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Your Ref: PreExA.CL.CN.V1

Our Ref: EN010123

Date: 16 June 2023

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Dear Ms White

## **The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9**

### **Application by Ecotricity (Heck Fen Solar) for an Order Granting Development Consent for the Heckington Fen Solar Park**

#### **Notice by Applicant of intention to submit a request to make changes to the application**

Thank you for your letter dated 13 June 2023 giving notice of the intention of Ecotricity (Heck Fen Solar) (the Applicant) to submit a request to make changes to the Heckington Fen Solar Park Development Consent Order (DCO) Application.

The change notification letter informs the ExA of a number of additional proposed works which are associated with the grid connection to the Bicker Fen Substation, at Work No. 6. The change will require approximately 0.9 hectares of additional land. The ExA understands that the works are on National Grid Electricity Transmission (NGET) land, and the letter explains that the works are necessary to facilitate the Grid connection for the DCO Application. The works would be delivered and operated by NGET. Alongside the notification letter, a signed Joint Position Statement has been submitted together with NGET which sets out the parties' agreement to the necessity of the works and that they will work together to provide relevant documents and assessments to facilitate the change application.

The ExA is satisfied that the Notification of Proposed Changes document meets Step 1 of the recommended procedure in the Planning Inspectorate's 'Advice Note 16: 'Requests to change applications after they have been accepted for Examination' (AN16). In line with Step 2 of AN16, the ExA can provide advice which includes the procedural implications of the proposed changes and guidance on the need, scale and nature of the consultation that the Applicants propose to undertake.

From the information presented so far, the ExA acknowledges that together the changes would be material. Additionally, the ExA accepts that that the proposed changes, either individually or cumulatively, would not lead to the Project being different in nature or substance to that which was originally applied for on 15 February 2023.

### The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

It is anticipated that the proposed changes may result in new or different likely significant effects and will be subject to further environmental assessment in accordance with the EIA Regulations. Additional impacts are expected to relate to removal of trees and associated effects on biodiversity and landscape and visual impacts. The ExA advises that mitigation should form part of the considerations. A supplementary Environmental Impact Assessment should accompany the change application, together with an update to all relevant plans and documentation and consultation in accordance with Figure 2b (6) of AN16.

### The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

The proposed changes include additional land which would engage the CA Regulations. Therefore in accordance with Figure 2b (5) of AN16 the Applicant must provide confirmation of the consent of NGET and any other persons with an interest in the additional land to the inclusion of a provision authorising its CA in the DCO, together with updates to the Book of Reference, Land Plans, Statement of Reasons and Funding Statement.

### The Conservation of Habitats and Species Regulations 2017 (as amended)

The ExA requests that you also consider whether the proposed changes have any implications for your Shadow Habitats Regulations Assessment [APP-049] and whether they would make a difference to the outcomes set out.

### Consultation

The ExA notes your stated intention to carry out a proportionate and targeted consultation on the proposed changes with the list of consultees at Appendix 1 of your letter, pursuant to Section 56 of the Planning Act 2008. You should give a minimum of 28 days for responses to your consultation, and newspaper and site notices should be posted. Please ensure that consultation responses are sent to you as the Applicant and not to the Planning Inspectorate.

Appendix 2 of your letter comprises a draft leaflet which appropriately sets out the proposed changes and includes plans to show the existing and proposed Order Limits. The ExA advises that where this plan is reproduced in consultation documents that the annotations on the plans/photographs are made larger and clearer.

### Timetable

The ExA notes that targeted consultation is expected to commence in mid-July, allowing time for the Applicant to consider responses, compile a consultation report and submit the formal change request in good time prior to the Preliminary Meeting in mid-September.

However, it is advised that consultation takes place as soon as possible (acknowledging that EIA work is ongoing), so as to ensure a smooth running and timely Examination.

If the ExA decides to accept the proposed changes into the Examination, Interested Parties will have an opportunity to make representations on the changed application, in writing or orally at hearings, when the Examination commences.

### Next steps

It is advised that all updated documents submitted with the formal change request should include both clean and tracked changes versions (or where minor changes are made, a schedule of changes).

The Applicants are asked to ensure that the change request responds fully to the points made above and taking account of Figure 2b of AN16, which sets out the information to include in a request to make a material change to an application after it has been accepted for examination.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours sincerely

*Susan Hunt*

**Examining Authority**

This communication does not constitute legal advice.

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