



North Kesteven
DISTRICT COUNCIL

Your Ref : EN010123
Our Ref : 21/1572/NSIP
Contact : Nick Feltham
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The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only

8th June 2023

Dear Sir/Madam

Application Reference: 21/1572/NSIP

Proposal: Erection of 500MW generating capacity solar farm and associated infrastructure including battery storage, substations, inverters and cable connection to Bicker Fen substation

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

Relevant Representation of North Kesteven District Council

North Kesteven District Council (NKDC) is the host local authority for the Heckington Fen Solar Park Development Consent Order (DCO) application. The 'order limits' of the DCO include the development of land within the administrative boundary of NKDC and Boston Borough Council.

In accordance with section 102(1)(C) of the Planning Act 2008 (PA 2008), NKDC automatically qualifies as an 'interested party' (IP) for the purpose of the examination of the Heckington Fen Solar Park DCO.

In its capacity as an 'interested party' NKDC submits this Relevant Representation (RR) in accordance with sections 56 and 102(4) of the PA 2008. This RR is made without prejudice to the future views that may be expressed by NKDC in its capacity as an IP in the examination process. The comments are made following an initial review of the extensive DCO application material.

Scope of this Relevant Representation

NKDC will provide a detailed case on the impact of the applications within its Local Impact Report (LIR). The LIR will set out the views of NKDC following an opportunity to appraise the application in detail, including with regard to cumulative impacts with other NSIP applications within the District boundary and elsewhere within Lincolnshire (primarily other NSIP solar farm proposals within South Kesteven and West Lindsey Districts, but also the Lincolnshire Reservoir).

A full response setting out the technical assessment of the application, including policy compliance and a planning balance, will be reported within NKDC's Written Representation (WR). The WR will include assessments on the individual impacts of the Heckington Fen Solar Park project, along with the cumulative impacts with the Beacon Fen, Springwell and Fosse Green Solar Projects, and the Lincolnshire Reservoir.

NKDC considers that the cumulative effects of elements of all five projects will have impacts upon communities and the natural environment and these impacts should be a focus of the examination of all the applications. This RR therefore sets out the key issues that NKDC consider to be important and relevant for the examination phase of the application to consider.

The Examination process

Whilst this RR relates to the Heckington Fen Solar Park, the proposals for Beacon Fen and Springwell have been registered with the Planning Inspectorate and have been subject to EIA scoping to which NKDC has provided formal comments. The Fosse Green Solar Project has not yet been registered however the Council has been advised that an application for a Scoping Opinion will be submitted in June 2023.

Whilst Heckington Fen is the only project accepted for examination and is significantly more advanced, the other 3 solar projects are following broadly similar timelines; being at non-statutory consultation/scoping stage (or envisaged to, in the case of Fosse Green). Gate Burton, West Burton, Cottam, Tillbridge (West Lindsey), Mallard Pass (South Kesteven/Rutland) and Temple Oaks (South Kesteven) solar projects have all been either accepted for examination or are at pre-application stage. With a number of these applications currently in the early stages of pre-examination, this will inherently result in them being examined in parallel.

Whilst these solar projects are not located within the District boundary nevertheless the consequences of this parallel examination are that cumulative impacts between each project will need to be considered.

On a practical level, whilst the scope of cumulative impacts associated with the Heckington Fen solar park and these other non-NKDC solar projects are (without prejudice) likely to be relatively narrow, overlapping examination programmes might still prove to be problematic, especially if the examination programmes are not aligned to avoid hearing clashes.

NKDC has/will register as an IP for all of these applications and would wish to make submissions on cumulative impact matters, and therefore we welcome an approach that enables it to carry out its duties in as effective and efficient manner as possible.

An unmanaged overlap of examination programmes might result in NKDC experiencing significant resourcing issues to meet statutory deadlines whilst preparing for, and attending, hearings. NKDC therefore requests that the Planning Inspectorate works closely with all relevant host authorities to ensure that it has the ability to engage effectively in the logistical approach to the examination of all applications.

Core issues for consideration

NKDC will provide detailed comments for the Heckington Fen Solar Park project in the Local Impact Report (LIR) and Written Representation (WR). Without prejudice to the views that are expressed in those documents, the key issues currently identified by NKDC at this stage are summarised below:

Policy framework and decision making

NKDC will set out its position on the compliance of the application with the PA2008 for the purpose of decision making. The assessment and planning balance will be carried out with regard to inter alia:

- Relevant National Policy Statement(s) – including the 2023 draft EN1, EN3 and EN5
- Statutory development plan framework – comprising the 2023 Central Lincolnshire Local Plan
- Published guidance and advice notes
- Representations from other parties

NKDC reserve the right to raise any further matter relating to compliance with any primary and secondary legislation following a detailed assessment of the application, and in response to matters that may arise during the examination process.

Cumulative impacts

The cumulative impacts of the Heckington Fen Solar Park project alongside those other solar/reservoir projects listed above will be a material consideration for NKDC. The scale of the Heckington Fen and other projects, in isolation as well as cumulatively, will give rise to significant environmental impacts albeit across a potentially narrow range of subject matters mindful of the degree of separation between the sites. However, that will still require particular scrutiny and assessment by NKDC, and should be a key focus of the examination phase.

The cumulative agricultural land impacts of Heckington Fen Solar Park alongside Gate Burton Energy Park, Cottam Solar Project and West Burton Solar Project are of particular importance, given our understanding that these latter three projects are likely to be examined under the PA2008 concurrently, and slightly ahead of the Heckington Fen Solar Park.

It is therefore essential that consistent information and evidence is presented at all three earlier examinations to enable a fair and consistent recommendation (and decision) to be made; including in relation to agricultural land/food security impacts, and that those examination processes have full regard to Heckington Fen even though in terms of examination and procedural timings they will precede (but potentially still overlap) it.

Furthermore we understand that the Tillbridge Solar Project in West Lindsey District is expected to be submitted in Q4 2023, and therefore the emergence of the Tillbridge Solar Project should be accounted for in cumulative assessments.

Project specific impacts

NKDC will fully explore the impacts of the Heckington Fen Solar Park in its LIR and WR following a detailed appraisal of the application documents. Without prejudice to matters that are identified following a detailed assessment, NKDC expect the following matters to be scrutinised in detail through the examination phase:

- Compliance with relevant legislation; including where applicable the 2023 draft EN statements (EN-1 and EN-3)
- Policy compliance and planning balance;
- Land use - loss of BMV agricultural land including any evidence of prioritisation of non-BMV land and whether/how residual impacts can be mitigated (including through grazing);
- 'Alternatives' in the context of BMV land and flood risk (see below)
- Landscape and visual effects (including lighting impacts and glint and glare);
- Residential visual amenity;
- Effects on public amenity and recreation;
- Ecology and biodiversity impacts (including evidencing Biodiversity Net Gain);
- Cultural heritage – in particular with reference to archaeological considerations;
- Traffic and transport;
- Noise impacts;
- Hydrology and flood risk – including evidencing compliance with the flood risk sequential test
- Safety and human health

NKDC will also express its judgement on the 'planning balance', assessing all of the schemes benefits and disbenefits against the relevant policy framework to provide an overall conclusion on the acceptability of the application.

In addition to the submission of a WR and LIR, NKDC understands its role in the examination process to respond to written questions directed to them and the requirement to participate in Hearings as scheduled by the Examining Authority.

Mindful of our proactive and constructive engagement with the applicant through the pre-application stages, and without prejudice to our detailed assessment of the examination documents, NKDC is likely to focus its LIR and WR's on the subject areas of;

- Land use - loss of BMV agricultural land including any evidence of prioritisation of non-BMV land and whether/how residual impacts can be mitigated (including through grazing);
- Cultural heritage – in particular with reference to archaeological trenching and evaluation along the grid connection corridor;
- Landscape and visual effects;
- Ecology and biodiversity impacts (including evidencing Biodiversity Net Gain);
- 'Alternatives' in the context of BMV land and flood risk; and
- Cumulative impacts – particular BMV agricultural land

Again, without prejudice to our detailed assessment of the examination documents and the decision making processes that will ultimately inform the content of our LIR, NKDC are likely to identify degrees of 'negative' impacts particularly in the context of BMV land and archaeology.

Mitigation (including Requirements and other control documents)

A key concern for NKDC will be, should the Heckington Fen Solar Park be consented, the mechanisms that will mitigate and control the impacts of the scheme. These concerns will largely extend to mitigation for the application itself, however there may be some cumulative impacts with other projects – potentially (in the case of the 3 other solar projects referred to in North Kesteven District) highways, archaeological and ecological impacts during the construction and/or decommissioning stages including in relation to the proposed grid connection into Bicker Fen substation (BFSS).

The Beacon Fen (north and south) solar project is likely to require particular scrutiny in this regard mindful of its location relative to Heckington Fen including the wide arc of the cable connection corridor into BFSS currently shown.

NKDC will also seek to ensure that all impacts on the environment and communities are mitigated and controlled and not solely those deemed 'significant' in terms of the Environmental Impact Assessment. NKDC expect the applicant to deliver measures that mitigate all impacts to ensure that the overarching impact of the project is mitigated as far as possible.

Draft DCO

NKDC will provide detailed comments on the draft DCO. The key issues for focus will include:

- The scope of the authorised development;
- The schedule and drafting of 'requirements'.

NKDC expect their views on the drafting and approvals process for DCO requirements in particular to be given significant weight in their role of ensuring that the impacts upon local environment and communities are minimised, and as an approving and enforcement authority.

Summary

As the host authority and IP for the project NKDC will be taking a full and active role in the examination of DCO application. Heckington Fen Solar Park is the only solar project currently accepted for examination in NKDC and is significantly further advanced than the Springwell, Beacon Fen and Fosse Green projects.

However, we are conscious that due to the unique circumstances of the three DCO applications for solar photovoltaic generation stations likely to be examined concurrently in the adjacent authority of West Lindsey, along with at Mallard Pass (SKDC/Rutland) and

where these precede Heckington Fen by only a matter of months, an initial concern is to understand how the Planning Inspectorate will approach the examination phases of these projects (specifically those in WLDC) mindful that NKDC intends to adopt a role as an IP in relation to all of those projects.

The approach to the examination of all of these applications must allow for efficiency of resources, transparency and fairness. NKDC looks forward to engaging positively in the examination of the Heckington Fen Solar Park project and will continue to work with the applicants to ensure the process is robust and efficient.

Yours faithfully

Mark Williets

**Development Manager
Planning Services**