Heckington Fen Solar Park

EN010123

Written Summary of Applicant Oral Case Issue Specific Hearing 2

Applicant: Ecotricity (Heck Fen Solar) Limited

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WRITTEN SUMMARY OF APPLICANT'S ORAL CASE AT ISSUE SPECIFIC HEARING 2

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Contents.

Appendices contents.

1. Purpose of this Document

1.1. This document is submitted on behalf of Ecotricity (Heck Fen Solar) Ltd ("the Applicant") and contains the Applicant's written oral summary of Issue Specific Hearing (ISH) 2.

1.2. ISH 2 on the Scope of the Development and Environmental Matters for Heckington Fen Solar Park took place on 20th September 2023 as a blended hearing (in-person and virtually through Microsoft Teams) at 10.00am.

1.3. A list of the Applicant's oral participants that attended the ISH can be located at **Appendix 1** of this note.

1.4. **Appendix 2 - Post Hearing Submission Note (Item 7b)** is a post-hearing written response to confirm and clarify two questions raised by the Examining Authority (ExA) in Agenda Item 7 – Needs and Benefit.

1.5. The broad approach to the ISH 2 followed the form of the agenda published by the ExA on 7th September 2023 (the Agenda).

1.6. The ExA, the Applicant, and the stakeholders discussed the Agenda items which broadly covered the areas outlined below, presented in a tabulated format.

Table 1: Written Summary of the Applicant's Oral Case at Issue Specific Hearing 2 - Scope of the Development and Environmental Matters

Item	ExA Question/ Content for Discussion	Applicant's Response
SCOPE OF THE DEVELOPMENT		
Agenda Item 3 Applicant's introduction to the Proposed Development		
a)	site selection and alternatives	The Applicant confirmed that the Energy Park Site gained planning consent for a 66MW onshore wind farm in 2013. This onshore wind farm has not been built out due to a Grampian Planning Condition for technical mitigation for an RAF radar solution. The Energy Park Site is a well contained site with a single landowner and no environmental designations placed upon it. Due to the existing grid connection offer having been secured, which has a connection date of 2027, and the long-term relationship with the landowner, the Applicant wished to consider the Site for other forms of renewable energy. The relevant national planning policy when considering possible alternative sites sits within EN-1. In paragraph 4.4.1 (of the 2011 version of EN-1) it states: **"From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option."** EN-1 then goes on to offer more detailed policy on how alternatives should be considered within 4.4.2 and 4.4.3. Section 4.4.3 lists a series of principles that should be used when deciding what weight should be given to alternatives if they are presented. The Applicant drew the ExA's attention to the 2nd and 3rd bullet points. The 2nd bullet point offers the following guidance to the decision maker: "**the decision maker should be guided in considering alternative proposals by whether there is a realistic prospect of delivering the same infrastructure capacity in the same timescales as the proposed development."**

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		The 3rd bullet point then goes on to state that: **"the decision maker should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard to the possibility that all suitable sites for energy infrastructure may be needed for future proposals."** The drafting of the emerging EN-1 (2023) is the same as the current EN-1 (2011) for alternatives. The Proposed Development site has already been confirmed to be a suitable site for energy infrastructure by virtue of the existing permission for an onshore wind farm which shows compliance with EN-1; and EN-1 does not allow a Proposed Development to be rejected simply because there might be other sites with fewer adverse impacts. The Point of Connection is secured for 2027 a development at Heckington Fen through the NSIP process could achieve this connection date. An alternative site would take at least 12 months to find and complete the necessary legal negotiations for Head of Terms. The additional time needed to secure land for an alternative site would have been unachievable with the 2027 connection date. Therefore, any alternative site would fail to comply with the alternatives requirement of Policy EN-1, that of being deliverable within the same timescale as the Proposed Development. The Applicant's review against National Planning Policy concluded that the site is suitable for the Proposed Development and there is no need to consider alternative sites as they would not be able to be operational in a similar timescale, and would therefore fail the necessary policy tests. Notwithstanding this, in order to respond to the consultation comments from the County and North Kesteven District Council and Boston Borough Council, a 'Back Check and Review' exercise has been undertaken to ensure that the Site is a suitable site for solar

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		energy infrastructure. The search area and methodology was agreed with the Local Planning Authorities as a result of consultation. The 'Back Check and Review' identified 13No. sites and these are considered in more detail in Appendix 3.1 'Back Check and Review Assessment [**APP-176**] and supported by Figures 3.4 and 3.4a-3.4m [**APP-085-APP-098**] which are plans showing the locations of these sites and the environmental constraints upon them. To summarise, the 'Back Check and Review' process concluded that the Proposed Development site satisfied the requirement of EN-1.
b)	energy generation and storage	The Energy Park comprises of 2No. main areas. These are the fixed ground mounted solar panels for renewable energy generation and an energy storage system which is also called an ESS within the documentation. This is used for the storage of electricity generated from the on-site solar panels, but also for any excess electricity that other generation sources might be generating within the National Grid System. This stored electricity would then be released into the National Grid System at times when it is required. The energy generated from the Proposed Development is a 400MW export and 250MW import. Further details of this can be found within Chapter 4 of the ES [**PS-055**]. Further details on the Energy Storage will be dealt with under Item 6 of the ISH2 agenda.
c)	grid connection	Within Chapter 3 of the Environmental Statement [**PS-053**] from paragraph 3.2.5 onwards talks about the location of the Offsite Cable Grid Route and the steps that have been undertaken to refine the corridor to the one assessed in the Environmental Statement and submitted to the Planning Inspectorate. This information is then further supported within the submitted Grid Route Selection Report, which is an Appendix to the Statement of Reasons [**APP-018**]. The Offsite Grid Route proposed within the application is as follows. The Offsite Grid Cable Route leaves the Energy Park on the southeastern boundary. It crosses agricultural land and it

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		travels to Bicker Fen Substation. To reach the Substation is crosses Viking Link and Triton Knoll connections before heading south towards Bicker Fen again. Within the Offsite Cable Route there are 32No. crossings that will be required, which include the A17, the South Forty Foot Drain, the railway line, a high-pressure gas pipeline and a number of water crossings. The Offsite Grid Route will then be connected into a new generation bay. The locations of these 32No. crossing points are shown on Figure 4.2 of the Environmental Statement [**PS-089**]. The locations are also defined in Table 4.2a of Chapter 4 of the Environmental Statement [**PS-055**]. The total length of the Offsite Cable Route will be approximately 8.5km.
d)	design, scale and layout parameters (Rochdale Envelope)	Due to the rapidly improving technologies within the renewable energy and energy storage industry, there is no specific technology relating to solar or energy storage that has been listed within the documentation. Instead, the Applicant has worked to look at the maximum extents of land required and the maximum dimensions of equipment to be assessed. To ensure robustness the principles of the 'Rochdale Envelope' have been used. The implantation of the Rochdale Envelope that has been used within the documents is in line with Advice Note 9. The draft Development Consent Order [**PS-023**] and the Works Plan [**PS-014**] have both been drafted with this flexibility of use of space within the Proposed Development both in type of activity and its location. The flexibility that is being sought within this application, and against which the EIA was undertaken can be seen in Table 4.1 of Chapter 4 of the Environmental Statement [**PS-055**]. The key points to note for the maximum extents for the Proposed Development are: • Solar Panels are 3-3.5m in maximum height depending on the location within the energy park. • Energy Inverter will have a maximum height of 4m and there would be up to 127 of the distributed throughout the Site.

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		• The Energy Storage System has a maximum height of 6m and the assessment has considered 6m over the whole of the ESS area. • All onsite and offsite Cable Routes have been assessed as underground. • At Bicker Fen Substation Extension all the new equipment has been assessed to a maximum height of 15m and that includes the maximum parameters of the Change Application. The choice of location of the Substation Extension at Bicker Fen was determined by National Grid. National Grid have also requested that there be optionality within the design of the extension. This optionality is also outlined in the Change Application [**PS-055**]. The extent of the 2No. design options can be seen within Figure 4.27 [**PS-038**]. The two options are the Air Insulated Switchgear System or a Gas Insulated Switchgear System and they both require different land areas, both of which have been assessed in the Rochdale Envelope within the Change Application. This element of the development is outlined in Works Area 6B [**PS-014**] and in Schedule 1 of the draft Development Consent Order [**PS-023**]. The final part of the extension at Bicker Fen is the creation of a new cable sealing end. Both switchgear options require this equipment and it will be in a new area of land which requires 0.9ha in total, and has been assessed to 15m in height. This element of the development is outlined in Works Area 6C [**PS-014**] and in Schedule 1 of the draft Development Consent Order [**PS-023**].
e)	construction management	The construction phase of the Proposed Development is currently anticipated to take 30 months, but this will depend on the final design. The management of the construction is set out within the Outline Construction Environmental Management Plan (oCEMP) [**PS-146**] which then in turn links to Requirement 13 in Schedule 2 of the draft Development Consent Order [**PS-023**]. This document looks to control the environmental effects of the construction process, which has been assessed within the ES. Items such as traffic flows, construction

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		working hours, dust management, noise levels, protection of existing onsite vegetation and ecological habitats are all outlined within the Outline Construction Management Plan. It is a requirement in the draft DCO that no phase of the development can commence until the final construction environmental management plan has been submitted and approved by the relevant planning authority as well as in consultation with the Highways Authority and the Environment Agency.
f)	decommissioning	The operational life of the Proposed Development is 40 years and decommissioning is therefore estimated to take place no earlier than 2067. Decommissioning is expected to take in the region of 6-18 months and will be undertaken in a phased approach. This is outlined in section 4.3 of Chapter 4 of the Environmental Statement [**PS-055**] and is further outlined in the Decommissioning and Restoration Plan [**PS-150**] which was updated as part of the Change Application.
Agenda Item 4 Change Application		
a)	The Applicant is to summarise the Change Application received on 25 August 2023, including consultation carried out, and its implications for the Examination.	**Summary of Change** The Applicant explained that it submitted a change application on 25 August 2023. This change application is required as a result of further engagement with National Grid ("NGET") where it became apparent that additional works were required to connect the Applicant's project. These works are twofold and include: • An increased footprint to the Bicker Fen Substation extension to the south of the existing Bicker Fen Substation; and • A new cable sealing end compound on land to the west of the Bicker Fen Substation. This required an increase of c.0.9ha in the Order Limits on land owned by National Grid at the Bicker Fen Substation, together with the splitting out of Work No 6 in the DCO into a Work No

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		6A (for the Applicant's generation bay), Work No 6B (for the NGET busbar extensions), and Work No 6C (for the cable sealing end and compound). This approach is given support in policy – particularly draft EN-5 (2023) which, at Section 4.10, stresses the importance of a holistic planning regime in which the government supports including related infrastructure in a single application. **Consultation carried out** The Applicant carried out comprehensive consultation. The Applicant publicised the new environmental information and details of the change for at least 2 successive weeks in a local newspaper; once in a national newspaper; and once in the London Gazette. Consultees were given a minimum of 30 days from the last newspaper advert to respond. This is in keeping with the themes of the Infrastructure Planning (EIA) Regulations 2017. The consultation report (PS-004) submitted with the Change Application outlines the activities undertaken and the regard had by the Applicant to the consultation responses. In summary: • The Applicant undertook targeted consultation in view of the localised nature of the changes. This approach is encouraged by Advice Note 16; • Despite the targeted nature, the Applicant engaged with a much wider list of consultees and stakeholders as a matter of courtesy (as outlined in Appendix 2 of the Change Notification letter dated 13 June 2023); • 19 consultees responded, with the majority of themes in relation to NGET traffic movements, and loss of plantation woodland at the Bicker Fen Substation. The Applicant responds to these consultees in the consultation report (PS-004). **Implications for Examination**

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		The Applicant acknowledged that Advice Note 16 refers to the need for procedural fairness and reasonableness in considering the change. The Applicant's submission is that there has been both. The Applicant has engaged in thorough consultation; all appropriate stakeholders have been consulted and given ample opportunity to respond; and the principle of the development is not materially different from that which was originally proposed as part of the DCO application. The Applicant therefore considers that, following ISH 1 and ISH 2, the Change Application will have been sufficiently and properly examined, and will be ready for a decision. ***Post-hearing submission**: the Applicant welcomes acceptance of the Change Application within the ExA's Rule 8 letter dated 26 September 2023.*
b)	Interested Parties will be given an opportunity to comment.	**Planting** The Applicant notes the Examining Authority's comment on if the proposed enhancement tree planting, due to the removal of a section of plantation woodland at Bicker Fen Substation, could be closer to Bicker Fen Substation or within Boston Borough Council. The Applicant responded stating that currently the proposed replacement tree planting would be within the Energy Park site and within field G8. The location of field G8 can be seen on Figure 1.4 of the Environmental Statement [**APP-077**]. Field G8 is in the northern corner of the Energy Park site. The area of plantation woodland that would need to be removed from land at Bicker Fen Substation is 0.4ha and the Applicant is proposing to replace that with 0.42ha of woodland within the Energy Park. The location for the proposed replacement is shown on the Landscape Strategy Plan which is with the Change Application documents at Figure 6.2 [**PS-091**]. Discussions have taken place with National Grid to seek whether or not the Applicant could use their existing land within and around the Bicker Fen area to replant an area of plantation. The issue National Grid have with this is that under their requirements they cannot have new woodland or forest planted over the top of existing cable routes. As all parties are aware the

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		connection into Bicker Fen is very congested with lots of existing cabling coming in from every direction. As a result there is not currently any space around the Bicker Fen site where cable routes are not entering that could have plantation placed on top. National Grid also expect additional connections over the next 10 years to this substation. Therefore, National Grid are unable to constrain the land and the options for those grid connections by planting on those small sections where currently there is no apparatus. The Applicant notes the Examining Authority's comment on why the replacement planting is not on land outside of Bicker Fen Substation or in Boston Borough Council. The Applicant has not considered in detail land close to the substation (but outside of the National Grid landownership) or elsewhere within Boston Borough Council as this is all land outside of the Order Limits and not under the control of the Applicant. The Applicant's wish was to try and ensure that this enhancement planting was offered within the Order Limits itself and therefore the Applicant has utilised the land that is already within the Order Limits. **National Grid Generation Bays** The Applicant notes the Examining Authority's query on how alternative bay locations within the Bicker Fen Substation were considered. The Applicant has worked with National Grid during the earlier stages of the design of the Proposed Development. National Grid had a series of design stages and design processes that they run through depending on where they capacity within the Substation. These early discussions showed that they had two bays, one to the north and one to the south, that was theoretically possible for the Heckington Fen connect into. As National Grid refined their design process, they preferred to offer a connection bay to the southwest over the northern location. National Grid determine where the connection goes and which location fits best with their infrastructure that they currently have on the Substation. Hence following on from Scoping through the design process the location of the connection at Bicker Fen has been refined down to the southwest/southern area of the Substation. **Biodiversity Net Gain**

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		The Applicant notes the Examining Authority's comment querying how the biodiversity net gain issue and the loss of trees and their replacement affects the biodiversity net gain calculations. The Applicant noted that the topic of biodiversity net gain will be touched on in more detail when Item 9 on the ISH2 agenda is discussed. However, from a headline perspective the policy requirement is biodiversity net gain has to achieve 10% across the whole project. The calculations show that even with the loss of the plantation woodland from the Change Application and replacing that loss with a larger area the Applicant is still able to offer on the indicative design in the region of 100%. The biodiversity net gain percentage has not changed materially due to the Change Application. The Applicant notes the Examining Authority's comment on if there is any need for additional survey work prior to the removal of the plantation woodland. The Applicant confirmed that a full set of ecological surveys had been undertaken on the plantation woodland. The Applicant therefore knows the tree species mix and the ecological baseline at this current point in time. There would be a need for further ecological surveys, depending on the time of the year for removal, such as breeding bird surveys. The need for any ecological surveying of this plantation woodland would form part of the Construction Environmental Management Plan.
Agenda Item 5 Planning Policy and Guidance		
a)	The Relevant Planning Authorities (RPAs) are to provide a brief update on any additional, amended and emerging local and national planning policy and guidance published since the production of section 4 of the Planning Statement in February 2023 [APP-234] which they consider to be of relevance to the Examination.	The Applicant broadly agreed with the list of policies raised by the RPAs and re-iterated the importance of the following: The Planning and Need Statement [**PS-141**] as part of the Change Application submitted in August also contained updates on relevant policy at that stage up to August 2023. This included reference to the primary determining policy in EN1, EN3 and EN5 and the revised draft revisions of the NPSs published in March 2023. On behalf of the Applicant, it was agreed with Planning Officers about the publication of the new local plan for North Kesteven, the Central Lincolnshire Local Plan. This re-iterated the relevant policies that have just been cited by the authority in terms of policies S14, S16 and

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		S67, which are picked up in the Change Application of the planning statement [**PS-141**]. As an overview in specific regard, it was welcomed that policy S14 is a supportive policy subject to the criteria that the authority mentioned. It was noted that further discussions on BMV would be picked up later in the agenda for ISH 2. The Applicant's view is that the proposal is in accordance with the newly adopted Local Plan Policy. It was re-iterated that the local plan for South East Lincolnshire, as Boston Borough Council have just notified, there had been no change since the submission of the DCO application in February 2023. On wider policy, the changes to the NPPF were issued on 23rd September 2023 and did not contain a great deal of change in respect of solar proposals. It is probably worth highlighting that the relevant policies or relevant paragraphs in relation to solar as advising determination of applications are still not required to demonstrate need and the presumption that their proposals are acceptable in principle (in terms of NPPF requirements only), subject to being no impacts or impacts being made acceptable. National Planning Practice Guidance (NPPG) was updated August on renewable and low carbon energy and makes reference to battery storage and fire authorities (and therefore relevant to this proposal). As the Relevant Planning Authority notes, if it is deemed that the ExA are not minded to accept the Change Application, then the Applicant will update the February 2023 Statement of Need and Planning Statement policy sections [**APP-234]**.
b)	The Applicant and the RPAs are also to set out any other relevant recently published Government documents that the ExA should be aware of which relate to renewable energy and climate change in particular (in	The Applicant confirmed, whilst the below list of documents do not form part of adopted policy, they are important and relevant as this agenda item requires an update from the Applicant on "*any other relevant recently published Government documents …which relates to renewable energy and climate change*" and will be included within the Applicant's addendum to the Statement of Need and Planning Statement [**PS-141**]. That addendum (as

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	addition to those listed at paragraph 4.72 of the Planning Statement).	agreed with the Examining Authority during this agenda item of ISH2) will be submitted by the Applicant by Deadline 2. The below list was provided orally at Agenda Item 7 within the ISH 2 as this list also has a bearing on the Applicant's needs and benefits case. For convenience and good order, the Applicant has set this list out below at Item 5. • March 2023 – British Energy Strategy, • 4th April 2023 – Powering Up Britain (Suite of Documents) including Net Zero Growth Plan and Energy Security Plan, • 28th June 2023 – Climate Change Committee 2023 Progress Report to Parliament, • July 2023 – Department for Energy Security and Net Zero Policy Paper on National Emergency Plan for downstream gas and electricity, • 19th July 2023 – House of Commons Science, Innovation and Technology Committee 'Delivering Nuclear Power' report, and • August 2023 – Department for Energy Security and Net Zero on "Electricity Storage Health and Safety Gap Analysis".
c)	The Applicants are to set out how the relevant Application documents will be updated accordingly, and a Deadline will be agreed.	An Addendum to the Planning and Need Statement will be submitted as part of an updated suite of documents by Deadline 2. The Applicant will include as part of the Addendum, a schedule of other application documents that would be updated as part of Deadline 2.
Agenda Item 6 Generating and storage capacity, electricity export, substation		

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a)	The Applicant is to outline the generating capacity of the Proposed Development, and to explain the relationship between the generating capacity and the electricity exported including minimum and maximum capacities.	The Applicant explained that the solar park is expected to have an installed capacity in the region of 500 to 550MW and that the final capacity will be dependent on the capabilities of the panels selected, taking into account the latest technology. The Applicant went on to explain that this is a direct current or 'DC' capacity, but the capacity that will be exported to grid will be limited by the alternating current or 'AC' capacity. The power must be converted to AC for export and this conversion, which is done by the inverters, will be in the region of 400MW to align with the allowable gird export capacity. It is a common design approach of solar parks to install a higher DC capacity (when compared to the lower AC capacity) in order to be more economic and efficient with infrastructure. The peak power from the sun only occurs for a small proportion of the day, and so the AC capacities tend to be lower than the DC capacity and this is known as the AC to DC ratio. The Applicant also explained that the capacities used in the application differ across sections in order to represent the bounding worst case for each respective topic area. For example, when assessing climate change the assessment considered the upper bound of 600MW as that would involve a larger number of embodied product CO_2, but when assessing the socioeconomic benefits, such as business rates, a figure of 400MW is assessed. ***Post Hearing Submission*** *– The Applicant has listed out the ES technical chapters and outlined the MW ranges used in the assessments:* • *Chapter 1 Introduction [**PS-049**] - 400MW is used in the calculation for potential number of homes that can be powered from the Proposed Development and potential carbon dioxide savings from the atmosphere,* • *Chapter 2 EIA Methodology and Consultation [**PS-051**], Chapter 3 Site Description, Site Selection, Iterative Design Process [**PS-053**], Chapter 4 Proposed Development [**PS-055**], Chapter 5 Planning Policy [**PS-057**], Chapter 6 Landscape and Visual [**PS-059**], Chapter 7 Residential Amenity [**PS-061**], Chapter 8 Ecology and Ornithology [**PS-063**], Chapter 9 Hydrology, Hydrogeology and Flood Risk [**PS-065**], Chapter 10*

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		*Cultural Heritage [**APP-063**], Chapter 16 Land Use and Agriculture [**APP-069**], Chapter 17 Glint and Glare [**APP-070**]* and *Chapter 18 Miscellaneous Issues [**PS-077**] - MW size is not directly referenced, and the assessment is bound by the Rochdale Envelope approach with the parameters outlined in the Outline Design Principles document [**PS-138**];* • *Chapter 11 – Socio-Economics [**PS-067**] – 400MW is used in the calculation for business rates and accommodation demand as worst-case scenario;* • *Chapter 12 – Noise and Vibration [**PS-069**] - MW size is not directly referenced. The noise and vibration assessment are based on the assumptions made in the transport assessment.* • *Chapter 13 – Climate Change [**PS-071**] – 600MW size is used in the calculation for construction of greenhouse gas emissions and 400MW is used in the assessment of beneficial effects in contribution to meeting the UK's net-zero targets;* • *Chapter 14 -Transport and Access [**PS-073**] – 600MW size is used in the calculation for the transport assessment to assess a maximum worst-case scenario of construction vehicle movements;* • *Chapter 15- Air Quality [**PS-075**] - MW size is not directly referenced. The air quality assessment is based on the assumptions made in the transport assessment.*
b)	The Applicant is to explain the requirements of National Grid and the relationship of the proposed substation works with other existing	**<u>Requirements of National Grid</u>** The Applicant outlined that the requirements and scope of works at National Grid Bicker Fen Substation where split between the Applicant and National Grid. The Applicant will equip the allocated bay with the apparatus to connect the Heckington Fen project (i.e. Work No 6A)

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	and future customers of National Grid.	and National Grid will extend the Bicker Fen Substation and provide a connection bay (i.e.. Work No 6B). **<u>Relationship with other customers</u>** The Applicant explained the way in which other existing and future customers will secure a connection will be through the well-established process of connection applications and agreements with transmission and distribution network operators (DNO) as appropriate. In relation to the Applicant's assets, protective provisions and any appropriate commercial side agreements would be the means by which interfaces with existing and future customers will be managed to a mutually agreeable position.
c)	The Applicant is to outline the role and purpose of the energy storage system and its capacity.	In regard to the Energy Storage capacity, the Applicant explained this will be between 200 and 400MW and will be sized and optimized to make best use of the allowable export and import capacity from the grid, which is shared with the solar. The extent of sharing this grid capacity will be done in accordance with market conditions. The solar farm will normally have priority for export to the grid, but in some scenarios this priority may change, and some export capacity will therefore need to be prioritised to the energy storage. Scenarios in which this may occur are during periods when the Energy Storage has entered into Grid Service agreements to support the transmission system and provide frequency response. Some grid capacity will be allocated to the energy storage to allow it to provide or absorb MW in support of system frequency. The design of the Proposed Development and link between Work No. 1 and Work No. 2 in the DCO allows for excess solar generation in these scenarios to charge the energy storage facility and so is not lost.
Agenda Item 7 Need and Benefits		
a)	The Applicant is to briefly summarise their need case, with reference to	The Applicant's case is that there is an urgent and overwhelming need to deliver the project to contribute to the generation and supply of renewable energy.

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	the latest Government publications relating to renewable energy.	In the absence of an adopted National Policy Statement that describes solar generation, the Secretary of State in considering the need for the project must have regard to, per Section 105 of the Planning Act 2008: • Matters in relation to development of the description of the application (ie. solar development); and • Other matters that the Secretary of State considers important and relevant. The Government's position in paragraph 3.3.1; 3.3.15 and 3.4.5 of Part 3 of adopted EN-1 is that that the need for new renewable electricity generation is urgent and that new energy NSIPS should be brought forward as soon as possible. Further paragraph 4.1.2 EN-1 provides that the decision maker should start with a presumption in favour of granting consent for applications for energy NSIPs. That is matter that is both important and relevant to this project. EN-1 explains that this urgent need is required to meet the increasing demand for electrical power and to replace the decreasing nature of fossil fuels to decarbonise energy generation. The British Energy Security Strategy (updated in April 2022) noted at that time that there was 14GW of solar capacity in the UK and that the expectation is to "ramp up" deployment of solar to 70GW by 2035. That is about 4.6GW of new generation being delivered each year between now and 2035. Draft EN3 (March 2023) notes that Government has committed to sustained growth in solar capacity (para 3.10.1) and that solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector and at paragraph 3.10.2 that 70GW of solar deployment is expected by 2035. The 70GW target is confirmed in Powering Up Britain March 2023 UK Energy Security Plan and Net Zero Zero Growth Plan. These are factors that are important and relevant to demonstrating the need for the project.

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		And whilst Draft EN-3 (2023) is not yet adopted policy, the Secretary of State does consider it is an important and relevant consideration - as stated by the Government response on the draft National Policy Statements March 2023 (see page 52). Adopted EN-3 (July 2011) recognises (at paragraph 1.82) that as renewable technology becomes economically and technically viable, national policy will need to be updated. That is clearly the current status for solar generation and hence it is the Applicant's submission that Draft EN-3 (2023) carries significant weight in demonstrating the urgent need for new solar generation. The Government has a legally binding target to reach net zero carbon emissions by 2050. It is now recognised that reaching 70GW of solar by 2035 is a seriously stretching target. Mission Zero, and independent review of Net Zero (the Skidmore Review – January 2023) notes that delay is a significant risk. The Climate Change Committee 2023 Progress Report to Parliament (June 2023) states that confidence in the UK meeting its medium term targets has decreased. The urgent need for new solar is exacerbated by the recent results in the Contracts for Difference market for offshore wind. In the 2023 auction no bids were made for offshore wind, further delaying deployment of offshore wind; a key part of the Government's drive for renewable energy at scale. This is reflected in Vattenfall's recent announcement not to progress the Norfolk Boreas offshore wind NSIP project as not commercially viable. Further, the Government's ambition to deliver 24GW of new nuclear by 2050 has been recently subject to scrutiny in the July 2023 House of Commons Science, Innovation and Technology Committee paper – Delivering Nuclear Power. Doubts in this report are raised that the target can be reached which identified a "Power Gap". Therefore, with the delay to offshore wind and doubt over the delivery of new nuclear there is a clear and urgent need for new solar generation, which can be deployed quickly and

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		efficiently. Heckington Fen can deliver 400MW of capacity and associated energy storage in a quick delivery timescale which is economically viable and contributes to UK ambitions to: • Contribute to the Net Zero decarbonisation target; • Delivery energy security; and • Provide affordable electricity generation.
b)	The Applicant is to summarise the range of other benefits which are expected to arise from the Proposed Development.	As part of the oral response to Item 7b, the Applicant listed out the other key documents that were considered relevant. The full list is contained in the Statement of Need and Planning Statement [**PS-141]** and Socio-Economics Chapter of the ES [**PS-066]**. The proposal has a willing landowner and developer, a viable grid connection (of 2027) with capacity to enable the scheme to be commissioned very shortly in the event of a grant of the DCO. This proposal can quickly make a significant contribution to the energy generation requirement, which, when taking into account the range previously discussed by Laura White in Agenda Item 6, includes renewable energy generation of 400MW export and 250MW import. This brings with it a number of socio-economic benefits listed below and helps the UK in meeting the 3 important national Government aims, including: 1) **Decarbonisation** (Net Zero and the importance of developing at-scale zero-carbon generation assets); The United Kingdom Has a Legal Commitment to Decarbonise and legally committed itself to net zero carbon emissions by 2050. We also have international obligations to decarbonize. Government policy on climate change does not stop at our national boarders, indeed since 2010, government has included within its policy actions "driving ambitious action on climate change at home and abroad". Of greatest relevance to this Statement of Need, specifically because collective progress to date to reduce emissions has not been sufficient, are the outcomes agreed at COP26 relating to mitigation: setting out the steps and commitments that

Item	ExA Question/ Content for Discussion	Applicant's Response
		Parties will take to accelerate efforts to reduce emissions “to keep 1.5 degrees in reach." 2) **Security of supply** (geographically and technologically diverse supplies). Demand for electricity is growing. “Security of supply” means keeping the lights on and has two main components. Ensuring that there is enough electricity generation capacity available and operational to meet demand (adequacy); and ensuring that the quality of electricity supplied to customers falls within a narrow “quality” band during all reasonably foreseeable operational circumstances and is resilient during rare excursions from this band. 3) **Affordability**. The cost of solar generation is an important enabler of its development. Solar panels and electrical infrastructure have become larger and more efficient, meaning that more electricity can be generated from the same area of land as was previously possible. As a consequence, solar is now a leading low-cost generation technology. Across all scenarios, strategic investment is required now to develop this whole energy system and deliver clean, secure, affordable, and fair energy for all consumers. Driven by the need to ensure this electricity is carbon free, affordable, and sustainable, renewables emerge as the dominant source of electricity generation for Britain between now and 2050. By 2050, it will meet between 70% and 84% of annual electricity demand. In conclusion, there is a strong and compelling case for approval of the application, in meeting the need for new renewable solar energy generation set out in the adopted and emerging NPS and wider government documents which identify the necessity to act urgently in response to the challenge of climate change. Socio-Economic Benefits of the Proposed Development were listed and include:

Item	ExA Question/ Content for Discussion	Applicant's Response
		• Biodiversity Net Gain including enhancements of habitats within the site, creation of species rich grasslands, significant length of hedgerow planting and a community woodland (further detail below), • Enhancement of new community orchard in the south-west corner of Energy Park (approx. 2.15ha), • Enhancement of a new 0.4ha of woodland of native species of local provenance in the north west of Energy Park, • Approximately 8.5km of new hedgerow will be planted around the Energy Park- hedgerows will offer landscape screening but will also offer new areas of habitat and feeding grounds for local wildlife, • A permissive footpath will be provided, • Economic benefits will arise through the provision of temporary jobs during the construction phase at the site. Based on information provided by the Applicant, it is estimated that the total cost of the Proposed Development is in the region of £400million [**PS-067**], • Investment in the proposed scheme is likely to create opportunities for local businesses through the supply chain, during the construction process, • The Proposed Development could support 1,016 temporary jobs, both direct jobs on-site and indirect/induced roles in the wider economy, during the 30-month construction period [**PS-067**], • The overall GVA impact associated with the construction phase is estimated at £182.9 million over the 30-month build timeframe [**PS-067**],

Item	ExA Question/ Content for Discussion	Applicant's Response
		• A maximum of up to 436 construction workers are forecast to be on site during peak times during the construction period. It is understood that construction workers sourced from outside the local area will be accommodated in local hotels and non-serviced accommodation [**PS-067**], • It is estimated that the solar project element of the proposed scheme could generate up to £1.3million per annum in business rates. Over the intended 40-year lifespan of the scheme, business rates generated could total around £29.3million (present value) [**PS-067**], • Decommissioning will also bring about the provision of temporary jobs with 200 workers on site during peak times across 18 months which brings with it accommodation demand. The overall GVA impact associated with the Decommissioning phase is estimated at £52.5million over the 18-month decommissioning phase [**PS-067**]. In summary: the substantial and well-timed contributions offered by the Proposed Development to UK decarbonisation and security of supply, while helping lower costs for consumers throughout its operational life, will be crucial on the path to Net Zero. Without the Proposed Development, a significant and vital opportunity to develop a large-scale low-carbon generation scheme will have been passed over, increasing materially the risk that future Carbon Budgets and Net Zero 2050 will not be achieved. The Proposed Development is a leading GB large-scale solar scheme, providing a critical stepping-stone towards the future of efficient decarbonisation through the deployment of large-scale, technologically and geographically diverse low-carbon generation schemes. This Proposed Development addresses all important aspects of existing and emerging government policy. ***Post Hearing Submission*** *– The Examining Authority raised two questions in relation to Chapter 11 – Socio-Economics [**PS-067**] of the Environmental Statement including:*

Item	ExA Question/ Content for Discussion	Applicant's Response
		• *Request for further explanation why accommodation demand is only considered in relation to North Kesteven District and not Boston Borough, and* • *Request for further explanation of the job type for the 5 x operational jobs and 7x wider economy jobs.* *It was confirmed with Examining Authority that the Applicant would seek confirmation in the answers from the Socio-Economic expert (not present at Issue Specific Hearing 2), and provide clarification at Deadline 1.* ***Appendix 2 - Post Hearing Submission Note (Item 7b) of*** *this document confirms the response to the two aforementioned questions.*
Agenda Item 8 Cumulative Assessment		
a)	The Applicant and the RPAs are to provide an update on the status of the cumulative sites shortlisted (both regional and local) and consider whether any additional sites should be added to the shortlist [Figures 2.2a and b, APP-079 and APP-080]	The Applicant notes the Examining Authority's comment regarding the methodology for preparing the long list and short list for cumulative sites which are shown within Table 1.2. and 1.3 of Chapter 2 of the Environmental Statement [**PS-051**]. The Applicant explained that the criteria which was followed to develop the longlist and then the shortlist is included within Advice Note 17. This Advice Note criteria allocates a Tier Level depending on the status of the proposed cumulative development: • Tier 1 is a consented or being built out site, • Tier 2 is a submitted and proposed application, • Tier 3 is a proposal in the early stages of development but known to the local community. The Applicant has worked with the Relevant Planning Authorities in compiling the Long List. There has always been an open line of communication with all of the Relevant Planning Authorities as they are aware of many local projects.

Item	ExA Question/ Content for Discussion	Applicant's Response
		The Applicant notes the Examining Authority's comment querying why the shortlist is primarily energy projects with the exception of the South Lincolnshire Reservoir. The Applicant acknowledges that the primary focus of the cumulative long list has been from an energy perspective and looking that the cross cumulative impacts that can occur between various different energy schemes. The Applicant confirmed that if there had been a major application for a residential or a mixed use development, for example, that would have been included within the long list and then assessed down to the short list if needed. The Applicant then went on to confirm that since submission of the application in February 2023 the long and short list have been reviewed again. This review shows that there are further schemes that should now be included within the cumulative assessment. It was the Applicant's suggestion that the following sites are considered with the cumulative process of the EIA. • Beacon Fen Energy Park (EN010152) – pre-application, DCO application expected submission Q2, 2024 • Springwell Solar Farm (EN010149)- pre application, DCO application expected submission Q2, 2024 • Fosse Green Energy (EN010154) – pre-application, DCO application expected Q4, 2024 • Tillbridge Solar Project (EN10142) – pre-application, DCO application expected Q1, 2024 None of these sites were in the public domain when the application was initially submitted, hence why they were not included in the submitted cumulative assessment. Although all of these 4No sites are at different stages in the pre-application process there is some information that can be considered about all of them. There have also been ongoing conversations with North Kesteven District Council and they have requested that 2No. other Town and County Planning Applications (TCPA), again for solar, are updated. The first of these

Item	ExA Question/ Content for Discussion	Applicant's Response
		is called Land at Ewerby, Thorpe-(14/1034/EIASCR) which was screened for solar in 2014. The landholding for this project is now within the land holding for the Beacon Fen Solar NSIP project and so this will fall away as a TCPA application. This land would be considered within the Beason Fen cumulative assessment work. As the Beacon Fen Solar scheme was not known about in Feb 2023, this connection between the two sites had not been made. There has also been an update from North Kesteven District Council yesterday (19/09/23) that another 49.9MW solar scheme called Little Hale Fen has been validated. The planning reference for this is 23/1021/FUL. This planning reference is corrected from the one the applicant provided at ISH2. The Little Hale is site 14 in the shortlist within the ES, but was only considered for Screening, now a full application has been submitted this change of status needs to be considered.
b)	The Applicant is to provide details of their approach to the 'Report on the Interrelationship with other Nationally Significant Infrastructure Projects' as referenced in Annex C and Annex G(4) of the Rule 6 letter issued by the ExA on 21 July 2023 [PD-009].	The Applicant notes the Examining Authority's comment stating that the NSIP schemes will be in the Interrelationships Report. The Applicant also notes the Examining Authority's comment requesting that the shortlist be updated to determine if any of the sites have commenced construction. The Applicant confirmed that Vicarage Drove (TCPA) has not yet started construction. The Applicant notes the Examining Authority's request to include another NSIP scheme call One Earth Solar (EN010159) within the cumulative assessment. The Applicant agreed to this request The Applicant explained the proposed approach to the Interrelationship with other Nationally Significant Infrastructure Projects report as referenced in Annex C and Annex G(4) of the Rule 6 letter issued by the ExA. Within the Rule 6 letter there were 6No. identified NSIP schemes. These were Cotham, Gate Burton, West Burton, Mallard Pass, Tillbridge and Beacon Fen. The Applicant confirmed that these 6No. NSIP sites are being included. In addition, the Applicant also suggests the inclusion of 2No. further NSIP schemes. These further 2No. schemes are Spring Well Solar Farm (EN010149) and Fosse Green Energy (EN010154). Following on from the discussion earlier where the Relevant Planning Authorities requested the One Earth Solar Farm NSIP scheme to be added to the cumulative assessment within the Environmental Statement, the Applicant is also willing to include this additional NSIP within

Item	ExA Question/ Content for Discussion	Applicant's Response
		the report. The Applicant acknowledged that the purpose of the Interrelationship Report was to focus on the other solar NSIP schemes in Lincolnshire and not consider solar TCPA applications. However, there are 2No. TCPA applications which are both 49.9MW schemes which are both consented, and both are close to the Bicker Fen substation. These 2No. sites are Vicarage Drove and Cowbridge Lane. The Applicant and the ExA agreed that it would be prudent to include these 2No. TCPA applications within the Interrelationship Report.
c)	The Applicant is to set out their approach to other solar park projects which may emerge in the locality during the Examination.	The Applicant explained its approach being that the cumulative assessment will be updated and submitted to the ExA at Deadline 2. As the EIA requires an iterative process the Applicant will continue to review the possible cumulative sites and will work with the Relevant Planning Authorities on any updates for applications that many come forward during the Examination stage. At each deadline the Applicant will inform the ExA that the cumulative list has been considered. If sites have come forward that need to be added to the shortlist, we will advise the ExA and determine which Deadline the updated cumulative assessment will be submitted.
ENVIRONMENTAL MATTERS		
Agenda Item 9 Ecology, Biodiversity and Ornithology		
a)	The Applicant is to summarise their approach and findings in relation to ecology and ornithology including surveys, effects, mitigation and enhancement, including any updates which are likely to be submitted during the Examination with reference to Lincolnshire Wildlife	The Applicant explained the approach taken to ecological and ornithological surveys conducted at the Energy Park and on the Cable Route Corridor. The Applicant set out how the baseline nature conservation value of the site was first established through a combination of desk-based assessments and field surveys. The Applicant then went on to describe how potential effects of the development upon the nature conservation value of the site were identified and assessed at various scales, setting out proposed mitigation measures where necessary. The Applicant explained that no designated sites of international, national or local importance were identified within the energy park, noting that the nearest internationally important site

Item	ExA Question/ Content for Discussion	Applicant's Response
	Trust's comments on ground nesting birds [RR-014 and AS-030].	was the Wash Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site, 16km from the Energy Park and ten kilometres from the cable route to the nearest point. The Applicant also explained how Horbling Fen, a nationally important Site of Special Scientific Interest (SSSI), was located 11km from the Energy Park and five kilometres from the nearest point of the substation at Bicker Fen, noting that the site is designated for its geological interest. The Applicant also explained that it is currently intended for the cable route to cross a Local Wildlife Site, the South Forty Foot Drain, and how three further Local Wildlife Sites were present within five kilometres of the site, most of which were further west of the South Forty Foot Drain. The Applicant then went on to describe the habitats on the site within the Energy Park. The Applicant described these as predominantly comprising flat, low-lying farmland in continuous arable wheat production. Noting that the crop was grown largely for animal feed stock. The Applicant went on to explain how the site is divided into rectilinear fields by tracks and grass margins and intermittent boundary features including hedgerows, three small plantation blocks of woodland, a line of trees and a network of drainage ditches. The Applicant went on to explain how some ditches were maintained by the Internal Drainage Board (IDB) and some maintained by the landowner. The Applicant described how the habitats along the grid connection route were very similar to those found within the main Energy Park site, but with a greater variety of crops, including barley and oilseed rape. The Applicant reconfirmed the cable crosses under the South Forty Foot Drain, and referred back to earlier discussions about this and the plantation woodland at the Bicker Fen Substation. The Applicant acknowledged that the site was suitable to support great crested newt, water vole and otter, however the Applicant explained that surveys had recorded no evidence of these species within the site. The Applicant also explained how American mink, a major

Item	ExA Question/ Content for Discussion	Applicant's Response
		predator of water vole, had been observed on the site and how a dead American mink had been found on a road nearby. The Applicant explained how surveys had recorded low levels of bat activity across the site, with activity concentrated on the ditch network. The Applicant also explained how surveys had recorded evidence of two common pipistrelle and one brown long eared bat roosting in the abandoned brick farm buildings in the centre of the energy park. The Applicant explained that the bat roosts were technically outside the development area boundary and will be unaffected by the development. The Applicant went on to describe how static bat recorders and bat transect surveys had recorded up to 12 species of bat within the site and how 98% of those passes recorded on the transects and 83% of all static recordings were made by common pipistrelle. The Applicant explained how Badgers have colonised the Energy Park site since the original surveys (for the wind farm) in 2010/2011, explaining how two main setts and several outlying setts have been recorded on site. The Applicant went on to explain how surveys have documented a high level of variability in terms of outlier sett occupancy – indicating that badgers have only recently colonised the site and are likely to be in the process of establishing their territories. The Applicant explained how surveys have recorded a total of 68 birds during the breeding bird season, of which 56 were confirmed as breeding. These included three schedule one/annex one species: Marsh Harrier, Barn Owl and Kingfisher. The Applicant explained that whilst 12 red list bird species have been recorded on site the number and distribution of breeding birds both on the site and along the cable route was relatively low and typical of agricultural landscapes. The Applicant also explained how most of the breeding birds recorded were restricted to the ditch edges and grass margins around the site, with the exception of Skylark and Yellow Wagtail which were recorded nesting in open habitats.

Item	ExA Question/ Content for Discussion	Applicant's Response
		The Applicant explained that surveys documented a total of 71 wintering birds, both within and around the Energy Park and grid connection route. The Applicant set out how the numbers of birds recorded were relatively small. The Applicant explained that only one species was recorded on site that was listed in the Wash Special Protection Area (SPA) citation, namely pink footed goose. The Applicant highlighted that the major ecological impact of the proposed development was the conversion of 440 hectares of intensive arable land to semi-improved grassland and that this impact would increase the sites conservation value. The Applicant also explained that the existing grassland margins would be retained, along with the woodland compartments onsite. The Applicant went onto explain how potential significant effects upon the South Forty Foot Drain resulting from the installation of the grid connection would be avoided by directional drilling and how woodland loss at Bicker Fen Substation would be compensated for by additional planting to the north of the Energy Park site. The Applicant explained the approach to avoiding and mitigating impacts upon breeding birds, highlighting how these measures are set out in the Construction Environmental Management Plan (CEMP) including avoiding certain works within the breeding bird season, buffering grassland margins and creating areas suitable for ground nesting birds such as skylark. The Applicant went on to explain how, following discussions with the Lincolnshire Wildlife Trust Skylark nesting plots are to be provided within agricultural land outside of the Order Limits but within the same land ownership. This is secured within the outline Landscape Ecological Management Plan [**APP-239**] pursuant to Requirement 8 of the DCO. The Applicant also described how they would be willing to explore supporting additional conservation measures for ground nesting birds within the local area with the Lincolnshire Wildlife Trust. The Applicant went on to explain further mitigation and enhancement proposals including:

Item	ExA Question/ Content for Discussion	Applicant's Response
		• Enhancements to the grassland margins flanking the drainage channels; • The creation of a community orchard; • Enhancements to an existing pond; • The planting of approximately 8.5km of new species rich hedgerow; • The installation of nest boxes for kestrel and barn owl, and • The installation of bat boxes. Finally, the Applicant provided further details on the compensatory measures proposed to address the c.0.4ha loss of woodland at the Bicker Fen Substation. The Applicant highlighted that the woodland was planted as screening for the Substation at the time of construction and not for nature conservation reasons. The Applicant acknowledged that whilst any woodland is important regardless of its origin in this instance the woodlands' suitability to support breeding birds and other wildlife was considered to be very poor due to the lack of ongoing woodland management. The Applicant went on to further explain that in terms of Biodiversity Net Gain the woodland loss amounted to less than 1% of the change in biodiversity net gain across the whole site. The Applicant concluded that, whilst the loss could be considered negligible, the Applicant was keen to ensure compensation was delivered for the loss of woodland and outlined the preferred approach to offset this loss to the north of the Energy Park. Following questions and comments the Applicant welcomed the information provided by the Internal Drainage Board that Otters had been recorded using the South Forty Foot Drain and confirmed that additional information would be provided on the following topics following Deadline one:

Item	ExA Question/ Content for Discussion	Applicant's Response
		• Further detail on Skylark mitigation in relation to queries raised by Lincolnshire Wildlife Trust; • The proposed timings of pre-commencement priority and protected species surveys and how they will be secured; and • Appropriate responses to the points raised by North Kesteven District Council's (NKDC) consultants (AECOM) on survey effort and baseline survey methodology – anticipated to be submitted by NKDC at deadline one.
b)	The Applicant is to summarise their approach to Net Gain and set out any amendments as a result of the Change Application.	The Applicant explained the approach taken to calculating biodiversity net gain, setting out how Phase 1 habitat data was converted to UKHab typologies and how DEFRA metric v.3.1 was then used to calculate net gains. The Applicant set out how the scheme is due to deliver a very significant biodiversity net gain score, well above the standard 10% requirement. The Applicant went on to describe how much of this net gain in biodiversity was being delivered by the proposed arable reversion to grassland and that a precautionary approach to assigning post development condition values had been adopted, particularly for grassland within, and adjacent to, the proposed solar arrays. Following questions and comments the Applicant agreed to respond to questions raised at Deadline one and address wider comments on the BNG calculation from North Kesteven in their Local Impact Report.
Agenda Item 10 Water Environment		

Item	ExA Question/ Content for Discussion	Applicant's Response
a)	The Applicant is to provide an update on discussions with the Black Sluice Internal Drainage Board, the Lead Local Flood Authorities, Anglian Water and the Environment Agency.	The Applicant explained that, in summary, the Project has been designed to a 1 in 1000 year flood event + 20% contingency for climate change; and The Environment Agency and Black Sluice IDB have agreed to the modelling. The Applicant confirmed that dialogue with all of these stakeholders is ongoing and, in overview, explained: **Black Sluice IDB** • The Applicant has carried out a site meeting with the IDB; • Ongoing and open lines of communication are taking place; • A 9m set back to IDB maintained drains has been embedded into the design of the scheme; and • The Protective Provisions are now agreed and will be included in the DCO at Deadline 2. **Anglian Water** • The Protective Provisions are now agreed and will be included in the DCO at Deadline 2. • The Statement of Common Ground (SoCG) is agreed for Deadline 1. **Environment Agency** (EA) • The EA are involved in their capacity as a statutory consultee and a landowner. • In respect of their statutory functions: the SoCG is under discussion and capable of resolution – with one matter to be updated in the Outline Design Principles at

Item	ExA Question/ Content for Discussion	Applicant's Response
		Deadline 2 in relation to the floor levels for the control rooms; and the Protective Provisions are now agreed and will be incorporated into the DCO at Deadline 2. • In respect of the EA's landowner function, engagement remains ongoing, however the impact on the EA's asset (the South Forty Foot Drain) is mitigated due to the requirement to horizontally drill underneath the railway and the South Forty Foot Drain. **Lead Local Flood Authority** (LLFA) • Discussions with the LLFA have been principally through Lincolnshire County Council. No further comments have been received, save for those listed in the Flood Risk Assessment [**AS-021** and **AS-023**] • Black Sluice IDB have jurisdiction in relation to "ordinary watercourses" and are the relevant drainage authority for the area and have the benefit of Protective Provisions.
b)	The ExA will seek initial comments from any drainage authorities present.	The Applicant welcomed the confirmation from Black Sluice IDB that matters are agreed and are adequately secured by the Protective Provisions to be dealt with prior to construction.
Agenda Item 11 Habitats Regulations Assessment		
a)	The Applicant is to summarise their approach to the shadow Habitats Regulations Assessment and the ExA will ask questions and seek comments on its content.	The Applicant explained the stages and processes undertaken during the completion of the Shadow Habitats Regulations Assessment. The Applicant explained that the Wash Special Protection Area (SPA), a Special Area of Conservation (SAC) and Ramsar site, is 16km to the east of the Energy Park and 10km from the grid connection route. The Applicant highlighted that whilst the scheme would not result

Item	ExA Question/ Content for Discussion	Applicant's Response
		in any direct effects to The Wash and was not necessary for the sites management, there was a hydrological link to the site. The Applicant explained the following three effects had been identified: • Silt laden runoff; • Water quality effects; and • The loss of functionally linked habitat. The Applicant described how these three effects had been considered and how it had been concluded that there may be a small but non-significant positive effect in terms of water quality and silt and how consultation with Natural England on the 9th June 2023 has indicated that they concur with the assessment ruling out any impacts from pathways during construction or operation. Following questions and comments relating to the establishment of the study area, the activities that would trigger the proposed installation of silt fencing, the reporting of the positive effects upon water quality and the assessment of in combination effects the Applicant agreed to: • Set out further details in relation to initial site scoping and correspondence with both Natural England and the relevant local authorities after Deadline One, following the submission of the Local Impact Report; • Updates to the consideration of in combination effects to reflect conversations earlier in the examination on cumulative effect, and • Updates to the format of the Shadow Habitats Regulations Assessment report to ensure compliance with the Planning Inspectorate Advice Note No. 10.

Item	ExA Question/ Content for Discussion	Applicant's Response
Agenda Item 12 Land Use and Soils		
a)	The Applicant is to set out their approach to the identification of Best and Most Versatile (BMV) agricultural land.	The Applicant explained the system of Agricultural Land Classification (ALC) used to determine ALC grades. The system was developed in the 1970s, originally with five grades (1 – 5). It was refined to subdivide Grade 3 and in 1988 the classification methodology was more significantly revised and has remained the system since. "Provisional" ALC maps (as reproduced in Chapter 16 of the ES [**APP-069**] at Inserts 2 and 3) must therefore be treated with caution, as they were published under the original, not the revised, ALC system. The Applicant explained that planning policy has, since about 1987, provided some protection or recognition for land of the Best and Most Versatile (BMV) quality, originally defined as Grades 1 and 2, and since 1992 as Grades 1, 2 and 3a. Such land accounts for 42% of England but in Lincolnshire it is about 71% and in North Kesteven about 67% (ES Chapter 16, paragraph 16.5.20 [**APP-069**]. This amounts to a considerable area (Table 16.3 and 16.4 of Chapter 16 [**APP-069**]. The Applicant explained that 8.9million hectarage (ha) are actively used for farming, and therefore circa 3.7million ha (42%) are BMV land actively farmed. The Applicant explained the ALC methodology followed, with initially a semi-detailed ALC survey followed up with extensive additional sampling. This methodology was undertaken in consultation and with the agreement of Natural England. The pattern of land quality identified was complex. The results are in the ALC report [**APP-222**], however, the Applicant referred the Examining Authority to the ALC plan in ES Chapter 16 Insert 1 on page 11/46 [**APP-069**]. The Applicant explained that most of the Energy Park Site is Subgrade 3a with a complex mixture of Subgrades 3, and Grades 1 and 2. The Grades 1 and 2 form generally smaller patches at the edges of fields, especially to the east and west. The Applicant explained the practical difficulties of farming the BMV mixed with the poorer quality land, by reference to the complex pattern of the land quality (Inserts 6, 7, 8 and 9 of

Item	ExA Question/ Content for Discussion	Applicant's Response
		Chapter 16 [**APP-069**]. The Applicant explained how dividing the fields into different cropping areas was significantly hindered by the layout, with all fields bordered by sizeable ditches, such as shown on Photo 3 of ES Chapter 16 [**APP-069**]. The Applicant explained that the land quality found was lower than expected, especially by reference to the provisional map (Insert 3 of Chapter 16) which showed the Energy Park Site as provisional Grades 1 and 2. The Applicant explained that the reason lies in the historic nature of the land before large-scale drainage, and drew the Examining Authority's attention to Insert 10 of Chapter 16 [**APP-069**], which shows an aerial image from 2022 (not 2023 as stated in the ES). The Applicant explained how in that image you can see the historic course of watercourses from pre-drainage times, which has resulted in the very mixed quality of the Energy Park Site. The Applicant explained that the original ALC survey covered a larger area, but land to the south and west, which was identified as having a higher proportion of Grades 1 and 2 quality, had since been removed from the Energy Park Site. The Applicant explained that the substation has been proposed on land of Subgrade 3b. The Applicant referred to Table 16.6 of the ES Chapter 16 [**APP-069**] where only 1 ha of Grades 1 and 2, and 1.8 ha of Subgrade 3a, is to be temporarily affected by tracks or inverters. These areas will be restored on decommissioning. In respect of the cable route to the Bicker Fen substation, the Applicant explained that a revised outline Soil Management Plan (included within the outline Construction Environmental Management Plan and secured under Requirement 13 of the DCO) was currently with Natural England for comment. This included a methodology for surveying the soils post DCO consent and agreeing a soil handling methodology with Natural England pre-works. The Applicant explained that the typical width of trench would be 1.5m wide, but wider in areas where directional drilling is required. For a route of approximately 5.5km length the amount of land being disturbed was not likely to exceed 1 ha.

Item	ExA Question/ Content for Discussion	Applicant's Response
b)	The Applicant is to set out the cumulative effects arising from BMV land proposed to be taken out of production in the region.	To introduce the Applicant's response, the Applicant explained that the cumulative situation is continually evolving as new proposals are made or as additional information (e.g. ALC results) are provided for existing schemes that have been announced. The Applicant stressed that, if other proposals are similar to Heckington Fen Solar Park, very little land, BMV or otherwise, will be taken out of production. That is because whilst some land may change from arable to sheep grazing, it would remain in production. The Applicant explained that we will set out updated figures in due course, but currently we estimate between 0.4 and 0.8% of Lincolnshire county may be affected by solar panel proposals, but the amount of BMV land going out of production will likely be very small. ***Post Hearing submission**: the Applicant has included an assessment of the cumulative land use of solar NSIP schemes in Lincolnshire within Appendix 2 of the Interrelationship Report (document reference: ExA.IRReport-D1.V1). The Applicant will also capture this detail within an updated ES Chapter 16 Land Use and Agriculture for Deadline 2.*
c)	The Applicant is to provide a summary of the proposed uses of other land within the Order Limits, not to be utilised for equipment associated with the solar park.	[Not covered during this part of the agenda for Issue Specific Hearing 2]
d)	The Applicant is to set out any implications for land use resulting from the Change Application.	[Not covered during this part of the agenda for Issue Specific Hearing 2]
Agenda Item 13 Archaeology		

Item	ExA Question/ Content for Discussion	Applicant's Response
a)	The Applicant is to provide an update on recent archaeological investigations and any implications for the Examination.	The Applicant confirmed that archaeological trial trenching of the cable route commenced in early August 2023 and is ongoing, pending agreement of access. The Applicant explained that the agreed scope is a 2% sample of the Order Limits area, with a 2% contingency. The work is being carried out by Wessex Archaeology (who previously completed the trial trenching of the Energy Park), in accordance with a full/detailed Written Scheme of Investigation (based on Outline WSI–Evaluation [**APP-244]**) approved by the RPAs' Archaeology Advisors prior to commencement. The Applicant clarified that fieldwork is being managed by Dr Elizabeth Pratt of Pegasus Group on behalf of the Applicant, and is being monitored by Matthew Adams of Lincolnshire County Council on behalf of Boston Borough Council and Denise Drury of Heritage Lincolnshire on behalf of North Kesteven District Council. The Applicant explained that to date, 57/240 trenches and 10 contingency trenches have been excavated for the cable route. The area of greatest archaeological potential on the cable route (at Royalty Farm, south and east of South Forty Foot Drain) has been prioritised, revealing ditches and gullies representing Roman agricultural activity. For the most part these features align with anomalies detected by the geophysical survey [**APP-213** & **APP-214]**, which in turn, correlate with cropmarks visible on aerial photographs reviewed for the Heritage Desk-Based Assessment [**APP-206**]). The Applicant clarified that the Roman features are considered to be of local to regional heritage significance and noted that initial discussions have been had with the RPAs' Archaeological Advisors regarding the area of greatest sensitivity and the options for mitigation. The Applicant confirmed that they are endeavouring to secure access permissions to allow the remainder of the cable route trial trenching to be completed during the Examination period. The Applicant clarified that the work carried out so far has revealed some archaeological features that were not predicted by the geophysical survey, but generally, the

Item	ExA Question/ Content for Discussion	Applicant's Response
		survey results have been borne out. The Applicant considers the likelihood of there being archaeological remains of a significance equivalent to a Scheduled Monument to be low. The Applicant acknowledges the concern raised by Lincolnshire County Council that the overall significance of effect of the cable route is currently unknown. However, the completion of the trial trenching is secured by Requirement 12(1) of the DCO; protections are therefore secured within the DCO and through compliance with the outline Written Scheme of Investigation (**WSI**) - Evaluation which is a certified document (APP-244). The Applicant acknowledges that Requirement 12 might be updated, as raised by Lincolnshire County Council in Issue Specific Hearing 1, in order to make clear that only those elements of the cable route that have not been trenched will need to be subject to submission of a WSI in accordance with the outline WSI (APP-244). The Applicant acknowledges North Kesteven District Council's comments on discrepancies between the Figure 10.4- Energy Park Archaeological Mitigation Areas [**APP-162**] and the Outline Written Scheme of Investigation–Mitigation [**APP 245**]. These discrepancies will be resolved in a forthcoming detailed Written Scheme of Investigation, as secured by Requirement 12(2), at Deadline 2.
Agenda Item 14 Statements of Common Ground		
a)	The ExA will seek an update on the progress of statements of common ground relevant to environmental matters with the following: North Kesteven District Council, Boston Borough Council, Lincolnshire County Council, Anglian Water, Black Sluice Internal Drainage Board,	The Applicant explained as per the Rule 6 Letter, there were 12 Statements of Common Grounds (SOCGs) requested. Of those, the Applicant has not progressed the SOCG with Cadent as they have confirmed no infrastructure within the vicinity of the Proposed Development. Anglian Water is agreed. Lincolnshire Wildlife Trust is agreed. . Black Sluice Internal Drainage Board is agreed save for a single point which remains Under Discussion. The SOCG with the LPA is a combined SOCG and is a working draft, subject to the Local Impact Reports being finalised for Lincolnshire County. There is a good draft in place with the Environment Agency, with a small number of points that remain 'Under Discussion'. Similarly with National Grid Electricity Transmission. Finally, National Gas Transmission, Viking Link,

Item	ExA Question/ Content for Discussion	Applicant's Response
	Environment Agency, Lincolnshire Wildlife Trust, Natural England.	Natural England, Triton Knoll and Network Rail have all been shared with those parties and their comments are outstanding.
Agenda Item 15 Accompanied Site Inspection (ASI) Arrangements		
a)	The Applicant is to provide details of any initial arrangements for the ASI in week commencing 20 November 2023.	The Applicant confirmed that they have considered provisional arrangements for the Accompanied Site Inspection location points. It is intended there will be location points at the main Energy Park site of the Proposed Development, and there is agreement from the landowner to access the land. The Applicant is in discussion with National Grid to understand if it is possible to gain the necessary consents to visit National Grid Bicker Fen Substation as part of the location points. The Applicant confirmed there may be opportunity to visit the Triton Knoll access track and will seek confirmation. The Applicant further noted they will aim to arrange location points along the Cable Route Corridor; however, the Applicant will need to gain consent from landowners. The Applicant notes the Relevant Planning Authorities will provide opinions on the ASI arrangement either as a written representation or through liaising with the Applicant. ***Post Hearing Submission*** *– The Applicant has provided with the Deadline 1 Cover Letter (Applicant document reference ExA.CL-D1.V1) a location plan of suggested locations for the Accompanied Site Inspection (Figure 1 – Accompanied Site Inspection).*

Appendix 1 – Oral Attendees

1.1. **Neil Bromwich**, Partner and Solicitor at **Osborne Clarke Solicitors** and **Josh Taylor,** Associate Director at **Osborne Clarke Solicitors** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 4 – Change Application
- Item 7 – Needs and Benefit
- Item 10- Water Environment,
- Item 15 – Accompanied Site Inspection Arrangements, and
- In response to the Examining Authority's questions and for general advocacy.

1.2. **Isobel Hollands**, Director of Environment at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 3 – Applicant's introduction to the Proposed Development
- Item 8- Cumulative Assessment, and
- Any other matters including project updates (if necessary).

1.3. **Nigel Cussen**, Senior Director at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 5 – Planning Policy and Guidance

1.4. **Rebecca Grace**, Associate Planner at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 7 – Needs and Benefit

1.5. **Elizabeth Pratt**, Associate Heritage Consultant at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 13 – Archaeology

1.6. **Tony Kernon**, Chartered Surveyor at **Kernon Countryside Consultants** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 12- Land Use and Soils

1.7. **Simon Pickering**, Ecology and Environmental Advisor at **Ecotricity** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 9 - Ecology, Biodiversity and Ornithology
- Item 11 - Habitats Regulations Assessment

1.8. **Phil Jenner**, Electrical Engineer and Electrical Project Manager at **Ecotricity** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 6 - Generating and storage capacity, electricity export, substation

1.9. **Laura White**, Senior Development Manager at **Ecotricity** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:

- Item 14 - Statements of Common Ground

Appendix 2 – Post Hearing Submission Note (Item 7b)

1.10. This note provides a Post-Hearing Written Responses to clarify two questions raised by the Examining Authority within Agenda Item 7- Needs and Benefit, sub point Item 7 (b) of Issue Specific Hearing 2 on the 20th September 2023.

1.11. The response was written by Laura Day, an Associate Economic Consultant at Pegasus Group. Laura Day is the author of Chapter 11 – Socio-Economics [**PS-067**] of the Environmental Statement for the Proposed Development.

Item 7b - The Applicant is to summarise the range of other benefits which are expected to arise from the Proposed Development.	
ExA Question	**Applicant Response**
The Examining Authority questioned in relation to the Chapter 11 – Socio-Economics [**PS-067**] of the Environmental Statement and requests for explanation as to why employment and accommodation demand are only considered in relation to North Kesteven District and not Boston Borough.	The below response is relevant to the latest revision of Chapter 11 – Socio-Economics, which has been accepted as part of the Change Application [**PS-067**]. Effects relating to Employment and Economic Contribution are considered for both North Kesteven and Boston Borough districts for all phases of development (construction, operational and decommissioning) as part of the updated information in the Applicant's Change Request submission. The Applicant has presented the Accommodation Demand assessment to account for the existing number of bedspaces (Serviced and Non-Serviced) within North Kesteven only and, subsequently, has presented the potential effects of accommodating construction and decommissioning workers within the identified bedspaces within North Kesteven only. This has been undertaken as a worst-case scenario, assuming that all workers would need to be accommodated within North Kesteven, rather than split between North Kesteven and Boston districts. This approach was considered appropriate on the basis that the Energy Park itself is located within North Kesteven district, which is where the focus of construction and decommissioning activities will be taking place. The Order Limits extending

	into Boston district relate to the grid connection only, and will account for limited construction activities in comparison to the Energy Park. Notwithstanding this, the Applicant proposes that an update to the baseline and assessment of likely significant effects relating to the Accommodation Demand be undertaken as part of the Deadline 2 submissions to consider the potential effects during the construction and decommissioning phases in respect of Boston district. This updated assessment would take the same approach as the Applicant has presented for North Kesteven to date, i.e. the potential effects of accommodating all construction and decommissioning workers who are estimated to be outsourced within identified bedspaces within Boston only. The potential effects of Accommodation Demand within Boston would be presented alongside those already presented for North Kesteven. An understanding of the potential worst-case effect would therefore be identified in the case of both districts in isolation. In addition, the potential effect of workers requiring accommodation based on a combined total of bedspaces within North Kesteven and Boston districts will be presented, which will provide a view of the realistic perspective of this accommodation demand effect.
The Examining Authority questioned in relation to the Chapter 11 – Socio-Economics [**PS-O67**] of the Environmental Statement and requests for further explanation of the job type for the 5 x operational jobs and 7x wider economy jobs.	The below response is relevant to the latest revision of Chapter 11 – Socio-Economics, which has been accepted as part of the Change Application [**PS-O67**]. Operational jobs (estimated at 5 FTE jobs on-site) include general operation and maintenance which may include some elements of fencing; landscaping; repair; and asset management. As well as the 5 jobs on-site, there will be an estimated 7 FTE jobs supported in the wider economy which could include security; IT-support; performance analysts; and finance-based roles. Beyond this, a further 1.5FTE is estimated by the shepherd for managing the flock. The submitted ES Chapter 11 details the 5 FTE jobs on-site plus the 7 FTE jobs supported in the wider economy (para 11.5.14 to 11.5.16 of ES Chapter 11). The additional 1.5 FTE jobs have been identified as being relevant to the operational phase during the course of the Examination process to date. In respect of the weight given to the 12 operational jobs identified within ES Chapter 11, the magnitude of change is highlighted as being negligible, as the jobs

	would represent only a small increase in current employment levels in North Kesteven and Boston districts, albeit the employment supported will be permanent for the lifetime of the Proposed Development (para 11.5.17 of ES Chapter 11). Further, the sensitivity of the receptor is identified as medium, which indicates some evidence of socio-economic challenges for the labour force at the district scale (North Kesteven and Boston) (as per Sensitivity Criteria detailed in Table 11.1 of ES Chapter 11). Reasoning for this is that there has been a 10.3% increase (4.000 additional jobs) within North Kesteven between 2015 and 2021, compared to a 3.0 increase (1,000 additional jobs) in Boston in the same period. Regional and national spatial scales have all also seen increases, much lower than that of North Kesteven but higher than that of Boston. Claimant Count mirrors this outcome, with North Kesteven's count at 2.0% and Boston's count at 4.5% as of September 2022, with counts at comparator scales identified as being within this range. Considering a negligible magnitude of change and a medium sensitivity of receptor, the significance of effect is identified as negligible, which is not significant in EIA terms (para 11.5.17 of ES Chapter 11).

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