

Heckington Fen Solar Park

EN010123

Cover Letter Deadline 1

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: ExA.CL-D1.V1

Deadline 1: 3rd October 2023

October 2023



Susan Hunt
Examining Authority
By Email

Dear Ms Hunt

3 October 2023

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

Ecotricity (Heck Fen Solar) Limited (the “Applicant”)

Applicant Response to Deadline 1 (our document reference – ExA.CL-D1.V1)

Introduction

Thank you for the Rule 6 Letter dated 21 July 2023 and Rule 8 Letter dated 26 September 2023. We have reviewed the details and provide the responses below and within the enclosed Deadline 1 submission documents.

Please also treat this letter as the Applicant’s request to register for the Accompanied Site Inspection and Issue Specific Hearings timetabled for the week of 20th November 2023.

Deadline 1 submission documents

Document Reference	Title
1.4, Version 4	Guide to the Application
4.4, Version 3	Schedule of Negotiations with Statutory Undertakers and Landowners
7.5, Version 2	Consents and Licences Required Under Other Legislation
7.6a-k	Statements of Common Ground
ExA.SOC-D1.V1	Statements of Commonality
ExA.RR response-D1.V1	Comments on Relevant Representations. This document includes Late and Additional Submissions.
Appended as Figure to this Cover Letter	Requests for locations for the Accompanied Site Inspection.
ExA.IRReport-D1.V1	Interrelationship with other Nationally Significant Infrastructure Projects
ExA. WSISH1-D1.V1	Written Summary of Applicant Oral Case Issue Specific Hearing 1
ExA. WSISH2-D1.V1	Written Summary of Applicant Oral Case Issue Specific Hearing 2

We have included tracked change versions of the above documents where relevant; we kindly refer you to the Guide to the Application (document reference 1.4, version 4) for a full list of the documents enclosed.

The Applicant has provided a further explanation of the documents below:

1. Comments on Relevant Representations and Additional Submissions:

The Applicant has provided a response to Relevant Representations received including Late and Additional Submissions in this document. Summaries of Relevant Representations have not been provided as it understood this is for Interested Parties.

2. Requests for locations for the Accompanied Site Inspection:

The Applicant has appended Figure 1 to this Cover Letter with suggested locations for the Accompanied Site Inspection. Where provided by the Relevant Planning Authorities, we have included their

suggestions within the Figure. The Applicant notes the ExA's request to visit Bicker Fen Substation. The Applicant is looking to obtain the necessary consents for this, but it may not be possible to enter the land. However, the Applicant considers that views into the Bicker Fen site from Vicarage Drove to the south will provide context of the area for Proposed Development, and also the nearby solar schemes.

3. Notification of wish to be heard at further Hearings:

The Applicant confirms its wishes to be heard at all future Hearings, including an Open Floor Hearing (if required), Compulsory Acquisition Hearing, and Issue Specific Hearings. The attendees, on behalf of the Applicant, will be confirmed once the agendas have been issued.

4. Statement of Common Ground and Statement of Commonality:

As per the Rule 6 Letter, 12 Statement of Common Grounds (SOCGs) were requested. The Applicant has not progressed the SOCG with Cadent further as they have confirmed that they do not have any infrastructure within the vicinity of the Proposed Development (AS-033).

The progress of each SOCG is summarised in the Statement of Commonality.

5. Interrelationship Report with other Nationally Significant Infrastructure Projects

The Report provides detail on the interrelationships between the Heckington Fen Energy Park and the other Nationally Significant Infrastructure Projects in Lincolnshire - namely Gate Burton Energy Park, Cottam Solar Project, West Burton Solar Project; Tillbridge Solar Project, Mallard Pass Solar Project, Beacon Fen Energy Park; Fosse Green Energy and Springwell Solar Farm (added in line with Annex B of the Rule 8 Letter).

This document was requested in the Rule 6 and Rule 8 letters. The Rule 6 letter contained an Annex G that set out the information to be included in this report. The report submitted aims to address all points raised as well as provides further information on the cumulative impact on BMV land in Lincolnshire.

6. Progress Schedules

As outlined at Annex G of the Rule 6 Letter, the following Progress Schedules are provided:

- Land and Rights related matters including Protective Provisions and Statutory Undertakers: Document Reference 4.4 - Schedule of Negotiations with Statutory Undertakers and Landowners (with tracked and clean versions).
- Schedule of the latest versions of the Applicant's submission documents and documents to be certified: Document Reference 1.4 - Guide to the Application (with tracked and clean versions).
- Schedule of progress in securing other consents: Document Reference 7.5 - Consents and Licences Required Under Other Legislation (with tracked and clean versions).

7. Any Other Information

Following the Issue Specific Hearings 1 and 2, a number of Action Points were requested. Those applicable to the Applicant and for Deadline 1 are covered in Appendix 1 to this letter.

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.

Appendix 1 - Issue Specific Hearing Actions

#	Action	Party	ExA Proposed Deadline	Addressed
ISH1 – AP5	<p>Part 3 and Schedules 4 to 7 Streets etc Provide further clarification as to Schedule 6 and which parts of the right of way Heck 15/1 would be unusable during construction and reasoning why the route between A and B would be closed during construction.</p> <p>Confirm location(s) of footbridge(s) on a plan and submit as a location for the Accompanied Site Inspection.</p>	Applicant	D1	<p>The Applicant has addressed this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>In overview: The extent of the temporary stopping up of footpath HECK 15/1, as shown between points marked A-B on the rights of way plan (document reference 2.3 / AS-005), is necessary to show that the footpath will be unusable whilst the Applicant constructs the footbridges for the permissive path. The Applicant has adopted a precautionary "worst case" approach of showing the full extent of the temporary stopping up of the footpath (between points marked A and B) that will be unusable notwithstanding that only a small element will be under construction for the reinstatement of the footbridge(s).</p> <p>Figure 4.1f (APP-107) provides the location of the footbridges. The Applicant suggests that this location point is also visited on the Accompanied Site Inspection.</p>
ISH1 – AP8	<p>Schedule 2 Requirements Create and agree a table (to be submitted by the Applicant) identifying which Authority would be responsible for the discharge of each of the Requirements.</p>	Applicant/ all RPAs	D1	<p>The Applicant has prepared a draft of this table, however the Applicant understands from the Relevant Planning Authorities (RPAs) that their preference is to create this table.</p> <p>The Applicant received a draft from the RPAs on Friday 29th September 2023. The Applicant understands that the RPAs will be submitting this document at Deadline 1. The Applicant will therefore review accordingly and</p>

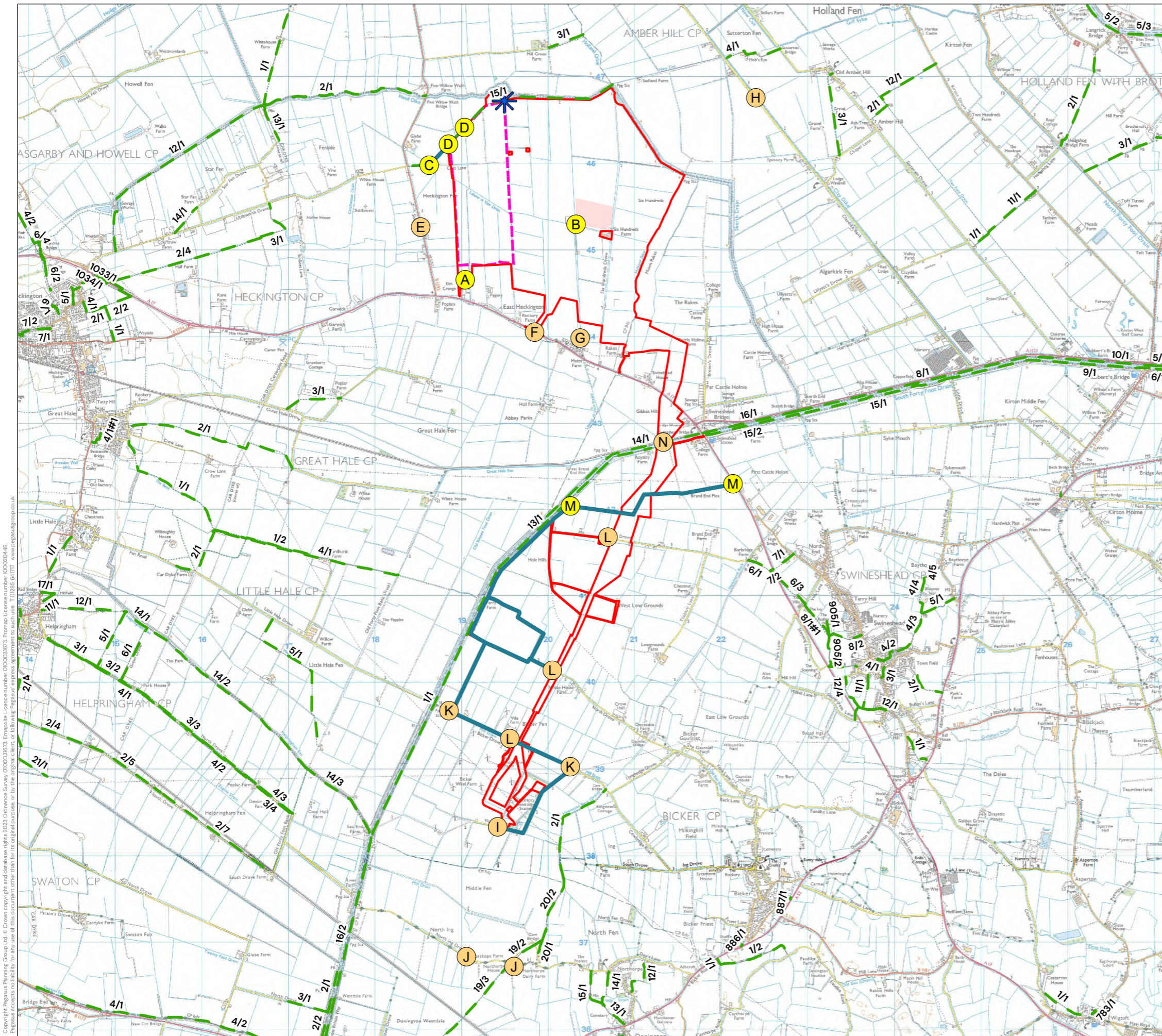
#	Action	Party	ExA Proposed Deadline	Addressed
				work together with the RPAs to make necessary updates to the DCO for Deadline 2.
ISH1 - AP10	Requirement 8 Consider wording and respond to RPA's comments regarding the landscape ecological management plan and minimum biodiversity net gain (BNG).	Applicant	D1	<p>The Applicant has addressed this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>In overview:</p> <p>The Applicant can confirm its intention to submit a BNG plan / report with discharge for each phase under Requirement 8. The report would:</p> <ul style="list-style-type: none"> • Reconfirm what level of BNG is being delivered across the site as a whole; • Set out what has been delivered in any previous phases, and • Set out how much of the whole BNG is being delivered in that particular phase. <p>The 'hook' for this mechanism is already secured by the wording within Requirement 8(2)(a) which states that the LEMP (for each phase) must include details of how a minimum of 10% biodiversity net gain will be secured during the operation of the authorised development.</p>
ISH1 - AP15	Requirement 18 Applicant to clarify wording of decommissioning requirement and trigger points.	Applicant	D1	<p>The Applicant has addressed this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>In overview, the Applicant will include updated drafting within its DCO at Deadline 2.</p>

#	Action	Party	ExA Proposed Deadline	Addressed
ISH1 – AP16	<p>Additional Requirements Consider a standalone Requirement relating to the soil management plan.</p> <p>Consider capture of fees for discharging Requirements in the dDCO.</p> <p>Consider a standalone Requirement for an operational environmental management plan or provide a document signposting where this is captured elsewhere.</p>	Applicant	D1	<p>The Applicant has provided an initial response to this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>In summary:</p> <ul style="list-style-type: none"> • A standalone DCO Requirement for a soil management plan can be included at Deadline 2 (The Applicant received comments and suggested drafting from the RPAs on Friday 29th September, and therefore intends to continue discussion and provide a fuller response at Deadline 2, to allow sufficient time to consider the RPAs suggestions); • The Applicant’s deems Schedule 14 would be the appropriate place to include details on any fee arrangement for dealing with the discharge of requirements; and the wording included in Schedule 16 of the Longfield Solar Farm Order 2023, which imports the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)), would be the most suitable mechanism; and • A standalone operational environmental management and associated DCO Requirement can be included at Deadline 2 (The Applicant received suggested wording from the RPAs on Friday 29th September, and therefore intends to continue discussion and provide a fuller response at Deadline 2, to allow sufficient time to consider the RPAs suggestions).

#	Action	Party	ExA Proposed Deadline	Addressed
ISH1 - AP17	<p>Article 6 and Schedule 3 Legislation to be disapplied</p> <p>Provide a response regarding the Neighbourhood Planning Act 2017 and temporary possession</p>	Applicant	D1	<p>The Applicant has addressed this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>In short, in line with precedents including the recently made Longfield Solar Farm Order 2023, the provisions of the Neighbourhood Planning Act 2017 are disapplied in so far as they relate to temporary possession of land under Articles 27 and 28 of the Order. At present the reforms to the temporary possession regime contained in the Neighbourhood Planning Act 2017 have not yet been commenced (nor consulted on). When this may happen is uncertain, as are the detailed implications of implementation for the Authorised Development. The Applicant requires certainty on timeframes; it is therefore appropriate and necessary to disapply the reforms as they could come into force between now and the commencement of construction.</p>
ISH1 - AP19	<p>Article 42 and Schedule 14 Procedure for Discharge</p> <p>Consider extending time periods for RPA decision, deemed discharge and requests for further information.</p> <p>RPA's to provide preferred time periods to Applicant prior to D1, and then the Applicant is to submit a written response to this at D1, with any revisions to the dDCO at D2.</p>	Applicant/ all RPA's	D1/D2	<p>The Applicant has provided an initial response to this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH1-D1.V1).</p> <p>The Applicant considers it is of paramount importance that a deemed consent provision is included within the Discharge of Requirements schedule, which is in keeping with precedents for solar DCOs. The Applicant is, however, willing to be flexible on the 6 week timeframe for discharge (particularly noting the 10 week period included in the Longfield Solar Farm Order 2023).</p>

#	Action	Party	ExA Proposed Deadline	Addressed
				The Applicant is grateful to the RPAs for the suggested drafting changes received on 29 September 2023. As the Applicant only had 1 full business day to review these documents prior to Deadline 1, and given the implications of some of the suggested changes, the Applicant wishes to consider these thoroughly and engage with the RPAs following Deadline 1, in order to capture necessary amendments for Deadline 2. The Applicant will continue to discuss these matters (including on timeframes) with the RPAs following Deadline 1.
ISH2 - AP2	Planning Policy and guidance Update to planning/need statement in the form of an addendum to reflect any changes to policy/guidance that arises during the Examination.	Applicant	At each Deadline as necessary	New policy that was discussed at ISH2 is incorporated into the Oral Written Summary of ISH 2 under agenda items 5 and 7. The Statement of Need and Planning Statement (document reference 7.3) was updated in August 2023 alongside the Change Application. Due to the large number of documents that need to be considered and analysed, the Applicant proposed to submit the first addendum at Deadline 2 alongside the remainder of the ES documents.
ISH2 - AP3	Generating and Storage Capacity, Electricity Export Submit explanation of difference in ranges dependent on worst case assessments. Review existing documents and make clear the reason for the different ranges.	Applicant	D1	The Applicant has addressed this action within its Written Summary of Oral Submissions (document reference: ExA.WSISH2-D1.V1).
ISH2 - AP4	Need and Benefits Provide an explanation why some socio-economic benefits (e.g. accommodation	Applicant	D1	The Applicant has addressed this action within its Written Summary of Oral Submissions, Appendix 2 (document reference: ExA.WSISH2-D1.V1).

#	Action	Party	ExA Proposed Deadline	Addressed
	demand) are only attributed to North Kesteven and not Boston.			
ISH2 - AP11	Accompanied Site Inspection (ASI) RPAs to suggest locations/viewpoints for the ASI	All RPAs	D1	The Applicant has been in correspondence with the RPAs and has requested suggestions for the ASI. Where these suggested locations have been received from the RPAs, the Applicant has incorporated these into the Figure appended to this Cover Letter.



- KEY**
- Order Limits
 - Public Right of Way
 - Proposed Permissive Path
 - Site Main Substation / Energy Storage Compound
 - ★ The bridge is not in existence and is not proposed to be reinstated as part of the DCO Application – visiting this location is optional
 - Accompanied Site Inspection
 - Accompanied Site Inspection Points
 - Optional Site Inspection Points – could be unaccompanied
- A) Temporary construction access/Elm Grange
 B) The substation and energy storage area within the centre of the Energy Park
 C) The route of the existing footpath beyond viewpoint 2 at the point that the path crosses into the site, and in particular the locations where the footpath is no longer navigable because of the missing footbridges
 D) Permissive path bridges
 E) Representative mid point on B1395 Side Bar Lane
 F) A17 site access Six Hundreds Farm Facilities at Farm Shop if required
 G) Area around 1-12 Council Houses East Heckington
 H) Claydike Bank (closest BBC LVIA of main energy park site)
 I) The south west corner of Bicker Fen Substation on Vicarage Drive (forms Viewpoint 24 of the Change Application)
 J) Additional viewpoints (which form part of the Change Application – Viewpoints 24, 25 and 26)
 K) Viewpoints 9 and 15
 L) Access routes around Timms Drive, North Drive, and Bicker Drive
 M) The Triton Knoll access road from the A17 through to the existing Bicker Fen substation (to appreciate the whole length of this access).
 Partially Private Land – Access Secured.
 N) Royalty Lane at the point the underground grid connection will pass beneath South Forty Foot Drain and the railway

ACCOMPANIED SITE INSPECTION

DATE	SCALE	SHEET	REVISION
29/09/2023	1:45,000@A3	-	B

DRAWING NUMBER	0	1.5 km
P20-2370_104		



Copyright Pegasus Planning Group Ltd. © Crown copyright and database rights 2023. Ordnance Survey 0100038773. Emaprise Licence number 0100038773. Promap Licence number 000200449. Pegasus accepts no liability for any use of this document other than for its original purpose, or by the original client, or following Pegasus prior written agreement. T: 02525 54777. www.pegasusgroup.co.uk