

Heckington Fen Solar Park

EN010123

Change Application Cover Letter

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: Pre-ExA.ChangeApp.CL.V1

August 2023



Susan Hunt
Examining Authority
By Email

Dear Ms Hunt

25 August 2023

Heckington Fen Solar Park Development Consent Order (application reference: EN010123)

Ecotricity (Heck Fen Solar) Limited

Change Application (our document reference – PreExA.CL.CA.v1)

Introduction

Further to our Change Notification dated 13 June 2023, and your acknowledgement on 16 June, please find enclosed details of our Change Application.

This Change Application has been completed in accordance with the Planning Inspectorate's Advice Note 16¹ - Figure 2b.

Description of the Proposed Change

The accepted Application includes land and works at National Grid's Bicker Fen Substation ("Bicker Fen Substation") to provide for a new generation bay for the Applicant together with works to facilitate the connection for the Applicant's project.

The proposed change relates to land at Bicker Fen Substation. Following submission of the Application, and as a result of ongoing discussions with National Grid Electricity Transmission (NGET), it has become clear that additional works at Bicker Fen Substation are required to enable the grid connection. These works lie outside of the current Order Limits at the Bicker Fen Substation. Accordingly, a larger area is needed at the Bicker Fen Substation to facilitate the Applicant's project, and this Change Application seeks to incorporate the additional land and works required.

These works are necessary as a consequence of the Proposed Development, and are therefore associated development, include:

1. a new section of NGET infrastructure at the Bicker Fen Substation comprising a busbar extension including a section breaker, a bus coupler and a feeder circuit on land to the south of Bicker Fen Substation, which is owned by NGET; and

¹ Advice Note Sixteen: Requests to change applications after they have been accepted for examination (Published March 2023, version 3): <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>

2. a new cable sealing end ("CSE") compound on land to the west of Bicker Fen Substation which is owned by NGET.

Rationale and pressing need for the Proposed Change

The latest discussions with NGET confirm that additional works needed at the NGET substation are triggered by the Applicant's Proposed Development; these works include a new section of NGET infrastructure to be built to ensure compliance with the infeed loss risk at Bicker Fen Substation. A complete substation section comprises:

1. a busbar extension and a bus section circuit breaker²;
2. a bus coupler³; and
3. at least one feeder circuit⁴ to evacuate power.

These three pieces of infrastructure are the minimum requirement to create a new substation section.

The Applicant's Proposed Development necessitates the new section as there is not sufficient capacity to connect to the existing infrastructure. The reason for this change is due to further technical information being known – namely that the additional equipment is needed for the Heckington Fen generation bay to operate. To ensure the DCO contains the relevant provisions and permissions to allow the full project to be constructed the Change Application has therefore been progressed.

Furthermore, the Change Application gives a complete picture of the related environmental impacts associated with the NGET connection works. This position is supported by the emerging National Policy Statements for Electricity Networks (EN-5)⁵ which encourages holistic planning – particularly at paragraph 2.7.1 and 2.7.2, which includes the following text:

"EN-1 explains in Section 4.10 that the Planning Act 2008 aims to create a holistic planning regime, such that the cumulative effects of the same project can be considered together.

Accordingly, the government envisages that, wherever reasonably possible, applications for new generating stations and their related infrastructure should be contained in a single application to the Secretary of State..."

The principle of including wider associated development is also supported in guidance on associated development applications for major infrastructure projects⁶ where at

² A bus section circuit breaker is generally closed during normal operation. When a fault occurs on the bus, the bus section circuit breaker is opened to separate the bus into two sections. This allows the faulty bus section to be isolated, thereby limiting the number of loads that lose power. The provision of two bus sections provides redundancy in the development, so if one fails, the back-up is available.

³ A bus coupler is a device which is used to couple one bus to another without any interruption in power supply and without creating hazardous arcs. Bus coupler is a breaker used to couple two busbars in order to perform maintenance on other circuit breakers associated with that busbar.

⁴ A feeder circuit is a conductor, or group of conductors, and associated protective and switching devices. The circuit is connected to both the bus coupler and the bus section breaker.

⁵ National Policy Statement for Electricity Networks Infrastructure (EN-5), draft for consultation dated March 2023

⁶ Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/192681/Planning_Act_2008_-_Guidance_on_associated_development_applications_for_major_infrastructure_projects.pdf

paragraph 5(iv) guidance states that associated development should be proportionate to the nature and scale of the principal development, which is the case here.

Application Documents – Schedule of Changes

The Guide to the Application is included as document 1.4 (Rev 3) with this submission. This document includes a full schedule (at Table 3.2) of all application documents with an annotation in the final column of the table indicating whether the original application document has been updated for the purposes of this Change Application. No annotation coupled with green shading within the final column indicates that no change has been made.

The documents are 'up-issued' only where changes have been triggered by the Change Application. Exceptions to this include where minor typos/errata have been noted or where documents have been updated to reflect their current status, as follows:

1. In Chapter 6 (para 6.4.35) of the Environmental Statement (document reference 6.1.6) in which the landscape character was assessed as 'high', which was incorrectly noted in the DCO application as the assessment should have noted 'medium';
2. In the Arboricultural Report, at Appendix 6.3, which show an area of potential vegetation removal on the south west corner of Bicker Fen Substation (not associated with AW1) which we missed on the previous revision;
3. The Book of Reference (document 4.3) which has been updated following further diligent enquiry (for example, to identify new owners of existing plots/land), such that it reflects a current snapshot as of the date of the Change Application; and
4. The Schedule of Negotiations with Statutory Undertakers and Landowners (document reference 4.4) which has been updated such that "Table 1 - Summary of negotiations with landowners" is current as of the date of the Change Application and "Table 2 - Summary of negotiations with statutory undertakers" reflect changes triggered by the Change Application.

No additional consents and/or licences are required as a result of the increased footprint for the Bicker Fen Substation extension.

Revised Chapters and Outline Control Documents are provided as tracked and clean versions. Given that the Order Limits are being amended and two additional works (or sub-sets of Work No. 6) are being added, the changes do affect a number of the application documents. However, as the Examining Authority (ExA) and stakeholders will see from the track changed version of these documents, the changes are often very minor in nature.

The Applicant refers the ExA to the Guide to the Application (document reference 1.4, version 3) included with this submission for a complete list of documents.

Draft DCO and Explanatory Memorandum

The Draft DCO and Explanatory Memorandum are included in the documents submitted as tracked and clean versions.

Additional Land and Compulsory Acquisition

The Proposed Change includes approximately 0.9ha of additional land at the Bicker Fen Substation. The land is under the ownership of NGET.

As the ExA will see from the updated Land Plans (document reference 2.1, version 3) and the updated Book of Reference (document reference 4.3, version 3), two additional plots (plot 99H to the south, and plot 99I to the east) have been created for the additional land.

The Applicant is seeking new compulsory rights (“substation connection rights”) for the additional land at plot 99H in order to have certainty to connect its generation bay into the NGET extension. The Applicant does not require any compulsory rights over the additional land to the east of the Bicker Fen Substation (plot 99I) as this is NGET land, the works (Work No. 6C) are to be undertaken by NGET, and the Applicant does not have any proposed infrastructure or rights in this area.

The additional land at plot 99H would therefore engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. However, the Applicant has obtained the consent of all those with an interest in the additional land at plot 99H (namely, NGET and National Grid Electricity Distribution (East Midlands) Plc (“NGED”). Signed consent letters from NGET and NGED are enclosed with this cover letter.

NGET have consented to the inclusion of compulsory rights over the additional land at plot 99H on the basis that the agreed form protective provisions are included within the DCO. The Applicant has therefore included an updated version of the protective provisions at Schedule 13, Part 6 of the DCO (document reference 3.1, version 3).

Updates to the Book of Reference (document reference 4.3, version 3), Land Plans (document reference 2.1, version 3), Statement of Reasons (document reference 4.1, version 3) and Funding Statement (document reference 4.2, version 2) are included in the revised documentation pack.

EIA Implications

The Change Application includes additional land that was not included as part of the Application. The land was included with the Preliminary Environmental Information Report published in June 2022 but was not the subject of full assessment in the Environmental Statement submitted with the Application in February 2023. An update to the relevant Environmental Statement chapters, appendices and figures (document reference 6.1 - 6.3) are included in the documentation pack accompanying this Change Application.

An updated Shadow Habitat Regulation Assessment (document reference 5.2) is also included in the documentation pack.

The proposed change will result in the removal of a section of established tree plantation in the location to the south of the Bicker Fen Substation. The plantation trees were planted for compliance with a condition for the grant of planning permission for the Bicker Fen Substation which was approved in 2005 (under Boston Borough Council reference B/05/0046).

Removal of the tree planting will incur new or different environmental impacts (i.e. landscape/ecology) but assessments concluded these impacts are not significant.

Replacement tree planting has not been possible at Bicker Fen Substation due to technical constraints and limited land availability. The assessments considered that the removal of the planting does not give rise to any significant visual or landscape impacts. The ecological impact of the removal of the trees does not change the overall significance in EIA terms and the overall biodiversity net gain (which is currently in excess of 100%) for the Proposed Development only decreases by c.1% with removal of the section of plantation trees.

Whilst the Applicant notes that “mitigation should form part of the considerations”, the Applicant’s conclusion is that mitigation is not required or feasible to the south of the Bicker Fen Substation; this is primarily due to land and technical constraints limiting the ability for any replacement tree planting at this specific location as well as the limited value the current trees proposed to be removed have on screening views from any sensitive visual receptors in this part of the study area. Therefore, to offset this change and as ‘compensatory replacement’ the Applicant has included an additional area of tree planting in the north of the Energy Park site, and within the hedgerow proposed on the northern boundary. These will increase the number of new trees associated with the overall scheme, as well as offering additional screening to the single property to the north of the Energy Park.

Consultation

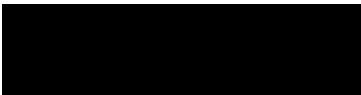
In keeping with the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Applicant publicised the new environmental information and details of the change for at least 2 successive weeks in a local newspaper circulating in the vicinity of the proposed development; once in a national newspaper; and once in the London Gazette.

A Consultation Report (document reference: Pre-ExA.ChangeApp.CCR.V) is included in the documentation pack which focuses on the Targeted Consultation for the Proposed Change, undertaken in July and concluded on 18 August 2023. A minimum of 30 days was provided from the last newspaper advert (18 July), and site notices were posted.

No new interested parties or consultees in addition to those consulted at Section 56 have been identified.

Please let us know if there is any clarification or further detail you require.

Yours sincerely,



Laura White
Senior Development Manager
Ecotricity

Email: heckingtonfensolar@ecotricity.co.uk
Freepost: FREEPOST ECOTRICITY SOLAR PARK
Freephone: 0800 151 0784.

Enclosures

1. Consent Letters from NGET and NGED

**Heckington Fen Solar Park Development Consent Order (application reference:
EN010123)**

NGET Consent Letter

Letter of Consent

Dear Sir or Madam

**The Heckington Fen Solar Park Development Consent Order (Reference: EN010123) (the "Project")
Bicker Fen Substation Extension and Heckington Fen DCO Order Limits
Plot No: 99H**

We consent to the inclusion in the Development Consent Order application of provisions authorising the compulsory acquisition of plot 99H of the additional land as per our discussions around National Grid Electricity Transmission Plc works and the Order Limit Extension (plot 99I) as shown on the Plans enclosed, provided that the Protective Provisions for the benefit of National Grid appended to this Letter of Consent are included in the draft Development Consent Order at the next revision and retained in the Order.

Signed:



..... On behalf of Ecotricity (Heck Fen Solar) Limited

Name (printed):

Asif Rehmanwala
.....

Signed:

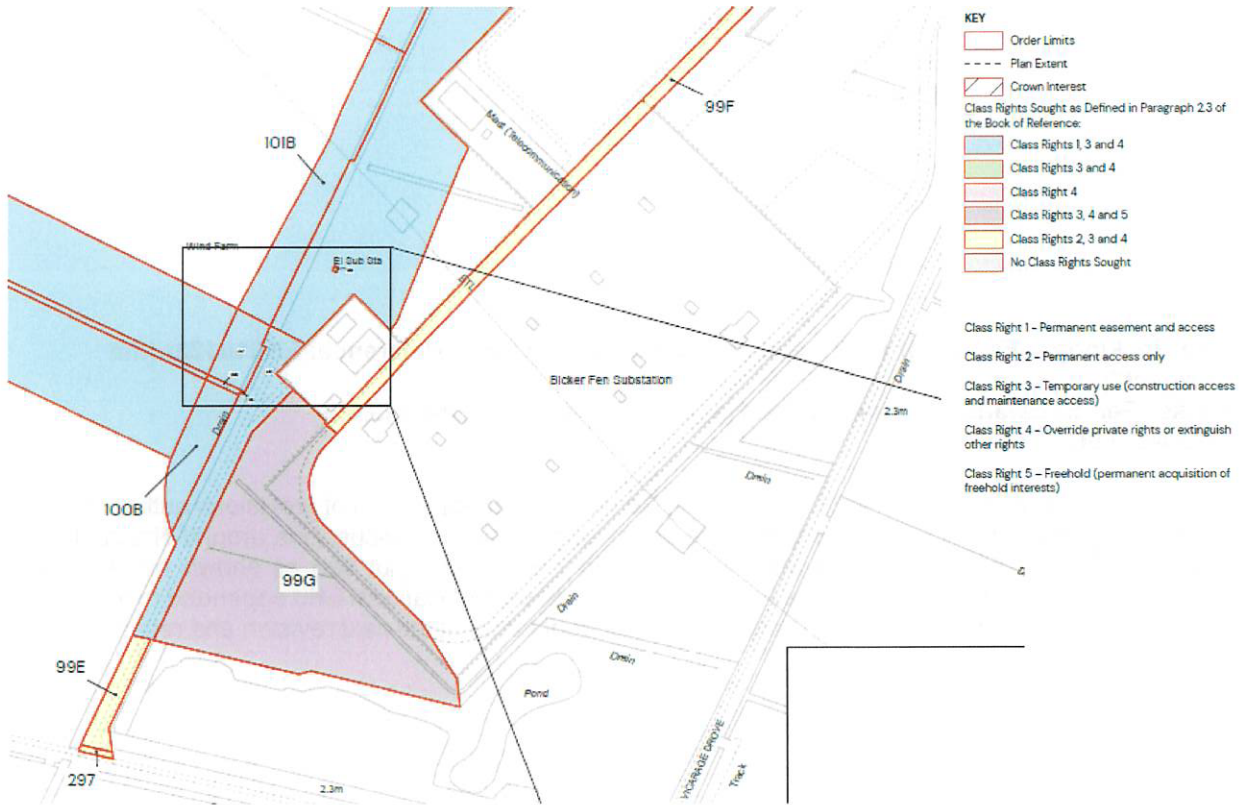


On behalf of National Grid Electricity Transmission Plc

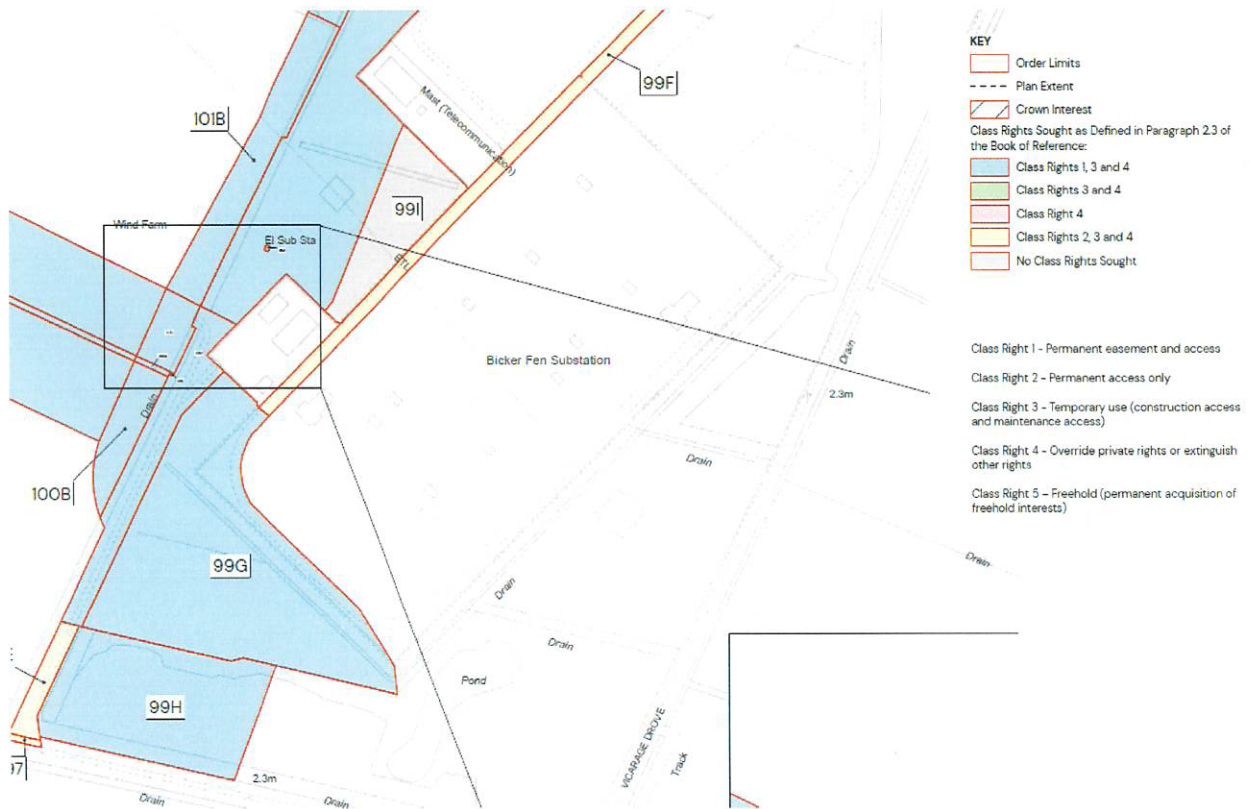
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Previous Order Limits



Proposed Order Limits and new land rights (99H)



**Heckington Fen Solar Park Development Consent Order (application reference:
EN010123)**

NGED Consent Letter

National Grid Electricity Distribution (East Midlands) PLC
Avonbank
Feeder Road
Bristol
BS2 0TB

Our reference NPB/1212275/O125723773.1/JTY

24 July 2023

Dear Ms Downing

Ecotricity (Heck Fen Solar) Limited ("the Applicant")
The Heckington Fen Solar Park Development Consent Order (Reference: EN010123) (the "Project")
Bicker Fen Substation - Land Rights for the Project and National Grid Electricity Transmission Plc

We write further to our discussion with National Grid Distribution (East Midlands) Plc ("**NGED/You**") on the week commencing 3 July 2023 in order to seek your consent to change the Order Limits at Bicker Fen substation.

The Applicant submitted its application for the Project to the Planning Inspectorate on 15 February 2023, which was subsequently accepted for examination on 13 March 2023.

The accepted Application includes land and works at National Grid's Bicker Fen Substation ("**Bicker Fen Substation**") to provide for a new generation bay for the Applicant together with works to facilitate the connection for the Applicant's project.

Consequent to the submission of the Application and the associated design submission, and following further discussions with National Grid Electricity Transmission Plc ("**NGET**"), there are two elements of additional works required at the Bicker Fen Substation to enable the grid connection. These works lie outside of the current Order Limits at the Bicker Fen Substation. The works are necessary as a consequence of the Project and include:

1. a new section of NGET infrastructure at the substation comprising a busbar extension including a section breaker, a bus coupler and a feeder circuit on land to the south of Bicker Fen Substation, which is owned by NGET; and
2. a new cable sealing end ("**CSE**") compound on land to the west of Bicker Fen Substation which is owned by NGET.

Accordingly, a larger area is needed to facilitate the Applicant's connection into the Bicker Fen Substation. The full extent of the land area covered by the change is shown in yellow ("**AW1**") and green

("AW2") shading on the figure attached as Appendix 1 to this letter. NGET support this change and are consenting to the new land rights position.

We will be submitting a Change Application to the Examining Authority (**ExA**) at the end of August, which will explain these changes and request that the ExA accepts the changes into the examination process.

As part of the process of changing the Order limits, given that the Application has been accepted, in accordance with Advice Note 16¹ we require written evidence to demonstrate that those with an interest in the additional land consent to the inclusion of that additional land within the new Order limits and within the Book of Reference for the Project.

You have the following interests over NGET's title at the Bicker Fen Substation:

1. Entry C2/L1 of the Title Register states that you (previously known as Central Networks East plc) have the benefit of the following rights granted by a Lease dated 23 November 2007 of the electricity substation edged and numbered 7 in blue on the title plan:
 - a. A right to enter upon the land edged blue on the Lease plan as may be necessary for erecting and maintaining the boundary walls, fences or other structures of the leased land;
 - b. A right of way at all times and for all purposes in connection with the use of the leased land (with or without vehicles) along the access track coloured brown on the same plan.
2. Entry C3/L2 of the Title Register states that you (previously know as Central Networks East plc) have the benefit of the following rights granted by a lease dated 23 November 2007 over the land shaded pink on the title plan:
 - a. The right to access the Landlord's Property (being the remaining NGET land within title number LL258321), for the purpose of laying, using, testing and maintaining the cables/electric lines within the pink and orange strips of land shown on the 2007 lease plan;
 - b. The right to enter the Landlord's Property (with or without workmen/equipment) to install, test and maintain conduits required for the passage of surface water drainage from the leased premises and mains water to the premises, together with the right to the free passage and running of surface water and mains water benefitting the premises through such conduits;
 - c. The right to enter the Landlord's Property (with or without workmen/equipment) to maintain the leased premises and the buildings, structures, plant and equipment on them;
 - d. The right to erect a signboard at the entrance(s) to the Landlord's Property at which the tenant gains access to the premises via the Landlord's Property from the public highway;
 - e. The right to erect directional signs within the Landlord's Property as required to direct visitors to the leased premises (so far as such signs don't already exist); and
 - f. All rights of support and shelter for the benefit of the use of the premises for the permitted use (operation of electrical transmission and distribution plant and equipment, including ancillary uses thereto).

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>

In view of these rights at the NGET substation, adopting a precautionary approach, we consider that you have an interest in the additional land that will be the subject of the Change Application. However, we are only seeking compulsory rights over the area marked AW2 on the enclosed plan at Appendix 1. We therefore request your consent to the inclusion of the additional land marked AW2 on Appendix 1, with compulsory rights, within the Order Limits.

As with the remainder of the Project, compulsory acquisition provisions are required within the Application and for AW1 of the additional land at the Bicker Fen Substation, to acquire interests in the event that agreement is not reached or to deal with third party interests in order to allow the Applicant to deliver a complete project. We do, however, recognise that there will likely be commercial agreements to cover the land, technical, and consents positions and that these agreements will prevail between the parties. In addition, statutory undertakers, such as yourselves, have the benefit of protective provisions within the DCO which provides protections for you and your apparatus and states that the Applicant is not permitted to acquire apparatus otherwise than by agreement with you.

For the avoidance of doubt, your consent to the inclusion of compulsory rights over AW1 would not mean that the Applicant can exercise compulsory acquisition powers at this stage; what this would mean is that in providing the letter of consent you consent to the ExA (and, subsequently, Secretary of State) considering whether compulsory acquisition powers should be granted for the additional land as part of the consent decision for the Project. That is in addition to consideration of those powers for land already within the Order limits which is already being considered in the examination process.

We therefore kindly ask that you sign and return the enclosed letter of consent at Appendix 2 for my attention at our Bristol office (Halo, Counterslip, Bristol, BS1 6AJ) and by email to [REDACTED]@osborneclarke.co.uk by **31 July 2023** so that we can proceed with formalising these changes.

Please feel free to discuss any queries with me.

Yours sincerely

Neil Bromwich

Partner

for Osborne Clarke LLP

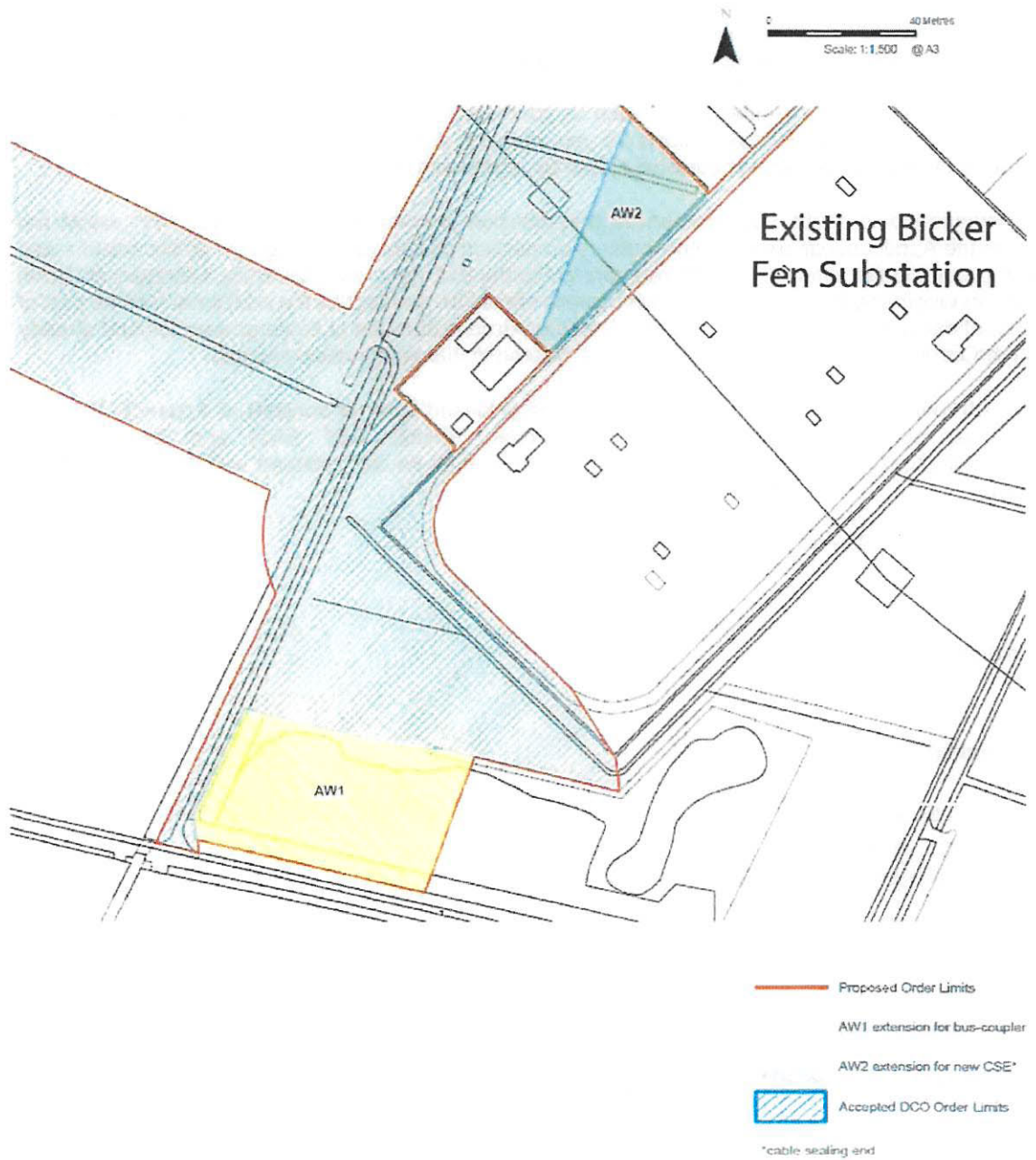
T [REDACTED]

E [REDACTED]@osborneclarke.com

Enclosures:

1. Appendix 1: Additional land areas (AW1 and AW2)
2. Appendix 2: Letter of Consent and Additional Land Plans.

APPENDIX 1



APPENDIX 2

Letter of Consent

Dear Sir or Madam

**The Heckington Fen Solar Park Development Consent Order (Reference: EN010123) (the "Project")
Bicker Fen Substation Extension and Heckington Fen DCO Order Limits
Plot No: 99H**

We consent to the inclusion in the Development Consent Order application of provisions authorising the compulsory acquisition of plot 99H of the additional land as per our discussions around National Grid Electricity Transmission Plc works and the Order Limit Extension as shown on the Plans enclosed.

Signed:




On behalf of Ecotricity (Heck Fen Solar) Limited

Name (printed):

ASIF REHMANWALA

Signed:

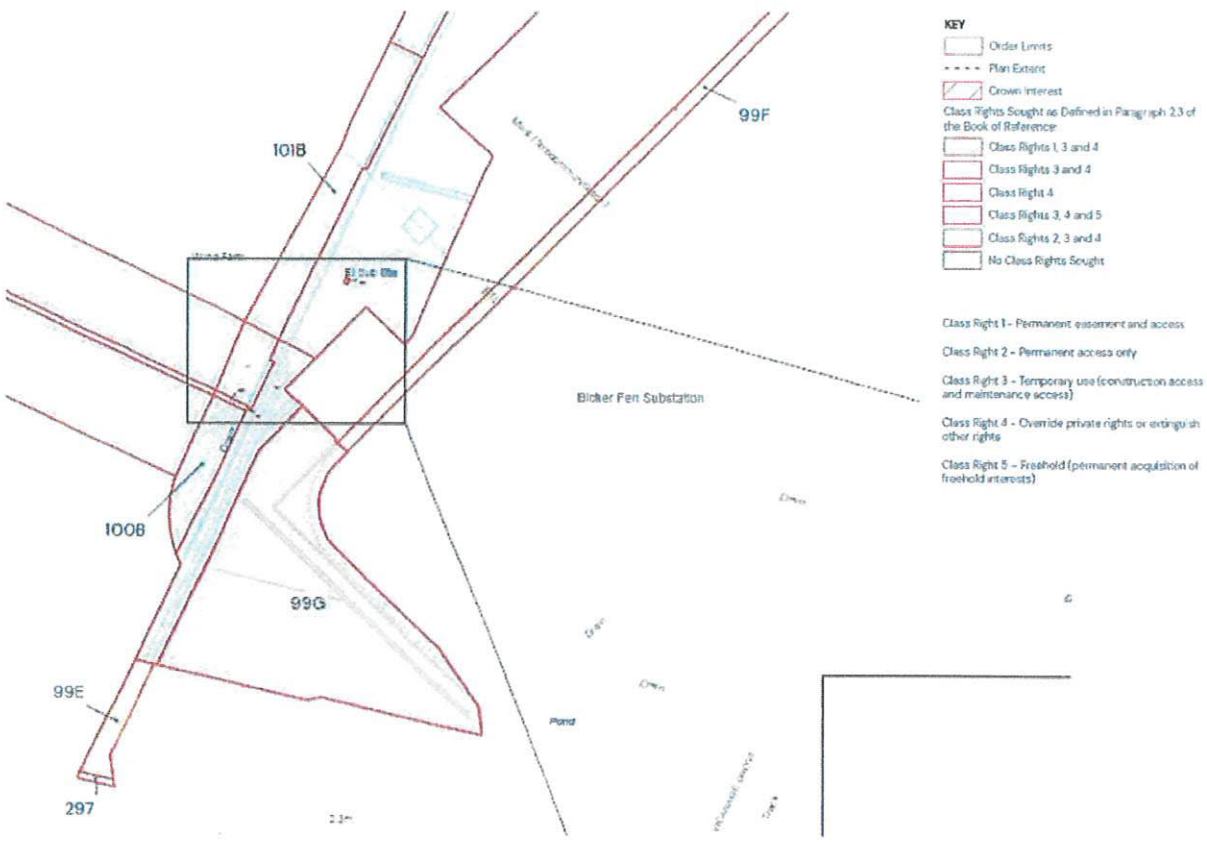


As attorney on behalf of National Grid Electricity Distribution (East Midlands) Plc

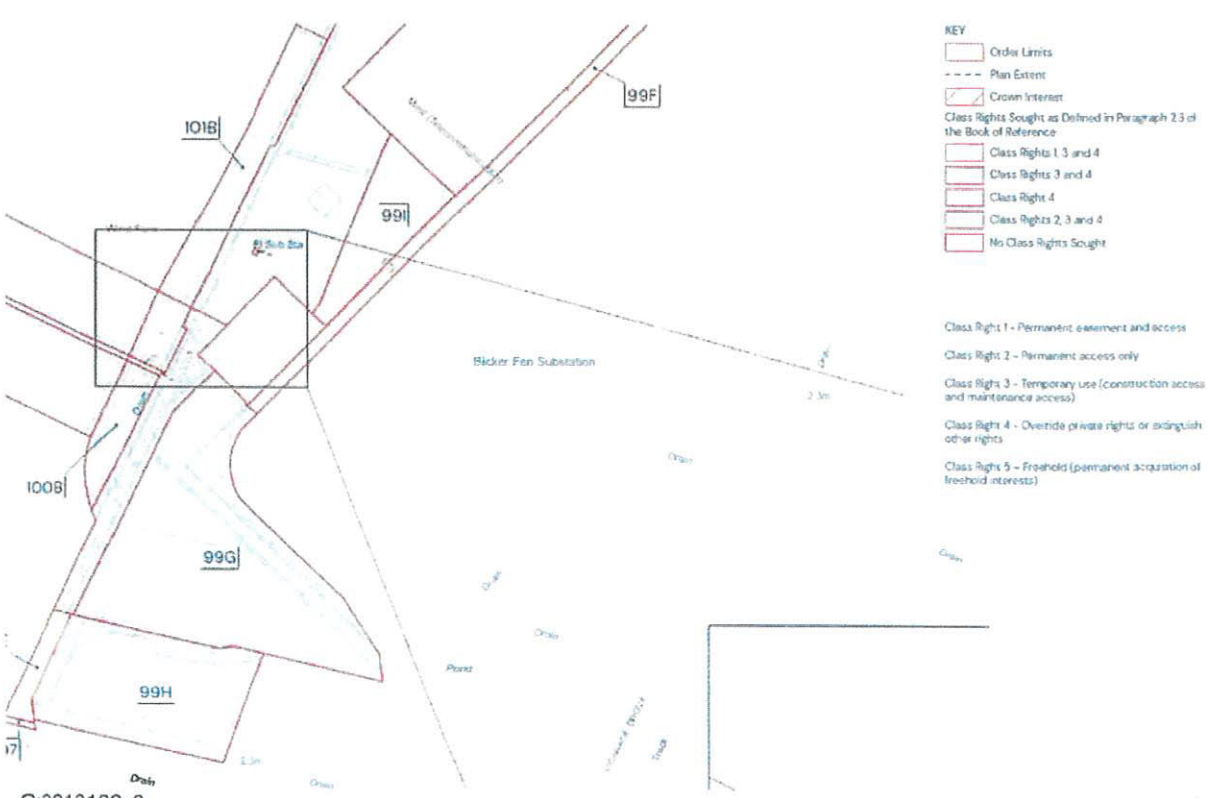
Name (printed):

Elizabeth Ann Ganderton

Previous Order Limits



Proposed Order Limits and new land rights (99H)



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