

Your Ref : EN010123
Our Ref : 21/1572/NSIP
Contact : Nick Feltham
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FAO Tom Bennett
Case Manager
By email only

6 March 2023

Dear Tom

Application Reference: 21/1572/NSIP

Proposal: Planning Act 2008 (as amended) – Section 55 Application by Ecotricity (Heck Fen Solar) Limited for an Order Granting Development Consent for the Heckington Fen Solar Park

Location: Land At Six Hundreds Farmhouse, Six Hundreds Drove, East Heckington, Lincolnshire

Adequacy of consultation request (s42, s47 and s48)

Thank you for your letter dated 20th February 2023 inviting North Kesteven District Council to comment as to whether the applicant has complied, in relation to the application, with the above duties as set out in the Planning Act (2008). This response provides the Council's adequacy of consultation representation as referred to in s.55 of the Act.

As an overarching comment we would commend the applicant on the thoroughness of their engagement with the Council since the inception of their proposals, and as set out in the submitted Consultation Report (Document Reference: 5.1) we have held a number of meetings with them through various stages of the pre-application procedure.

The final version Statement of Community Consultation (SoCC) has been prepared to incorporate comments and suggestions made by the Council in response to the initial draft. The Consultation Report notes where these recommendations were made (primarily in relation to contacting additional 'hard to reach' groups identified by the Council, attendance at the Heckington Show and extending the consultation period during school holidays) and confirms that those recommendations were implemented. In that context, in the Council's view the Consultation Report and its associated appendices clearly document how the Council's advice has been actioned.

There are however a number of general observations which we would draw to the attention of the Planning Inspectorate in consideration of s.55 of the Act:

1. The table 6.3 'Summary of meetings held around and following non-statutory consultation' notes an NKDC councillor meeting on 3 November 2021 however we can confirm that this was an Officer meeting with the applicant
2. The table 7.4 'Summary of meetings during and following the statutory consultation' – the site visit was held on 8th July not 7th July
3. The table 8.1 'Summary of key issues from further (targeted) consultation feedback' doesn't appear to refer to NKDC feedback to Ecotricity in relation to agricultural land/BMV and biodiversity net gain set out in our email of 13th December 2022. Whilst that feedback was relatively limited and did not raise any additional issues nevertheless it does not appear to be accounted for in the summary. Nevertheless the Council is satisfied that these issues can be addressed in its Local Impact Report.
4. With reference to paragraphs 146, 183, 187, 189, 196, Table 8.1 and Appendix 20, the Consultation Report confirms the timings of site notice posting relative to the further targeted consultation stage. This third round of consultation ran from 11 November 2022 to 18 December 2022 and comprised a further stage of targeted consultation on localised (non-material) changes to the proposals that were made after the formal public consultation closed.

The Consultation Report does however highlight that a further 17 site notices were then posted on 6th January 2023 (i.e. after the end of the targeted consultation period) to reflect proposed order limit revisions and to target land with unknown ownership, primarily due to the plotting of the full extent of the adopted highway.

Whilst the proposals have been extensively publicised through various means across an extended period of time, the Consultation Report (specifically paragraph 196) does not set out whether the additional site notice posting generated any additional feedback and how this has been accounted for (if received); mindful that this might have been the first opportunity that those unknown landownership interests were made aware of the proposals. We assume that the notices posted on 6th January 2023 were also left in situ for 5 weeks (as per the timescale stated in paragraph 146).

5. With reference to Appendix 13, the images contained in paragraph 13.5.2 do not include the site notices referred to as posted in January 2023; they relate to those posted in June 22 only. Paragraph 146 of the Consultation Report states that 'copies of the site notices erected are included in Appendix 13 together with plan of the locations in which they were erected', however we cannot locate these. In addition, assuming that the dropped pin symbols on the plans correspond with where site notices were posted, there seem to be a number of missing site notice photographs.

6. Finally, table 5.5 of the final version SoCC sets out that consultation publicity would include press releases to 'Lincolnshire Free Press, Lincolnshire Live which includes: Boston Target, Sleaford Target & Spalding Target' and 'Lincolnshire World, the collective website which includes the Sleaford Standard, Boston Standard & Spalding Standard'. The SoCC then states in the same table that newspaper adverts would then also be placed in Lincolnshire Live, Lincolnshire World, The Lincolnite and Spalding Today. Following a recent query to National World media, I can confirm that the press notice referred to at Appendix 13 was posted in both the Boston Standard and Sleaford Standard (the latter on 22nd June 2022), even though the Appendix only refers to publication in the Boston Standard.

On that basis and subject to the comments set out above, North Kesteven District Council is satisfied that the applicant has complied with the requirements of s42, s47 and s48 of the Planning Act (2008).

Yours sincerely



**Assistant Development Manager
Planning Services**