

Heckington Fen Solar Park

EN010123

Application Cover Letter

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: 1.1

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

February 2023



15 February 2023

The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Sir/Madam,

Planning Act 2008 – Application for a Development Consent Order for Heckington Fen Energy Park

Application Reference: EN010123

On behalf of Ecotricity (Heck Fen Solar) Limited (the Applicant), I am pleased to enclose an application for a Development Consent Order (DCO) (the Application) pursuant to Section 37 of the Planning Act 2008 (PA 2008) for the proposed Heckington Fen Energy Park (the Proposed Development).

1.1 Subject of the Application

- 1.1.1 The Application is for a DCO to construct, operate, maintain and decommission a ground mounted solar photovoltaic generating facility, an energy storage facility, below ground grid connection to, and extension at, the National Grid Bicker Fen Substation (and all associated works).
- 1.1.2 The Application is required because the Proposed Development is classified as a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(1) and (2) of the PA 2008, as an onshore solar generating station in England with a capacity exceeding 50 megawatts (MW). As such, the decision on whether to grant development consent will be made by the Secretary of State. At the time of writing the Government has recently announced that the Department for Business, Energy & Industrial Strategy is changing and a new Department for Energy Security and Net Zero is being created. The Applicant understands that the Department for Energy Security and Net Zero will be responsible for deciding energy NSIPs. The Application documents may include reference to the predecessor body (Department for Business, Energy & Industrial Strategy); therefore, as previously agreed in correspondence with the Planning Inspectorate, to the extent necessary, the Applicant intends to update any outdated references post-submission.
- 1.1.3 The NSIP and associated development are described formally within Schedule 1 of the draft DCO (document reference 3.1).

1.2 Application fee and documentation

- 1.2.1 The application fee of £7,488 has been submitted by BACS transfer to the account of the Planning Inspectorate on 10 February 2023 and received on 13 February 2023.

- 1.2.2 The Application has been submitted via a SharePoint system, which has been set up for file transfer of the application documents, as agreed with the Planning Inspectorate.
- 1.2.3 A GIS shapefile showing the Order limits for the Proposed Development was issued to the Planning Inspectorate via email on 1 February 2023.
- 1.2.4 A Section 55 Checklist (document reference 1.2) completed by the Applicant has been included with the Application to assist with the Planning Inspectorate's compliance check.

1.3 **Application Formalities**

- 1.3.1 This Application is made in the form required by Section 37(3)(b) of the PA 2008 and the application documents comply with the requirements in Section 37 of the PA 2008 and those set out in:
 - a) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
 - b) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)
 - c) The Department for Communities and Local Government's (DCLG, now known as the Department of Levelling Up, Housing and Communities) 'Planning Act 2008 – Nationally Significant Infrastructure Projects – Application Form Guidance' (June 2013)
 - d) The Planning Inspectorate's 'Advice Note 6: Preparation and Submission of Application Documents' (August 2022).

1.4 **The Proposed Development description**

- 1.4.1 A non-technical description of the Proposed Development is included in the Guide to the Application (document reference 1.4). A more detailed technical description is included within Chapter 4 of the Environmental Statement (ES) (document reference 6.1.4).

1.5 **Need for the Project**

- 1.5.1 The Proposed Development provides for an export capacity of 400MW (AC – alternating current, or around 500MW of DC – direct current) of clean energy (with 200-400MW of energy storage) at a time when the challenges of climate change and energy security are stark and incontrovertible. The Application is accompanied by a Statement of Need, within the submitted Planning Statement (document reference 7.3), which provides a detailed case in support of the Application in the context of Government policy on energy infrastructure, and the ever-increasing urgency for positive action on energy security and Net Zero.

1.6 **Consent Flexibility**

- 1.6.1 The Proposed Development comprises a solar PV electricity generating facility, energy storage, and export connection to the National Grid together with an above ground extension at the National Grid Bicker Fen Substation. To account for the rapidly evolving technology of solar PV the draft DCO (document reference 3.1) and supporting Works Plans (document reference 2.2) allow for a degree of flexibility to allow for the use of the latest designs of equipment at the time of construction. The exact design details of the Proposed

Development cannot be confirmed until the tendering process has been completed and the design details have been approved by the relevant local planning authorities. The Outline Design Principles (document reference 7.1), which are secured by Requirement in the DCO (document reference 3.1), therefore set out the design parameters within which the Proposed Development is to be constructed and operated.

- 1.6.2 The environmental impact assessment undertaken in support of the Proposed Development has considered and reflected the flexibility sought in the draft DCO. The Outline Design Principles document sets out the basis on which the assessment described within the Environmental Statement has been undertaken and how the key design mitigation measure will be secured.
- 1.6.3 The approach to the flexibility sought and the 'Rochdale Envelope' is described in more detail in Chapter 4 to the environmental statement (document reference 6.1.4) and the Explanatory Memorandum (document reference 3.3.).

1.7 Habitats Regulations Assessment

- 1.7.1 The Application includes a Shadow Habitats Regulations Assessment (HRA) Report (document reference 5.2) as required by Regulation 5(2)(g) of the APFP Regulations. The HRA Report identifies all relevant European sites potentially affected by the Proposed Development and sets out screening undertaken for the purposes of the Habitats Regulations.
- 1.7.2 Where likely significant effects could not be ruled out, those effects have been further assessed by the Shadow HRA Report. This has been prepared in accordance with the Planning Inspectorate's 'Advice Note 10: Habitats Regulations Assessments' and Regulation 5(2)(g) of the APFP Regulations.
- 1.7.3 The HRA Report provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Proposed Development would have an adverse effect on any European site. The Applicant's appropriate assessment, set out in the HRA Report, concludes that there will be no adverse effects on the integrity of European sites as a result of the Proposed Development.

1.8 Compulsory Acquisition

- 1.8.1 The land over which the Applicant is seeking powers of compulsory acquisition of land, rights and interests and powers of temporary possession in the draft DCO for the purposes of the Proposed Development is listed in the Book of Reference (document reference 4.3). This has been prepared and is submitted in accordance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).
- 1.8.2 The Statement of Reasons and Appendix to Statement of Reasons: Grid Route Selection Report (document reference 4.1) also provides details of the powers sought and negotiations to date with relevant land interests.

1.8.3 Details of the adequacy of the funding for compensation are provided in the Funding Statement (document reference 4.2). The Statement of Reasons and Funding Statement are submitted in accordance with Regulation 5(2)(h) of the APFP Regulations.

1.9 Other Consents

1.9.1 A summary of other consents and licences likely to be required in addition to those being requested as part of the draft DCO is provided in the Consents and Licences Required Under Other Legislation (document reference 7.5).

1.10 Pre-application consultation

1.10. The Applicant has had careful regard to the pre-application consultation requirements of the PA 2008, the guidance on pre-application consultation (issued by DCLG and PINS), and its pre-application discussion held with PINS, as required by Section 50(3) of the PA 2008.

1.1.11 As required by Section 37(3)(c) of the PA 2008, the Application is accompanied by a Consultation Report (document reference 5.1), which provides details of the Applicant's compliance with Sections 42, 46, 47, 48 and 49 of the PA 2008, the APFP Regulations, the EIA Regulations, and the relevant guidance.

1.11 Other matters

1.11.1 As required under Regulation 5(3) of the APFP Regulations, all relevant application document plans, drawings or sections provided under Regulation 5(2) are no larger than A0 size, are drawn to an identified scale (not smaller than 1:2500) and, in the case of plans, show the direction of north.

1.11.2 In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all response to the consultation carried out under Part 5 of the PA 2008 and can make them available at the request of the Planning Inspectorate and/or the Secretary of State.

1.11.3 The Applicant has identified statutory and non-statutory sites or features of nature conservation; these are referenced in the Statutory and Non-Statutory Nature Conservation Designations Plan (document reference 2.4)

1.11.4 With regard to sites of geological importance, it is confirmed that there are no Regionally Important Geological and Geomorphological Sites (RIGS) within the Order Limits, as shown in the Statutory and Non-Statutory Nature Conservation Designations Plan (document reference 2.4).

1.11.5 The Confidential Badger Report (document reference 6.3.8.7) and Figure 3 of Appendix 8.10-Ornithological Survey (document reference 6.3.8.10), that accompany the Environmental Statement, contains confidential information. These documents are marked in the file name as confidential within the Sharepoint folder.

1.11.6 The Applicant recognises that some of the application documents – including the outline plans – are 'live' documents which may require updates during the examination of the Application and in response to questions from the Examining Authority and comments from interested parties. The Applicant will therefore keep all application documents under review

and will endeavour to provide updates (where necessary) during the examination of the Application.

We look forward to hearing from you in relation to a formal acceptance of this Application. Please do not hesitate to contact me directly if you have any queries in the meantime.

Yours Faithfully,



Laura White
Project Manager



