to grow up to and be maintained at 3.5m height
- Proposed hedgerow (3740 lin. m) - To be managed to allow to grow up to and be maintained at approx. 5m height (outgrown hedge with larger overhanging canopy)
- Proposed fruit tree within orchard (92no.) - Variety of fruiting tree species of local provenance, pollination groups to be considered
- Proposed small-scale hedgerow tree (55no.) - Native tree species of local provenance, smaller scale trees selected
- Proposed woodland tree planting (4200m²) - Native tree species of local provenance; matrix of planted tree sizes



Key Plan - scale 1:25,000

ExA.ResponseSWQ-D4 Appendix 3

DCO document reference: DCO 6.2.6
AFPP regulation: 5(2)(a)

FIGURE 6.2 Landscape Strategy Plan

DRWG No: P20-2370_76 Sheet No: 2 of 2 REV: P

Date: 05/12/2023
Scale: 1:2,500 @AO

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