

1. The Draft DCO and Other Consents

Question No.	To	Question	Response
1.1.23	All parties with protective provisions for their benefit included in Schedule 16 (Protective Provisions) of the dDCO.	Please provide an update on discussions regarding protective provisions, identifying any outstanding areas of disagreement.	

2. General and Cross-Topic Matters

Question No.	To	Question	Response
1.2.4	LCC	Please explain the inclusion of Policies DM1, DM4, DM6 and DM12 in paragraph 4.19 of the Local Impact Report (LIR) [REP-085] as these appear to relate to the types of development which that plan is concerned with, i.e. minerals and waste, rather than other forms of development.	Whilst these policies are from the Minerals and Waste Local Plan and are not directly related to solar it is considered that as they have recently been through a Local Plan examination and confirmed by a Planning Inspector as being in conformity with the NPPF they do offer some value in respect of the criteria that needs to be taken into account when assessing developments as being sustainable, affecting the Historic Environment, Impacts on Landscape and Best and Most Versatile Agricultural Land. With the Government proposal for reviewing Local Plans preparation procedures with the use of generic Development Management policies in all Development Plan documents it does demonstrate that it is appropriate to

			give weight to the Development Management policies of a Local Plan that is in conformity with the NPPF even if it has not been prepared for the particular development being considered as they do offer versatility.
1.2.21	ALL LPAs	Do the host Local Planning Authorities agree with the identified cumulative developments assessed within each aspect chapter? If not, can they identify which cumulative developments have been omitted from which assessments and explain why they consider that they should be included.	Yes but this is evolving with other solar NSIP schemes emerging in this area.

3. The Need Case, electricity Generated and Climate Change

Question No.	To	Question	Response
1.3.1	All Interested Parties	The ExA notes that since the Applicant prepared its Statement of Need [APP-350], the Government has published its response to the consultation comments on the dNPS, updated the dNPS documents and published its blueprint for the future of energy in the UK 'Powering Up Britain' (all dated 30 March 2023). All IPs are invited to comment on the implications of these documents on the Applicant's needs case.	No comment to make
1.3.2	All Interested Parties	Please comment on the implications for the Government's Net Zero and climate change commitments should the Proposed Development not be implemented.	There is no shortage of proposals for solar so it is not a one-off opportunity to secure these benefits and given the cumulative effects make them unacceptable if all brought forward, not all <u>should</u> be consented and the ExA should be discerning about whether it is granted or not.

1.3.3	All Interested Parties	The ExA notes the Applicant’s Statement of Need [APP-350] (paragraph 4.3.9) refers to the then unpublished ‘Skidmore Review’. Following its publication on 13 January 2023 as ‘Mission Zero Independent Review of Net Zero’, please comment on any implications you consider this review may have in the consideration of the Proposed Development.	No comment to make
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4. Other Projects and Cumulative Effects

Question No.	To	Question	Response
1.4.6	LCC	LCC state (in its LIR [REP-085]) that it considers there would be significant impacts to landscape character that has the potential to affect the landscape at a regional scale. Please explain how LCC has reached this conclusion, identifying key characteristics within the landscape that it considers would be affected.	<p>In regards to landscape effects, the scale or size of a character area (District or Regional) should not be a determining factor in assessing effects – if it were, then any character area larger than at a “local” level would result in minimal change. We would urge caution in regard larger landscape character areas (such as at a regional scale), which often are assessed as having limited magnitudes of change as the change would be small scale and/or extent (development site) would only affect a relatively small percentage of the overall, much larger, character area. The LVIA should assess what the change would be in that part of the character area and what identified key elements identified within the character areas are affected, and how development change would impact those.</p> <p>In summary - The baseline should identify the key elements and features that make up the character area, and the assessment should look at how these would be affected, not just the scale</p>

			<p>of the project in relation to the character area, even though that can be a factor.</p> <p>The test, or calibration, of this is if a national or regional character assessment was being carried out, if the development were constructed as proposed, how prominent would the development be both in isolation and cumulatively with other schemes in the area. Due to the scale and extent of these, which is unprecedented in the county and cumulatively in the country, these schemes would ultimately form a defining element of the landscape character.</p> <p>This would be a landscape change by replacing large areas of agricultural or rural land (the predominant existing land use) with solar development, affecting the current openness, tranquillity and agricultural character that are currently identified as key defining characteristics. Solar development is currently not a defining characteristic and its introduction, along with associated infrastructure, fencing and CCTV would be a contrasting (urban) and extensive element in this rural, agricultural area.</p>
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9. The Historic Environment

Question No.	To	Question	Response
1.9.4	Applicant/Historic England/Host Authorities	Please confirm that the study areas identified in Section 13.4 of ES Chapter 13: Cultural Heritage [APP-048] have been agreed.	The study area has been agreed.
1.9.14	LCC	LCC has expressed in its RR [RR-001] that the baseline characterisation is inadequate but confirm that the agreed 2% coverage within the redline boundary was achieved. LCC's LIR [REP-085] also considers that the baseline characterisation is inadequate. Can LCC explain what information it considers is required to deem the baseline adequate in line with reference to relevant guidance and the geophysical surveys [APP110-122] that have been submitted.	<p>To clarify, 2% coverage has not been achieved within the redline boundary: as stated in our RR <i>'Only 440 trenches across the 1267ha of the order limits have been undertaken. This means that only 17.5% of the redline boundary area has been sufficiently evaluated.'</i></p> <p>Adequate trenching is therefore still required for over 80% of the redline boundary. Where trenching has not been undertaken there is insufficient baseline evidence to identify significant surviving archaeology and to inform an effective mitigation strategy to deal with the impact on areas of archaeological sensitivity in a reasonable and appropriate way.</p> <p>Other NSIPs in Lincolnshire have undertaken full coverage of the redline boundary and as a result have identified significant archaeological sites during the trenching phase which are then dealt with as part of an informed effective mitigation strategy to adequately deal with the impact of the development.</p> <p>This in keeping with standard archaeological practice and guidance as well as relevant policies. We are guided by our professional Chartered Institute for Archaeology (CIfA) Guidance and Standards, their definition of a field evaluation is <i>'to</i></p>

			<i>determine the presence or absence of archaeology, to define their character, extent, quality and preservation, and enable an assessment of their significance.'</i>
1.9.15	LCC/Applicant	As an alternative to an agreed % coverage area, are there specific areas of land within the Order Limits that could be the subject of the baseline characterisation? Lincolnshire County Council and the Applicant's views are sought on this. Please also signpost where such evidence in relation to these areas of land may be found within the application documentation.	<p>There is no alternative within the redline boundary to undertaking sufficient trenching.</p> <p>Evaluation trenches need to cover not only the known and suspected areas of archaeology but also the so-called "blank" areas because there will be archaeology which is not picked up in other evaluation techniques, for example burials do not show up in geophysical survey and in cropmarks later activity may mask earlier surviving archaeology.</p> <p>Where adequate trenching has not been undertaken it leaves the archaeological potential unknown and undetermined in these areas. Without site-specific information on the surviving archaeology it would not be possible for the Applicant to determine what type of mitigation would be effective in preserving the archaeology. Fit-for-purpose mitigation is not possible outside those areas of currently known archaeology.</p> <p>In terms of project management and risk management this defers a high level of risk to the developer in a post-consent situation of dealing with unexpected archaeology while the work programme has already commenced.</p>

1.9.17	LCC	Lincolnshire County Council expressed in its RR [RR-001] that concrete feet may cause compaction and harm archaeology beneath, specifically, shallow archaeology. Has the Applicant's response to the RR [REP049] addressed this concern?	<p>No this concern has not been addressed. The applicant has provided a pro forma response and has not considered the issues we have raised.</p> <p>Specifically these issues are the shallow nature of the archaeology across the site and the large unevaluated areas where ground impacts of the development may damage and destroy unknown un-investigated unrecorded archaeology, whether that ground impact is through spikes, shoes, compaction, or any other ground impact including pond creation and scrapes.</p> <p>Mitigation measures cannot be deployed effectively unless the archaeologically sensitive areas have been identified and their depth, extent and significance is determined, otherwise so-called mitigation measures such as the use of shoes would destroy archaeology such as the unexpected Saxon skeletons which were revealed in trenching 20cm from the ground surface and would be crushed as well as unrecorded.</p>

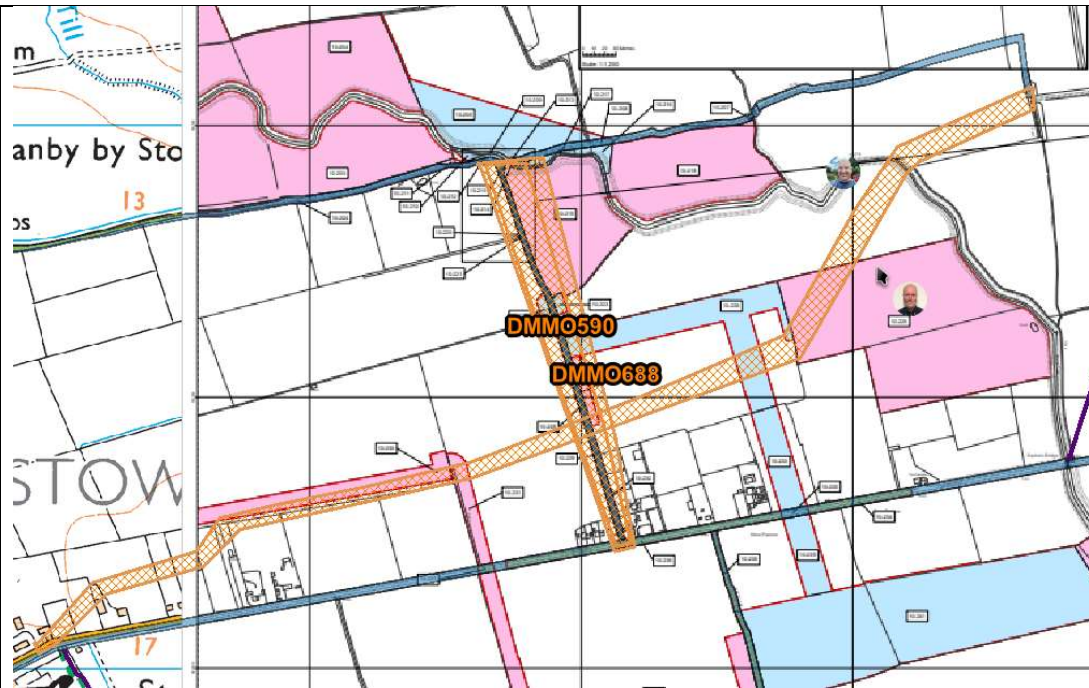
10. Transport and Access, Highways and Public Right of Way

Question No.	To	Question	Response
1.10.13	Lincolnshire/ Nottinghamshire County Councils	Would the Proposed Development deliver off-road parking provision, servicing and access arrangements in accordance with the Highway standards that the Highway Authority utilises. Please refer to those standards in your answer.	LCC does not have parking standards but considers each development proposal on its merits. It would be expected that sufficient off road parking is provided for the number of employees on site given anticipated modal choice and implementation of the Travel Plan. This is referenced in The Construction Traffic Management Plan (2.12) and Table 4.2. An allowance for visitors is also required. Similarly for servicing, the agreed CTMP will need to demonstrate turning arrangements and sufficient waiting bays for HGVs within the site. All vehicles will be required to enter and exit the site in forward gear and 2 way movements need to be accommodated at the main access points.

12. Socio-Economics, Tourism, and Recreation

Question No.	To	Question	Response
1.12.26	LCC	Can the Council provide more information in relation to 'claimed paths' that are referred	Paths with potential for enhancement are shown below Sheet 10: DMMO590 and DMMO688 impact the site. DMMO688 has strategic potential to create circular routes and it may be worth exploring these as part of an enhancement offering.

to in paragraph 9.4 of its LIR [REP-085]. Also, where paragraph 9.5 refers to a requirement for more details and opportunities for enhancement, which Public Rights of Way is it referring to?

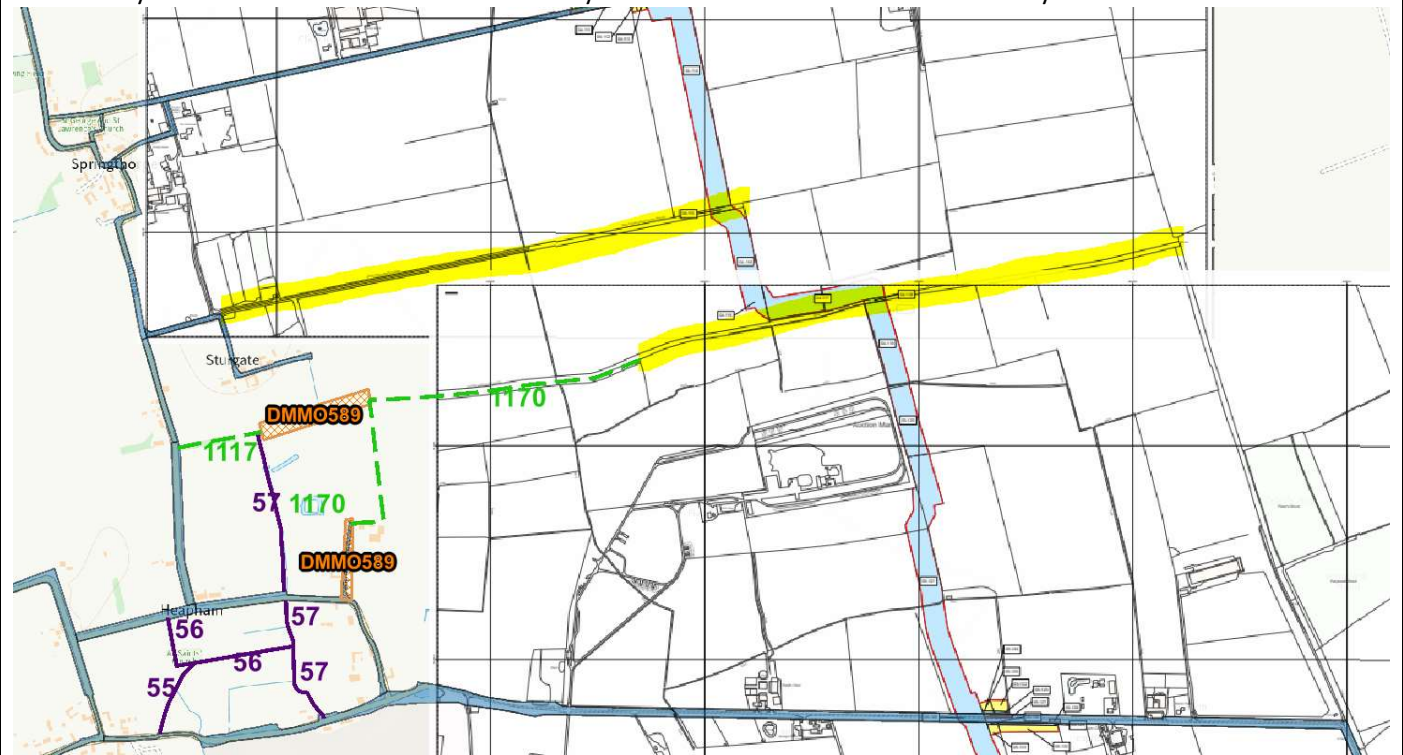


Morton 68 - there is potential for an enhancement by diverting the route to the north along the western edge of the field as part of the DCO. This would place the termination point of the path on the lower 30mph speed limit of the road rather than the higher 60mph limit, and closer to the residential site. This also means that the path would have greater potential benefit and utility as a short circular walk for Marton village

Potential Claimed Footpaths shown below

Sheet 4:

Potential unrecorded PROW east of Sturgate which potentially could be claimed in the future; No applications have been received regarding these at present however we are aware that an applicant who has been prolific in submitting historic claims has yet to examine this section of the County so there is a risk that further claims may be received here.

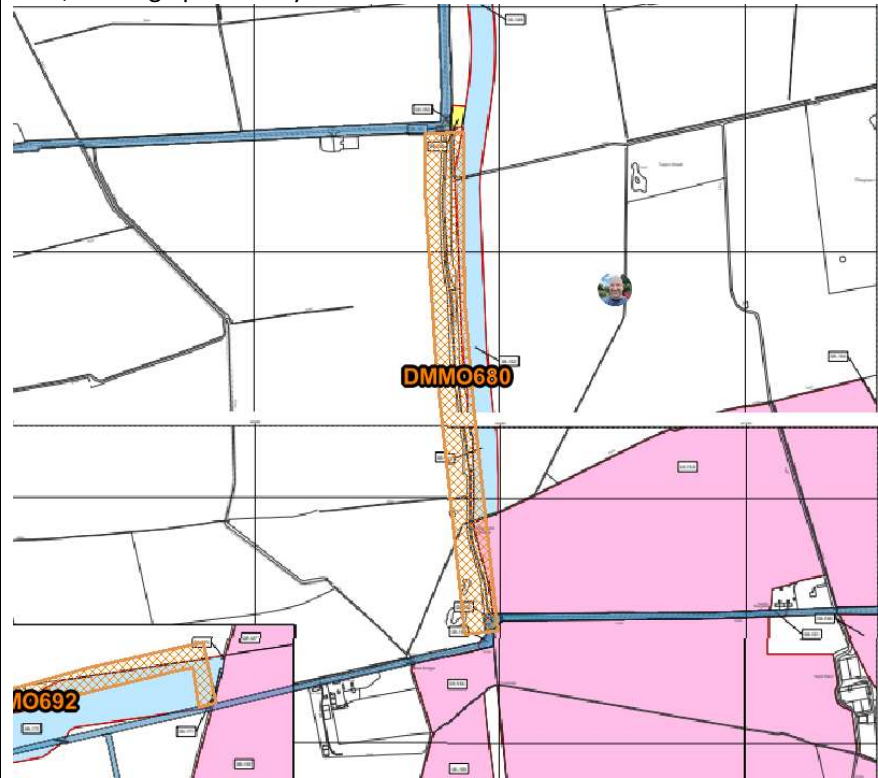


Sheet 5:

No issues

Sheet 6:

Claimed RB from Glentworth Road to Fillingham Lane - DMMO680 potentially might intersect with the planned works area, although probability is that it is to the west.



13. Waste

Question No.	To	Question	Response
1.13.2	Applicant	Paragraph 20.5.15 of ES Chapter 20: Waste [APP-055] confirms that baseline estimates only cover up to 2038. How will reassessment	The Council is concerned that, looking at the figures quoted in 20.5.3 and following, they

		beyond 2038 be dealt with regard to the EIA Regulations and by the revised draft DCO [REP-006]?	don't seem to match up with the Councils Waste Needs Assessment'
1.13.4	Applicant	How are the destinations for construction waste in Table 20.5 of ES Chapter 20: Waste [APP-055] reflective of the waste hierarchy, given the number of references to landfill disposal and as most destinations are shown as recycling or landfill? Similarly, with regard to Tables 20.6 and Table 20.7, further explanation on how the waste hierarchy will be followed across the project is required and how this will be dealt with through the revised draft DCO [REP1- 006]?	This is indeed a concern to the Council , particularly as some of the waste types are subject to specific legislation about what must happen to them – e.g. WEEE, packaging. This would also give more clarity as to whether there is sufficient capacity for each disposal category.
1.13.5	Applicant	To what extent will the proposed solar panels be able to be recycled, re-used and recovered? Are such waste facilities available to deal with solar panels?	Not aware of any, and the Council's perception is that this will become increasingly important over time. Indeed, there is a danger that such facilities will only appear (in sufficient numbers/capacity) after the creation of a 'panel mountain' – Reminiscent of the WEEE recycling capacity which appeared with the 'fridge mountain'.
1.13.6	Applicant	Where ES Chapter 20: Waste paragraph 20.7.32 [APP-055] sets out that the assumption is that waste is handled proportionally between Lincolnshire and Nottinghamshire, what does this mean and how is this addressed by the revised dDCO [REP1-006]?	Also specify: <ul style="list-style-type: none"> Do they mean 50% to each county, equally by specified site, or something else? How does this relate to 20.8.2 which mentions 'effort to bias landfill waste handling in Lincolnshire where there is greater predicted capacity to reduce waste streams required to be handled in Nottinghamshire'? (see Q1.13.8 below)
1.13.7	Applicant	The Proposed Development includes a number of product types and materials that are deemed hazardous, in particular associated with the battery storage and the substations. How will these be dealt with in a safe manner, and how will this be addressed by revised dDCO [REP1-006]?	Some of these materials may be part of items covered by specific waste-type legislation such as the WEEE Regulations.
1.13.8	Applicant	In light of that a significant effect on landfill waste handling in Nottinghamshire during the decommissioning period has been identified, please provide greater detail over the specific mitigation	This is a particular concern given (see Q1.13.4 above) that most C&D waste seems to be destined for 'recycling or landfill '.

		measures and how a bias towards Lincolnshire will impact on the landfill resource in that county. Please also provide further explanation over how this is seen to reduce the effect to not being significant (ES Chapter 20: Waste paragraphs 20.8.2 and 1 (sic)) [APP-055].	
1.13.9	Applicant	With regard to cumulative effects under ES Chapter 20: Waste paragraph 20.10.8 [APP-055], what does the assumption that waste is handled proportionally between Lincolnshire and Nottinghamshire mean in practice across the 4 sites and if that was not the case, would the magnitude of impact change? It would assist to clarify if there have been discussions between the developers of each of the sites in this regard.	See also Q1.13.6 above which seems very similar.
1.13.10	Applicant	ES Chapter 20: Waste paragraph 20.10.13 [APP-055] appears to exclude some waste streams from the calculation. Could therefore the waste volumes set out in Table 20.10 (sic) be higher by including metal, etc, and approximately by how much?	Table 20.10 appears to assume that the only 'significant' decommissioning waste will be the 'solar PV equipment' itself, but won't there also be waste from restoring the site?
1.13.11	Applicant	The embedded mitigation as set out in section 20.6 of ES Chapter 20: Waste [APP-055] includes a number of third party contractors in relation to the recovery, recycling and disposal of waste. Whilst it is noted that it would be the intention that this would be covered by the Decommissioning Statement [APP-338] and the Operational Environmental Management Plan [APP-353], how will it be ensured that third party contractors will adhere to it?	Although some protection is in place through legal requirements such as Duty of Care and compliance with the Waste Hierarchy.
1.13.12	Applicant	ES Chapter 20: Waste paragraph 20.11.2 [APP-055] considers the impacts from the scheme can be sufficiently mitigated. How does this though relate to the cumulative effects, in particular with the significant effect on landfill waste handling in Nottinghamshire during decommissioning?	Not clear what 'cumulative effects' are being referred to other than the specific one regarding Notts landfill but what about the cumulative impacts in Lincolnshire from the many solar NSIP schemes that continue to emerge?
1.13.14	LCC	Where paragraph 11.5 of the Council's LIR [REP-085] refers to a requirement for a waste management strategy, would the OEMP [APP-353] and the Decommissioning Plan [APP-338] under the DCO fulfil this function?	The requirement for a 'waste management strategy' should be a separate document that is submitted separately directly to the Waste Planning Authority for approval and monitoring pursuant to a separate requirement rather than being part of the

			OEMP and needs to be in place well in advance of the Decommission Plan to ensure that adequate facilities are in place prior to decommissioning.
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13. Minerals

Question No.	To	Question	Response
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13. Major Accidents and Disasters

Question No.	To	Question	Response
1.13.46	Applicant/ Lincolnshire County Council	Does the recent addition to the PPG: Renewable and Low Carbon Energy concerning battery energy storage systems have a bearing on this case, including the role of the Fire and Rescue Service?	It is relevant and it confirms the role of the Fire and Rescue Services which the Council has sort to represent with the involvement of Lincolnshire Fire and Rescue throughout the pre-application and pre-examination stages.
1.13.48	Lincolnshire County Council	Is the Council's 'neutral' conclusion in its LIR (REP-085] on health and fire safety predicated on a financial contribution via a Section 106 Agreement, as is referred to in paragraph 14.8?	Yes or via the means of Protective Provisions which is the mechanism that is being used in the Gate Burton examination
1.13.49	Lincolnshire County Council	Do you consider that there is sufficient water storage for a thermal runaway situation and will the spacing of battery containers lead to any fire risk issues?	As outlined in the initial requirements document LFR ask that the developer can <i>'ensure that sufficient water is available for manual fire-fighting. An external fire hydrant should be located in close proximity of the BESS containers.</i>

			<p><i>– The water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes (2 hours). Further hydrants should be strategically located across the development. These should be tested and serviced at regular intervals by the operator. If the site is remote from a pressure feed water supply, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design of the site e.g. an open water source and/or tank(s). If above ground EWS tanks are installed, these should include facilities for the FRS to discharge (140/100mm RT outlet) and refill the tank.”</i></p> <p>In the event of a fire involving a BESS unit, one of the primary tactics employed will be to prevent further unit to unit fire spread. Suitable access for firefighters to operate unimpeded between units will therefore be required. This should allow for the laying and movement of hose lines and, as such, access should be free of restrictions and obstacles. The presence of High Voltage DC Electrical Systems is a risk and their location should be identified. Exclusion zones should be identified. A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown. Any reduction in this separation distance should be design based by a competent fire engineer. There should be consideration for the fire separation internally and the total realistic load of</p>
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			<p>fire. Proposed distances should be based on radiant heat flux (output) as an ignition source. LFR does not support the stacking of containers/units on top of one another on the basis of the level of risk in relation to fire loading, potential fire spread, and restrictions on access.</p>
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