

Heckington Fen Solar Park

EN010123

Cover Letter

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: PreExA.CL.s55.v1

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March 2023



FAO: Tom Bennett, PINS Case Manager
By email only

Your reference: EN010123
Our reference: PreExA.CL.s55.v1

28th March 2023

Dear Tom,

Application by Ecotricity (Heck Fen Solar) Limited for development consent for the Heckington Fen Solar Park

**Response to the Planning Inspectorate's section 55 advice dated 13 March 2023
Ecotricity (Heck Fen) Solar Limited ("the Applicant")**

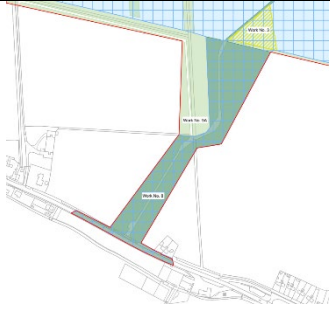
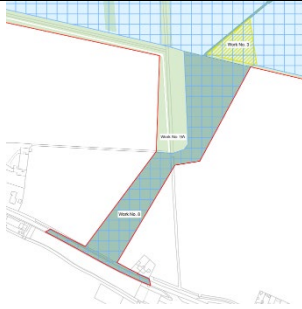
Thank you for confirming Acceptance of the Application for Heckington Fen Solar Park on Monday 13th March 2023. We refer to your comments on the Section 55 checklist; the Applicant has provided a response and/or clarification to the points raised including, where necessary, submission of errata or updated documents by email.

	Comment	Response
Box 6	<p>The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> Northern Gas Networks Limited Southern Gas Networks Plc ES Pipelines Ltd ESP Networks Ltd Harlaxton Gas Networks Limited ESP Electricity Limited London Power Networks Plc Mua Electricity Limited Optimal Power Networks Limited National Grid Electricity Distribution Midlands Limited 	<p>Using information sourced from the Energy Networks Association¹, the Proposed Development is not in the operational area for:</p> <ul style="list-style-type: none"> Northern Gas Networks Limited; and Southern Gas Networks Plc. <p>However, for completeness, the Applicant will add these bodies to the list for Section 56 Consultation.</p> <p>The Applicant has provided a commentary below in relation to the remaining companies. In any event, and for completeness adopting a precautionary approach, the Applicant will consult these companies at Section 56 and, if necessary, beyond:</p> <ul style="list-style-type: none"> ES Pipelines Ltd is correct, however was misspelt as 'ESP Pipelines Ltd' who shares the same address as ESP Utilities Group Ltd and were consulted under Section 42. ESP Networks Ltd shares the same address as ESP Utilities Group Ltd who were consulted under Section 42.

¹ Energy Networks Association, available at: <https://www.energynetworks.org/customers/find-my-network-operator> accessed 17th March 2023

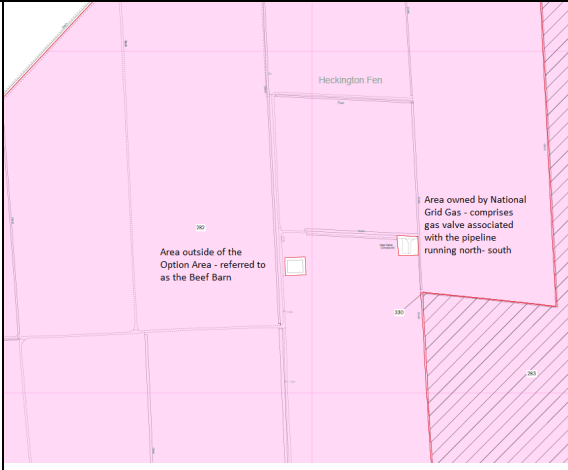
		<ul style="list-style-type: none"> • Harlaxton Gas Networks Limited shares the same address as Harlaxton Energy Networks who were consulted under Section 42. • ESP Electricity Limited shares the same address as ESP Utilities Group Ltd who were consulted under Section 42. • London Power Networks Plc shares the same address as Eastern Power Networks Plc who were consulted under Section 42. • Mua Electricity Limited, or formerly Murphy Power Distribution Ltd were consulted under Section 42, but have since changed their name. The Applicant has noted the change of name for the purposes of future engagement. • Optimal Power Networks Limited or formerly Forbury Assets Limited has become Optimal Power Networks Limited, a part of SSE. They were consulted under Section 42 under their previous name. • National Grid Electricity Distribution (East Midlands) plc, or formerly Western Power Distribution (East Midlands) plc were consulted under Section 42. • National Grid Electricity Distribution Midlands Limited as per the Section 55 Checklist shares the same address as National Grid Electricity Distribution (East Midlands) plc above – both will be added to the Consultation List.
Box 30 – Point 1	Land and Crown Land Plan (Doc 2.1)	
	<p>Not all road names are clearly identifiable.</p>	<p>The Applicant notes that some tracks are unlabelled on Ordnance Survey mapping - for example the Triton Knoll Private Track. Where there are road names on Ordnance Survey, these have been added to the Land and Crown Land Plan to the extent that they were not already showing. The Applicant has also increased the size of the labels by 10% and changed the colour to a darker grey.</p> <p>Revised Land and Crown Land Plans are provided as Document Reference 2.1 - V2.</p>
	<p>Plot 104b, 104c, 104d and 190, track is not labelled on the plan but it is used as an identifier in the Book of Reference.</p>	<p>The Applicant notes that Plots 104b, 104c, 104d refer to private access tracks leading to and through Poplartree Farm, and the Bicker Fen Wind Farm located in the same area, to the west of Bicker Fen Substation. The term 'track' in this instance is used to describe the use of the land rather than its location.</p> <p>In light of the Planning Inspectorate's comments, the Applicant has created track names for Plots 104b and 104c, and labelled this on the Land and Crown Land Plans (Document Reference 2.1 - V2). These names are based on the description contained within the Book of Reference (Document Reference 4.3). It should, however, be noted that the names and labels are for</p>

	<p>descriptive/reference purposes and are not official names of these private tracks.</p> <p>Plot 190 is the railway line running between Boston to Heckington. Track is not used in the description of this asset and a label 'Railway Line' has been added on the inset for clarification (Document Reference 2.1 – V2).</p>
Text base layer on the plans appears very small.	<p>Due to Ordnance Survey base layer mapping the text is a set size, however this has been recreated and increased by 10%.</p> <p>Revised Land and Crown Land Plans are provided as Document Reference 2.1 - V2.</p>
The map legend is not easy to interpret. The Applicant should clarify the rights sought by cross referencing to the information contained within the introduction of the Book of Reference to enable easier interpretation.	<p>The Applicant has amended the legend on the Revised Land and Crown Land Plans (Document Reference 2.1 – V2) to cross-refer to paragraph 2.3 of the Book of Reference (Document Reference 4.3). The Applicant has also simplified the description within the key, as follows:</p> <ul style="list-style-type: none"> • Class Right 1 - Permanent easement and access • Class Right 2 - Permanent access only • Class Right 3 - Temporary use (construction access and maintenance access) • Class Right 4 - Override private rights or extinguish other rights • Class Right 5 – Freehold (permanent acquisition of freehold interests)
Plot 12 is identified as Crown Land in the Statement of Reasons at paragraph 9.1.4 and in the Book of Reference, but it is not hashed as per the legend on the Land and Crown Land Plan.	<p>The Applicant and its Land Referencers have reviewed Plot 12 again. Accordingly, the Applicant does not consider that Plot 12 constitutes “Crown Land” and therefore does not consider that it needs to be identified as such on the Land and Crown Land Plan.</p> <p>The Applicant’s further review has confirmed that the “Exceptions and Reservations” and “Restrictive Covenants” in the transfer are for the benefit of, and run with, the “Retained Land”. The Retained Land is defined in the transfer as land shaded green. All of the land shaded green has been sold by the Crown Estate. The strip of Crown Land directly to the south of Plot 12 (ie Plot 69) is not shaded green. Accordingly Plot 12 is not considered Crown Land, but Plot 69 is.</p> <p>The Applicant has also updated the Book of Reference (Document Reference 4.3 - V2) to remove reference to the Crown interest within Plot 12.</p>
To aid legibility the applicant should provide a separate Crown Land Plan.	<p>A separate Crown Land Plan is now provided as Document Reference 2.10. For consistency and ease of referencing the Crown Land also remains on the Land and Crown Land Plan (Document Reference 2.1 – V2).</p>

Box 30 - Point 2	Work Plans (Doc 2.2)	
	On sheet 5, Work No. 8 has a lighter green line running through it which is not identified in the legend.	The lighter line shown running through Work No. 8 on Sheet 5 was an indication of the new track location, which continues north. This has been removed and the Works Plans reissued as Document Reference 2.2 – V2. The Applicant has provided screenshots below for ease of reference:
	Previous Work Plan - Sheet 5	Revised Work Plan - Sheet 5
		
	On sheet 3, Work No. 9b is shown on the plan but not in the legend.	The Applicant has updated the legend to include Work No. 9b on Sheet 3. The Works Plans have been reissued as Document Reference 2.2 – V2.
There is an area on Sheet 1 marked with pink line hatching that has been identified as Work No. 9B, however, this is not consistent with the legend.	The Applicant has updated Work No. 9b on Sheet 1 to match the legend. The Works Plans have been reissued as Document Reference 2.2 – V2.	
Box 30 - Point 3	Rights of Way Plan (Doc 2.3)	
	Sheet 7 depicts a break in the footpath Swhd/14/1 between points C and D with that gap identified as 'Streets Subject to Streetworks (Article 8 of the DCO)'. The Applicant should clarify this and confirm whether any mitigation measures are proposed should this stretch of Swhd/14/1 be affected during the construction period.	The depiction of footpath Swhd/14/1 has been amended to not to show a gap or break in the footpath. This was the result of the layering of shapefiles on the plan, in this instance it was shown underneath the Street Subject to Streetworks (Article 8 of the DCO). The Applicant can confirm that embedded mitigation has been included in the design in order to install the cable by trenchless installation methods under the footpath Swhd/14/1 between points marked C and D on the plan. Accordingly, this stretch of the public right of way is not affected during the construction period. The Rights of Way Plans have been reissued as Document Reference 2.3 – V2.
Box 30 - Point 4	Street and Access Plan (Doc 2.7)	
	In Schedule 4 of the draft DCO 'Royalty Lane' is named, but this is missing from Sheet 7.	A label for Royalty Lane has been added to Sheet 7. The Streets and Access Plans have been reissued as Document Reference 2.7 – V2.

	<p>In Schedule 4 of the draft DCO 'Timms Drove' is named, but this is missing from Sheet 9.</p>	<p>The label for Timms Drove was previously obscured by the Order Limit boundary, this been added to Sheet 9.</p> <p>The Streets and Access Plans have been reissued as Document Reference 2.7 – V2.</p>
	<p>On the maps and legend 'Temporary means of access to works' is coloured purple however schedule 7 of the draft DCO describes this as being coloured blue. The applicant should update this inconsistency to provide clarity.</p>	<p>The Applicant has updated the text in the draft Development Consent Order to refer to the area "coloured purple" rather than "blue". The Applicant has provided an example from Schedule 7 of the draft DCO below: :</p> <p><i>"The provision of a temporary means of access to the authorised development from the north side of the A17, at point EP/A and the area coloured purple on sheet 5 of the Streets and Access Plan."</i></p> <p>A revised draft Development Consent Order is included as Document Reference 3.1 – V2.</p>
	<p>On sheet 7 identifiers CR/B and CR/D appear to be slightly off from where they need to be located.</p>	<p>Identifiers CR/B and CR/D have been relocated slightly to align with position of junctions on the A17.</p> <p>The Streets and Access Plans have been reissued as Document Reference 2.7 – V2.</p>
<p>Box 30 - Point 5</p>	<p>Draft Development Consent Order (Doc 3.1)</p>	
	<p>Schedule 13 Parts 1 to 8 of the draft DCO provide draft protective provisions with a number of undertakers and organisations. Notwithstanding this, there are other potential interests such as Triton Knoll and Viking Link with whom protective provisions may be required. Therefore, the Applicant is advised to check that all the relevant draft protective provisions have been provided and, if not, then early engagement with any other parties is advised.</p>	<p>Schedule 13 Part 1 of the draft DCO (document reference 3.1) provides general protection for electricity, gas, water and sewerage undertakers. Therefore, in the event that a statutory undertaker does not have bespoke protective provisions within Schedule 13 they will, nevertheless, be covered by the general protective provisions at Part 1 of Schedule 13.</p> <p>The Applicant is engaging with Triton Knoll and Viking Link to discuss protective provisions. To the extent that these statutory undertakers require bespoke protective provisions, the bespoke protective provisions will be included as a new Part within Schedule 13 of the DCO.</p> <p>This position is explained within paragraph 8.1.23 – 8.1.24 of the Explanatory Memorandum (Document Reference 3.3).</p>
<p>Box 30 - Point 6</p>	<p>Explanatory Memorandum (Doc 3.3)</p>	
	<p>Page 6 paragraph 2.1.12.3 – Work No 4 refers to an "onsite substation and associated works". The Applicant may wish to clarify how this relates to the "works to extend the Existing Substation" that is referenced in paragraph 2.1.12.5.</p>	<p>The Applicant has included a definition of "Onsite Substation" within an updated version of the Explanatory Memorandum included with this submission (Document Reference 3.3 - V2), as follows:</p> <p>"Onsite Substation" means electrical infrastructure such as the transformers, switchgear, and metering equipment required to facilitate the export of electricity to the Existing Substation. The Onsite Substation will</p>

		<p>convert the electricity to 400kV for onward transmission to the Bicker Fen Substation via an underground cable.</p> <p>There is already a definition of Existing Substation within the Explanatory Memorandum (Document Reference 3.3) which reads as follows:</p> <p>"Existing Substation" means the existing substation at Bicker Fen, Bicker, Lincolnshire, PE20 3BQ, owned and operated by NGET.</p>
	<p>Page 7 paragraph 2.1.13 refers to "Further Associated Development" but this term is not defined in the Glossary in pages 3 to 5 of the EM. The Applicant may wish to define this.</p>	<p>Further Associated Development is defined within the body of the Explanatory Memorandum at paragraph 2.1.13. Therefore, the Applicant has included a definition of Further Associated Development in the Glossary of an updated version of the Explanatory Memorandum included with this submission (Document Reference 3.3 - V2) to cross-refer to paragraph 2.1.13, as follows:</p> <p>"Further Associated Development" has the meaning given to it in paragraph 2.1.13 of this Explanatory Memorandum.</p>
	<p>Page 7 paragraph 2.1.13.1.1 refers to the "alteration of any street permanently or temporarily ...". The Applicant should provide more detail on this including whether all streets that are intended to be altered have been included within the Order limits</p>	<p>All streets in which the Applicant intends to alter have been included within the draft Development Consent Order (Document Reference 3.1) at Schedule 5. As the Applicant explains at paragraph 7.1.21 of the Explanatory Memorandum (Document Reference 3.3), Schedule 5 of the draft Development Consent Order currently only includes temporary alteration. However, Article 9(2) of the draft Development Consent Order does provide for the power to alter the layout of any other street (i.e. a street not referred to within Schedule 5 of the DCO) for the purposes of constructing, operating, or maintaining the authorised development; the power provided for by Article 9(2) can only be exercised following the consent of the relevant street authority.</p>
<p>Box 30 - Point 7</p>	<p>Statement of Reasons (Doc 4.1)</p> <p>Clarification needed on the two small areas of white land shown on sheet 1 of the Land and Crown Land Plan, within plot 282.</p>	<p>Whilst more clearly depicted on Figure 1.1 Order Limits (Document Reference 6.2.1), these areas sit outside of the Order Limits of the Proposed Development. The western-most block relates to land retained by the landowner, comprising a barn.</p> <p>The eastern most block is a separate parcel, owned by National Grid Gas plc in relation to the gas valve compound in this location.</p> <p>Annotated screenshot provided below for ease:</p>

		 <p>The Applicant has explained this at paragraph 5.1.9 in an updated version of the Statement of Reasons (Document Reference 4.1 - Version 2) included with this submission.</p>
Box 30 - Point 8	Book of Reference (Doc 4.3)	
	<p>The Applicant should consider cross referencing the Book of Reference to the relevant articles within the draft DCO as suggested at paragraph 10, Annex D of the guidance related to the procedures for the compulsory acquisition of land.</p>	<p>The Applicant has inserted references to the relevant DCO articles relied upon for each class right in the introductory paragraph 2.3 to the Book of Reference.</p> <p>A revised Book of Reference is enclosed (Document Reference 4.3 - Version 2).</p>
<p>It is not clear within the introduction whether Class 4 and Class 5 relate to permanent or temporary needs. The Applicant should provide clarity on this.</p>	<p>The Applicant has inserted clarifying language to confirm the permanent/temporary requirements for Class 4 and Class 5 rights in the introductory paragraph 2.3 to the Book of Reference.</p> <p>A revised Book of Reference is enclosed (Document Reference 4.3 - Version 2).</p>	
Box 30 - Point 9	Outline Construction Traffic Management Plan (Doc 7.10)	
	<p>The Applicant should consider clarifying whether the HGV movements provided in Table 5.1 are for one-way or two-way movements and provide further details as to how the proposed internal construction access roads and construction compounds within the energy park site are to be constructed and configured.</p>	<p>Table 5.1 outlines the total number of construction vehicles associated with the construction period for the Energy Park. In effect, therefore, the number of construction vehicles referred to in Table 5.1 equates to a one-way trip.</p> <p>Nevertheless, the Applicant has assessed the impact of two-way trips and this is referred to throughout the body of the outline Construction Traffic Management Plan (oCTMP) - for example at paragraph 5.15. The Applicant has added wording to Table 5.1 to clarify that the number of construction vehicles equates to a one-way trip.</p> <p>The Applicant has also added further detail on the access roads and construction compounds to a revised</p>

		<p>oCTMP included with this submission (Document Reference 7.10 - Version 2).</p> <p>The access tracks within the Energy Park Site will be of a suitable width to accommodate HGVs and will be constructed using compacted material.</p> <p>In the first instance, existing agricultural tracks will be used to access the site via the temporary construction access and a temporary track will be constructed between the temporary access point and the main construction access to enable its construction. Following construction of the main construction access, the network of tracks shown as part of the wider submission will be constructed in phases (to be confirmed in due course) and will remain in place throughout the construction and operational phases, as necessary.</p> <p>The compounds will be of suitable size for an articulated vehicle to enter, turn and exit in a forward gear and will be constructed prior to construction works commencing in each area of the site that they are to be located. A temporary compound will be implemented from the outset whilst the temporary construction access is in use and the main construction access is under construction. Once complete, the remainder of compounds will be constructed as necessary, subject to phasing.</p>
Box 30 - Point 10	Flood Risk Assessment (Environmental Statement Appendix 9.1 ((Parts 1 and 2) (Doc ref 6.3.9.1))	
	<p>The Applicant should clarify in the Flood Risk Assessment (FRA) whether the Order Limits for the application are within Flood Zone 3a and/or Flood Zone 3b.</p>	<p>The Applicant has clarified the Flood Zones within the Order Limits and the split between Flood Zones 3a and 3b.</p> <p>A revised Flood Risk Assessment is included at Document Reference 6.3.9.1 – Version 2.</p>
	<p>FRA (Part 2) (Doc ref 6.3.9.1) Appendix C, para 3.2.1: (Pg 6 of 17) states that the maximum flood depth (m) is shown in Error! Reference source not found. for the 1000-year plus 20% climate change scenario for breach 2. The Applicant should amend any reference source errors in the FRA.</p>	<p>The Applicant has addressed the reference source errors.</p> <p>A revised Flood Risk Assessment is included at Document Reference 6.3.9.1 – Version 2.</p>
	<p>The Applicant should explain how all flood-sensitive infrastructure would be elevated above the 1:100 year [sic] breach level of 1.95m AOD and how this has been accounted for in terms of landscape and visual impact assessment.</p>	<p>The design of the Energy Park site which has been assessed in the Environmental Statement (Document Reference: 6.1) and more specifically within Chapter 6: Landscape and Visual (Document Reference 6.1.6) is a design which complies with the necessary flood levels in a 1 in 1,000 year + 20% flood event. The detail of elevations of all of the equipment for the Proposed Development can be seen in the elevation figures within the ES (Document Reference: 6.2.4). It can therefore be</p>

		<p>concluded that the Landscape and Visual Assessment (Document Reference 6.1.6) has assessed a design which is compliant with a 1 in 1,000 year + 20% flood event.</p> <p>A revised Flood Risk Assessment is included at Document Reference 6.3.9.1 – Version 2.</p>
Box 30 - Point 11	Environmental Statement Chapter 3 (Doc 6.1.3)	
	<p>Page 11 paragraph 3.3.9 states that the onshore cable route will need to cross a range of existing infrastructure including Triton Knoll cable route and Viking Link and paragraph 3.3.11 states there would be 46 no. locations where open-cut trenching would not be used. Consequently, the Applicant should consider providing a cable crossing method statement.</p>	<p>The Applicant has provided a Cable Crossing Method Statement as a new Appendix 4.1 to Chapter 4 of the ES (Document Reference 6.3.4.1). The Applicant considers that the Cable Crossing Method Statement sits better as an appendix to Chapter 4 of the ES (rather than Chapter 3) given that Chapter 4 is the description of the proposed development.</p>
Box 30 - Point 12	Environmental Statement Chapter 4 (Doc 6.1.4)	
	<p>Page 4 Table 4.1. If open-cut trenching is to be used the Applicant should explain how the impacts of this on landscaping have been assessed in visual impact terms.</p>	<p>The locations where existing landscaping may need to be removed are shown on the Important Hedgerows Plan (Document Reference 2.9). There are no areas where existing landscaping would need to be removed within the Energy Park.</p> <p>The areas where landscaping may need to be removed relate to sections within the Offsite Cable Route Corridor. The exact location and extent of removal will be known when the final location of the cable is known.</p> <p>The Landscape Assessment (Document Reference 6.1.6) has assessed a worst-case scenario. It has assessed that sections of the landscaping at locations shown within the Important Hedgerows Plan (Document Reference 2.9) will be removed whilst construction takes place and then replaced once the construction/laying of the cable has been completed. This assumption has been made to ensure that when the final methodology for laying cabling, in these locations, (HDD, open cut or dam & pump) the loss of landscaping has been assessed. The timing of the landscaping replacement will be seasonally dependent.</p> <p>To ensure that the Landscape Assessment (Document Reference 6.1.6) has considered the 'worst case scenario' it has assessed that any replacement areas of landscaping would be planted as 'whips' (60-80cm in height).</p> <p>A revised Environmental Statement Chapter 4 (Document Reference 6.1.4 – Version 2).</p>

Box 30 - Point 13	Environmental Statement Appendix 6.9 (Doc 6.3.6.9)	
	This appendix refers to construction phases. It is assumed that this relates to the phases described within the indicative phasing plan (ES Figure 4.3) and paragraph 4.3.1 of Environmental Statement Chapter 4, but this is not explicit. The Applicant should provide clarity on this.	The assessment of the construction 'phase' is written with reference to Chapter 4 - Proposed Development (Document Reference 6.1.4) and Figure 4.3 - Indicative Phasing Plan (Document Reference 6.2.4), as stated in Chapter 6 (Document Reference 6.1.6) at paragraph 6.2.1 and paragraph 6.5.2. A note to this effect has been added to Appendix 6.9, which is reissued as Version 2.
Box 30 - Point 14	Construction Environmental Management Plan (Doc 7.7)	
	Appendix D of the CEMP contains a Construction Dust Risk Assessment and Appendices E and F provide a Soil Management Plan for the energy park and the cable route, respectively. However, whilst other matters are referred to in the CEMP, there are other outline documents that the Applicant should consider including either as appendices to the CEMP or as standalone documents that are then secured in the DCO. These include, but are not limited to, the following: Artificial Light Emissions Management Plan, Watercourse Crossing Method Statement, Construction Noise Management Plan, Contaminated Land and Groundwater Scheme, and Site Waste/Materials Management Plan.	The Applicant has provided a revised Construction Environmental Management Plan with the following appendices added: <ul style="list-style-type: none"> • Appendix G - Construction Noise Management Plan • Appendix H - Artificial Light Emissions Management Plan • Appendix I - Watercourse Crossing Method Statement • Appendix J - Contaminated Land and Groundwater Scheme • Appendix K - Site Waste and Materials Management Plan.

The Applicant refers the Planning Inspectorate to the Guide to the Application (document reference 1.4 (Version 2)) for a full list of the documents with this submission. The Applicant requests that the revised documents are accepted by the Planning Inspectorate as Additional Submissions. The Applicant, however, understands that this may not be possible until the Examining Authority has been appointed. A PDF of the Draft Development Consent Order (Version 2) is included, however a Word copy can be provided if required.

We trust that the above deals with the comments raised in your section 55 checklist and helps to clarify any minor discrepancies. If, however, any further clarification is required, please do not hesitate to contact us.

We would be grateful if you could kindly confirm safe receipt.

Yours Sincerely,

Laura White
Project Manager

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