

# Heckington Fen Solar Park

EN010123

## Template Statement of Common Ground

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: 7.6

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

February 2023



## TEMPLATE STATEMENT OF COMMON GROUND

<b>Document Properties</b>		
<b>Regulation Reference</b>	Regulation 5(2)(q)	
<b>Planning Inspectorate Scheme Reference</b>	EN010123	
<b>Application Document Reference</b>	7.6	
<b>Title</b>	Template Statement of Common Ground	
<b>Prepared By</b>	Heckington Fen Energy Park Project Team (Pegasus)	
<b>Version History</b>		
<b>Version</b>	<b>Date</b>	<b>Version Status</b>
Rev 1	February 2023	1

### **1. INTRODUCTION**

- 1.1 Ecotricity (Heck Fen Solar) Limited (the **Applicant**) is seeking a Development Consent Order (**DCO**) for the construction, operation (including maintenance), and decommissioning of a ground mounted solar photovoltaic (PV) electricity generation and energy storage facility including the cable route to, and above and below ground works at, the National Grid Bicker Fen Substation (the **Proposed Development**) on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford, Lincolnshire.
- 1.2 With the consent of North Kesteven District Council (NKDC), the Applicant has included a working draft of a Statement of Common Ground (SoCG) with NKDC at Appendix 1 to this document. This Applicant has submitted this in order to provide an early indication of the matters under discussion between the parties and also to show the structure that the Applicant proposes to use for SoCGs with other relevant interested parties.
- 1.3 The Applicant is in ongoing dialogue with a number of stakeholders - including statutory undertakers, conservation bodies, and local planning authorities - in relation to the Proposed Development. Further detail on these discussions and the regard had by the Applicant to feedback from consultees is included in the Consultation Report (document reference 5.1) and information in relation to the status of discussions with statutory undertakers and persons with an interest in land is included in the Statement of Reasons (document 4.1) and the Schedule of Negotiations with Statutory Undertakers and Landowners (document reference 4.5).
- 1.4 Following submission of the DCO application, the Applicant proposes to continue to pursue SoCGs with the following host planning authorities:
- North Kesteven District Council;
  - Lincolnshire County Council; and
  - Boston Borough Council.
- 1.5 The Applicant will also pursue SoCGs with those bodies requested by the Examining Authority pursuant to Rule 6 and/or Rule 8 of The Infrastructure Planning (Examination Procedure) Rules 2010.

**APPENDIX 1**

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## DRAFT STATEMENT OF COMMON GROUND

Document Properties		
Regulation Reference	Regulation 5(2)(a)	
Planning Inspectorate Scheme Reference	EN010123	
Application Document Reference	7.6	
Title	Draft- Statement of Common Ground -	
Prepared By	Heckington Fen Energy Park Project Team North Kesteven District Council	
Version History		
Version	Date	Version Status
Rev 1	February 2023	Draft for Application Submission

<b>Signed:</b>	<b>Signed:</b>
<b>Name:</b>	<b>Name:</b>
<b>On behalf of:</b> North Kesteven District Council	<b>On behalf of:</b> Ecotricity (Heck Fen Solar) Ltd
<b>Date:</b>	<b>Date:</b>

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**1. INTRODUCTION**

- 1.1 This draft Statement of Common Ground (SoCG) has been prepared by Pegasus Group, on behalf of Ecotricity (Heck Fen Solar) Limited ("the Applicant"). It has been prepared in conjunction with North Kesteven District Council ("NKDC").
- 1.2 The proposed development comprises the construction, operation (including maintenance), and decommissioning of a ground mounted solar photovoltaic (PV) electricity generation and energy storage facility (hereafter referred to as "the Energy Park"), cable route to, and above and below ground works at, the National Grid Bicker Fen Substation (hereafter referred to as "the Proposed Development" (inclusive of Energy Park)) on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford, Lincolnshire.
- 1.3 In the tables (**Table 2 – Matters not agreed** and **Table 3 – Matters agreed**) below of this SoCG:
- "Agreed" indicates where the issue has been resolved
  - "Not Agreed" indicates a final position of the parties that is not agreed, and
  - "Under discussion" indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.4 It can be taken that any matters not specifically referred to in this SoCG are not of material interest or relevance and therefore have not been considered further. It is recognised however that engagement between all parties will need to continue due to their joint interest in matters arising from the Proposed Development.
- 1.5 The purpose of the SoCG is to identify the areas where the principal parties do not agree and remain in dispute. This will allow the Examination to focus on the most pertinent issues.

The Proposed Development

- 1.6 It is agreed that the proposed development is for a temporary use of land only which will be in place for a period of 40 years from the date of the commencement of electricity generation.

Development Consent Order

- 1.7 It is agreed that North Kesteven District Council will act as a relevant planning authority in relation to the discharging of the requirements of the DCO applicable to its administrative area and LPA boundary. Where the expertise of LCC is required then the County Council will either be the discharging authority or subject to consultation during the approval process.

Planning Policy Context

- 1.8 It is agreed that the development plan applicable to the development proposal comprises:
- The Central Lincolnshire Local Plan 2012 - 2036, adopted April 2017 **or**
  - The Central Lincolnshire Local Plan 2018 - 2040, expected to be adopted in April 2023
- 1.9 It is agreed that the Central Lincolnshire Local Plan 2012 - 2036 replaces in full the saved policies of the North Kesteven Local Plan (adopted 2007).
- 1.10 It is anticipated that the review of the Central Lincolnshire Local Plan currently underway could be adopted in April 2023. It is agreed that the Central Lincolnshire Local Plan 2018 - 2040 is an important and relevant matter to the Secretary of State's decision.



Planning History

1.11 It is agreed that the local authority planning history related to the Energy Park and relevant to the proposed development is included at Table 1.

**Table 1 – Planning history**

Reference	Description of Development	Decision	Date
09/0628/FUL	Installation of a 70m high wind monitoring mast for a temporary period of 18 months	Approved	15 October 2009
09/1067/S36	Application (submitted under section 36 of the Electricity Act 1989) for consent to construct and operate a wind energy electricity generating station	Local Authority objected to the proposal <b>Application approved subject to conditions – February 2013</b>	08 February 2012
15/0416/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington.	Local Authority had no objection to the proposal but expressed concerns regarding landscape impacts and proposed re-wording of the RMS condition.  Local Authority raised concerns regarding differing noise reports from applicant and objectors and proposed re-wording of the RMS condition. <b>Application not being progressed – confirmed November 2022*</b>	05 June 2015  24/1/17
18/1384/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed planning permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington to allow for the	Local Authority raised significant concerns to the proposal <b>Application refused – July 2022</b>	06 December 2018

Reference	Description of Development	Decision	Date
	date by which development must be commenced from 5 years to 10 years.		
<p>*Although no formal decision has been issued by BEIS on the 2015 application, they (BEIS) have advised that they do not intend to consider the 2015 Variation application further. We have therefore not assessed the wind turbine permission as part of the baseline for Environmental Statement. NKDC’s position is that the wind turbine application (09/1067/S36) is expired and is incapable of being implemented.</p>			

Impacts of the development

- 1.12 It is agreed that all environmental constraints and sensitive receptors relevant to the determination of the application have been considered in the application plans and documents.
- 1.13 It is agreed that the development proposed is an EIA development, and the submitted EIA assesses the realistic worst-case effects of the development.

Subject to NKDC review of the ES and draft DCO

- 1.14 This section will be reviewed and updated following NKDC review of the ES, DCO and other relevant documentation.
- 1.15 The parties agree that, with the exception of the impacts listed under Section 2 (Matters Not Agreed), the proposal includes mitigation measures that will reasonably and satisfactorily address all other substantive impacts of the proposal necessary to make the development acceptable in planning terms.
- 1.16 Notwithstanding the fact that mitigation measures to address the impacts listed in Section 2 are yet to be agreed, it is agreed that these outstanding matters are capable of being addressed through the DCO requirements.

Requirements - subject to NKDC review of the ES and draft DCO Requirements

- 1.17 This section will be reviewed and updated following NKDC review of the ES, DCO and other relevant documentation.
- 1.18 It is agreed that the DCO requirements will be necessary to address the following matters:
2. *Commencement of the authorised development*
  3. *Phasing the authorised development and date of final commissioning*
  4. *Requirement for written approval*
  5. *Approved details and amendments to them*
  6. *Detailed design approval*
  7. *Fire safety management*
  8. *Landscape ecological management plan*
  9. *Implementation and maintenance of landscaping*
  10. *Fencing and other means of enclosure*
  11. *Surface and foul water drainage*
  12. *Archaeology*
  13. *Construction environmental management plan*

*14. Construction traffic management plan*

*15. Operational noise*

*16. Supply chain, employment and skills*

*17. Permissive path*

*18. Decommissioning and restoration*

1.19 A draft schedule of DCO requirements agreed by both parties to be considered as part of the Examination is set out in Appendix 1 [insert appendix at next revision].

Summary of main issues agreed/not agreed

1.20 Based on engagement to date and subject to review of the ES and other documentation, common ground may not be possible to fully resolve in particular in relation to the following elements (or sections within these):

- Land use and agriculture
- Cultural heritage (archaeology)

2. MATTERS NOT AGREED

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
<i>Site Description, Site Selection and Iterative Design Process</i>					
			Not agreed until NKDC has reviewed the alternative site selection process i.e. suitability of connection to Spalding substation etc.	ES complete and considers alternative layouts and back check review on other sites.	Under Discussion
<i>Proposed Development</i>					
			Likely to be agreed.	ES complete including where Rochdale Envelope principle required.	Under Discussion
<i>Planning Policy</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include weight that the applicant affords to emerging NPSs.	ES complete and supported by Statement of Need and Planning Statement.	Under Discussion

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
<i>Landscape and Visual</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include assessment of significance for each viewpoint and any associated mitigation measures.	ES complete - any potential for adverse effects has been judged to be considerably limited by the existing vegetation that characterises the close to medium range landscape. The proposed mitigation planting has the potential to considerably reduce significant effects, which would be geographically highly limited, both in character and visual terms. Whilst certain elements of the Proposed Development would, inevitably, be more visible, for a scheme of its scale the residual landscape and visual effects arising are considered to be highly limited.	Under Discussion
<i>Residential Visual Amenity</i>					
			Not agreed until NKDC has reviewed the relevant sections of	Some highly localised significant visual effects, but the visual amenity of the identified	Under Discussion

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			<p>the ES. Key areas to be considered include assessment of significance for each viewpoint and any associated mitigation measures, particularly Sidebar Lane and Mill Green Farm.</p>	<p>residential receptors would not be unacceptably harmed, and the residents would continue to benefit from good living conditions associated with their property and their garden environment. The properties would remain an attractive place to live when judged objectively, and would not be subject to any overbearing effects.</p>	
<i>Ecology and Ornithology</i>					
			<p>Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include site and species habitat impacts. Likely to be broadly agreeable on Biodiversity Net Gain improvements as a</p>	<p>BNG will meet the 10% minimum requirement. 100% is considered more likely but will not be conditioned.</p>	<p>Under Discussion</p>

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			minimum of 10% requirement.		
<i>Hydrology, Hydrogeology, Flood Risk and Drainage</i>					
			Technical assessments – NKDC cannot provide definitive comment and will likely defer to technical review by the Environment Agency and Black Sluice Internal Drainage Board as may be required.	ES complete and detailed hydraulic modelling completed. Flood risk assessment will accompany the DCO and be a certified document in the Order.	Under Discussion
<i>Cultural Heritage</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include archaeology which is likely not agreed – NKDC position with	Trial trenching not completed on the cable route. Outline WSIs included for Evaluation and Mitigation sections, associated with the cable route and energy park (and subsequent cable route following Evaluation e.g. trial trenching). Trial trenching on the	Under Discussion



SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			<p>Heritage Trust of Lincolnshire advice that trial trenching is needed before determination.</p> <p>Further elements of cultural heritage to be considered following ES review, and will likely also defer to technical review by Historic England as may be required.</p>	<p>cable route is scheduled to be completed after harvest, subject to the necessary landowner consents.</p>	
<i>Socio-Economic</i>					
			<p>Not agreed until NKDC has reviewed the relevant sections of the ES.</p>	<p>The Proposed Development would lead to no adverse significant effects from a socio-economic perspective. The Proposed Development will result in beneficial effects in terms of employment, economic contribution, and business rates in all relevant phases of</p>	<p>Under Discussion</p>

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
				<p>development, and adverse but not significant effects in EIA terms on accommodation demands in the construction and decommissioning phases.</p> <p>An Outline Supply Chain, Employment and Skills Plan will be produced to optimise the number of local people who will have access to employment and training opportunities arising from the Proposed Development and will be secured by DCO requirement.</p>	
<i>Noise and Vibration</i>					
			<p>Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include night-time noise at receptors within the vicinity of the energy</p>	<p>The assessment has identified potential significant noise effects if trenchless work is required during the construction phase and remains active at night, depending on the final locations where this may be required along the Cable Route Corridor for the</p>	<p>Under Discussion</p>

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			<p>park during operation. Likely no objection from NKDC in relation to trenching works associated with cable route outside the NKDC boundary, whereby BBC boundary will provide comments.</p>	<p>grid connection to National Grid Bicker Fen Substation. Additional measures (such as interrupting the drilling at night, use of alternative methods or temporary relocation) and liaison with the closest affected residents will be implemented to minimise the risk of significant effects. Noise and vibration from other construction and decommissioning activities are such that, providing construction working hours are controlled, their effect would be either not significant or negligible. Construction traffic is associated with negligible effects. Operational noise levels can be controlled to suitable noise limits through detailed design and selection of electrical/mechanical plant: the resulting effects would then either be not significant or</p>	

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
				negligible.	
<i>Climate Change</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include panel replacement and embedded carbon in materials i.e. ensuring that whole life stage has been considered.	Total GHG emissions from the construction phase, when compared to applicable national carbon budgets in line with accepted guidance, equate to an effect that is not significant. The Proposed Development is considered to have a significant beneficial effect on emissions reductions during its operational phase.	Under Discussion
<i>Transport and Access</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Likely agreed but NKDC to defer to LCC for technical assessment as Highway Authority.	Numbers are way below 10% threshold of A17. There will be an increase in vehicles using the local highway network during the construction period from both HGV movements and construction staff accessing the site. The impact of the construction phase traffic for the Energy Park, the	Under Discussion

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
				<p>cable route and the National Grid Bicker Fen Substation Extension is considered to be of Negligible significance, and therefore in EIA terms is Not Significant.</p> <p>The assessment of construction phase impacts has also taken into account accidents and safety, severance and driver delay which concluded no significant impacts in EIA terms are anticipated as a result of the Proposed Development. Mitigation has been provided in the form of an Outlier Construction Traffic Management Plan to reduce the impact of the construction phase.</p>	
<i>Air Quality</i>					
			<p>Not agreed until NKDC has reviewed the relevant sections of the ES, however considering the</p>	<p>There are not expected to be any significant cumulative and in combination effects with any other schemes on the shortlist for this ES. There are expected to be</p>	<p>Under Discussion</p>

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			information reviewed in the PEIR it is likely this section will be agreed.	no significant effects to air quality as a result of the Proposed Development.	
<i>Land Use and Agriculture</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include weight afforded to best and most versatile land in planning balance and mitigation through grazing.	The Energy Park comprises 50.6% Grade 3b, and 49% a mix of Grades 1 (11.1%), 2 (7.4%) and 3a (30.5%) in a complex pattern mostly intermixed with Grade 3b, such that few fields are wholly of BMV quality. A total of 81% is Grade 3. The site will remain in agriculture based as it will be grazed.	Under Discussion
<i>Glint and Glare</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Key areas to be considered include consideration of	Considers residential properties, road, rail, air traffic and national trails. Glint is theoretically possible for many receptors before taking screening into account but is only visible to a	Under Discussion

SOCG Ref	Document Ref	Topic	NKDC's Position	Applicant's Position	Status
			mitigation measures for green and yellow glare. NKDC likely to defer to MOD, Network Rail and NATS for technical assessment on their assets.	few receptors after the existing screening is accounted for.	
<i>Miscellaneous</i>					
			Not agreed until NKDC has reviewed the relevant sections of the ES. Likely agreed subject to further review of the Outline Energy Storage Safety Management Plan and Indicative Plume Assessment. NKDC may defer to Lincolnshire Fire and Rescue.	Chapter covers major accidents and disasters; waste; electric, magnetic and electromagnetic fields, telecoms, television and utilities - no significant effects.	Under Discussion

**3. MATTERS AGREED**

<b>SOCG Reference</b>	<b>Document Reference</b>	<b>Topic</b>	<b>NKDC's Position</b>	<b>Applicant's Position</b>	<b>Status</b>
<i>Site Description, Site Selection and Iterative Design Process</i>					
<i>Proposed Development</i>					
<i>Planning Policy</i>					
<i>Landscape and Visual</i>					
<i>Residential Visual Amenity</i>					
<i>Ecology and Ornithology</i>					
<i>Hydrology, Hydrogeology, Flood Risk and Drainage</i>					
<i>Cultural Heritage</i>					
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<i>Miscellaneous</i>					

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