

Heckington Fen Solar Park

EN010123

Statement of Common Ground with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council

Applicant: Ecotricity (Heck Fen Solar) Limited

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STATEMENT OF COMMON GROUND

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CONTENTS:

TABLE 1 – PLANNING HISTORY OF RENEWABLE PROJECTS	5
TABLE 2 - MATTERS TO BE AGREED	8
1. BIODIVERSITY, ECOLOGY AND THE NATURAL ENVIRONMENT	8
2. COMPULSORY ACQUISITION	14
3. DRAFT DEVELOPMENT CONSENT ORDER (DDCO)	17
4. ENERGY GENERATION AND STORAGE	18
5. GENERAL AND CROSS-TOPIC MATTERS	18
6. HISTORIC ENVIRONMENT	26
7. LAND USE AND SOILS	28
8. LANDSCAPE AND VISUAL, AND DESIGN	33
9. SOCIO-ECONOMICS	36
10. TRAFFIC AND TRANSPORT	40
11. WATER ENVIRONMENT AND FLOOD RISK	43
12. OTHER MATTERS	44
SIGNATORIES	47

INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ecotricity (Heck Fen Solar) Limited ("the Applicant") in conjunction with North Kesteven District Council ("NKDC"); Lincolnshire County Council ("LCC"); and Boston Borough Council ("BBC").
- 1.2 The proposed development comprises the construction, operation (including maintenance), and decommissioning of a ground mounted solar photovoltaic (PV) electricity generation and energy storage facility (hereafter referred to as "the Energy Park"), cable route to, and above and below ground works at, the National Grid Bicker Fen Substation (hereafter referred to as "the Proposed Development" (inclusive of Energy Park)) on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford, Lincolnshire.
- 1.3 In the table below of this SoCG:
- "Agreed" or "No comment" indicates where the issue has been resolved or the parties have no comment,
 - "Not Agreed" indicates a final position of the parties that is not agreed, and
 - "Under discussion" indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.4 It can be taken that any matters not specifically referred to in this SoCG are not of material interest or relevance and therefore have not been considered further. It is recognised however that engagement between all parties will need to continue due to their joint interest in matters arising from the Proposed Development.
- 1.5 The purpose of the SoCG is to identify the areas where the principal parties do not agree and remain in dispute. This will allow the Examination to focus on the most pertinent issues.

The Proposed Development

- 1.6 It is agreed that the proposed development is for a temporary use of land only which will be in place for a period of 40 years from the date of the commencement of electricity generation.

Development Consent Order

- 1.7 It is agreed that North Kesteven District Council and Boston Borough Council will act as a relevant planning authority in relation to the discharging of the requirements of the DCO applicable to their administrative area and LPA boundary. Where the expertise of LCC is required then the County Council will either be the discharging authority or subject to consultation during the approval process, or vice versa as appropriate.

Planning Policy Context

- 1.8 It is agreed that the development plan applicable to the development proposal comprises:
- The Central Lincolnshire Local Plan 2018 - 2040, adopted 13 April 2023
 - South East Lincolnshire Local Plan 2011 – 2036, adopted 8 March 2019
- 1.9 It is agreed that the Central Lincolnshire Local Plan 2018 - 2040 replaces in full The Central Lincolnshire Local Plan 2012 - 2036 (April 2017).

Planning History

- 1.10 The planning history related to the Energy Park and relevant to the proposed development is included at Table 1.

Table 1 – Planning history of renewable projects

	Description of Development	Decision	Date
09/0628/FUL	Installation of a 70m high wind monitoring mast for a temporary period of 18 months	Approved	15 October 2009
09/1067/S36	Application (submitted under section 36 of the Electricity Act 1989) for consent to construct and operate a wind energy electricity generating station	Local Authority objected to the proposal. Application approved subject to conditions – February 2013	08 February 2012
15/0416/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington.	Local Authority had no objection to the proposal but expressed concerns regarding landscape impacts and proposed re-wording of the RMS condition. Local Authority raised concerns regarding differing noise reports from applicant and objectors and proposed re-wording of the RMS condition. Application not being progressed – confirmed November 2022*	05 June 2015* 24 January 2017
18/1384/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed planning permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington to allow for the date by which development must be commenced from 5 years to 10 years.	Local Authority raised significant concerns to the proposal. Application refused – July 2022	06 December 2018
*Although no formal decision has been issued by BEIS on the 2015 application, they (BEIS) have advised that they do not intend to consider the 2015 Variation application further. The Applicant have therefore not assessed the wind turbine permission as part of the			

	Description of Development	Decision	Date
	baseline for Environmental Statement. NKDC's position is that the wind turbine application (09/1067/S36) has expired and is incapable of being implemented.		

Impacts of the development

- 1.11 It is agreed that all environmental constraints and sensitive receptors relevant to the determination of the application have been considered in the application plans and documents.
- 1.12 It is agreed that the development proposed is an EIA development, and the submitted EIA assesses the realistic worst-case effects of the development.
- 1.13 The parties agree that, with the exception of the impacts listed under Table 2 (Matters to be agreed), the proposal includes mitigation measures that are capable of reasonably and satisfactorily address all other substantive impacts of the proposal necessary to make the development acceptable in planning terms.
- 1.14 Notwithstanding the fact that mitigation measures to address the impacts listed in Section 2 are yet to be agreed, it is agreed that these outstanding matters are capable of being addressed through the DCO Requirements, subject to ongoing review by NKDC, BBC and LCC, and its advisors (including legal).

Requirements

- 1.15 It is agreed that the DCO requirements will be necessary to address the following matters (further amendments may come forward following discussions with legal representatives and during the Examination):

2. Commencement of the authorised development

3. *Phasing the authorised development and date of final commissioning*
4. *Requirement for written approval*
5. *Approved details and amendments to them*
6. *Detailed design approval*
7. *Fire safety management*
8. *Landscape ecological management plan*
9. *Implementation and maintenance of landscaping*
10. *Fencing and other means of enclosure*
11. *Surface and foul water drainage*
12. *Archaeology*
13. *Construction environmental management plan*
14. *Construction traffic management plan*
15. *Operational noise*
16. *Supply chain, employment and skills*
17. *Permissive path*

18. Decommissioning and restoration

1.16 A draft schedule of DCO Requirements is to be considered as part of the Examination (doc. ref. 3.1, AS-007).

Summary of main issues not agreed

1.17 Based on engagement to date and subject to review of the ES and other documentation, common ground may not be possible to fully resolve in particular in relation to the following elements (or sections within these):

- Land use and agriculture – NKDC, including cumulative effects with other NSIP solar proposals across Lincolnshire
- Cultural heritage (archaeology) – NKDC, LCC, and BBC
- Cultural heritage (South Kyme Tower) - NKDC
- Biodiversity assessment including botanical surveys (timings and survey effort), impact pathway assessment for birds, and loss of nesting habitat and the verification of BNG estimates - NKDC
- Biodiversity linkage between Bicker Fen Substation and the Energy Park - BBC

Table 2 - Matters to be agreed

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
1. Biodiversity, Ecology and the Natural Environment					
1.1 Agreed / No comment	Implications for statutory and locally protected habitats sites	Implications are detailed in the Chapter 8, with various mitigation	Defer to other parties with expertise, notably Natural England, North	It is agreed that impacts on statutory and local sites have been adequately assessed.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		measures summarised. No residual impacts deemed significant.	Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.	AECOM offer no comments in relation to HRA generally, noting that the assessment of wintering birds is appropriate provided that Natural England agrees with the findings of the HRA report.	
1.2 Under Discussion	Appropriateness of habitat surveys	Considered appropriate. Quail was a target species at Heckington - so every survey commenced at dawn and every survey commenced with very careful listening right across the open agricultural landscape for prolonged periods for Quail. 'Intensive searching' is therefore considered to have been undertaken for this species. More importantly, pragmatic mitigation	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.	Not agreed, in particular in relation to quail, terrestrial habitats (see below) and botanical surveys, as the survey did not cover the period at dusk specified for surveys for quail.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>was outlined at para 8.5.10 of Appendix 8.10 for appropriate future surveys to be undertaken (at dawn and dusk) specifically for this species immediately prior to development.</p> <p>Although good practice survey methods recommend dusk surveys for Quail, Quail actually sing just as frequently and loudly at dawn. In order to reasonably and sensibly streamline time and cost efficiencies, and especially given the known problems with the species outlined at para 8.2.9 of Appendix 8.10, dawn surveys for Quail were therefore deliberately combined with the early</p>			

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		morning surveys for all other bird species.			
1.3 Under Discussion	Effects on specific species and their habitats, including European protected species (EPS)	<p>Bats are the only EPS found on site, no impacts on bat roosts, enhancement of foraging habitat, potential impact of lighting is mitigated for.</p> <p>A further survey of badgers would be undertaken prior to construction with numbers and precise locations of badger gates determined during the composition of the badger licence utilising any data from pre-commencement badger surveys.</p> <p>Security fencing would be high enough to exclude deer from</p>	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.	Not agreed, in particular in relation to badger. As set out in the NKDC LIR, AECOM raise some concerns in relation to the timing of botanical surveys, specifically the timing and survey effort and in particular the suitability of surveying for occurrences of scarce arable flora. AECOM also raise some concerns regarding assessment of birds which is rather high level (including impact on and the need for further information on badger and deer gates in relation to security fencing. Details of the timings and arrangements of proposed sheep grazing is also needed, due to use of pasture by ground	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>within the solar arrays areas, but the ditch and grassland buffers throughout the site are being provided at such a scale that the landscape would remain permeable enough for deer to move through the landscape - ensuring deer had continued access to grassland margin habitats, were able to move seasonally through the landscape and weren't at risk of being enclosed within solar array areas.</p>		<p>nesting birds.</p>	
<p>1.4 Under Discussion</p>	<p>Effects on trees and hedgerows</p>	<p>The overall scheme offers a significant improvement for trees and hedgerows. Some minor interferences in relation to the grid route and connection but the overall</p>	<p>Subject to LIR confirmation, this issue is under discussion.</p>	<p>No comment other than to highlight that the Oak within Group G39 will need to be re-assessed for 'veteran tree' status and that stand-off distances/root protection zones might need to be</p>	<p>Removal of trees at Bicker Fen Substation is unfortunate. Where opportunities to connect the main Energy</p>

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		<p>biodiversity net gain is positive and exceeds the 10% requirement.</p> <p>Further survey effort of the veteran tree can be undertaken once the land access is agreed.</p>		adjusted.	<p>Park site with Bicker Fen Substation ecologically is possible this should be explored and implemented.</p>
1.5 Under Discussion	Habitat creation, enhancement and application of Net Gain	<p>Positive with hedgerow and woodland creation, enhancement of existing features and application of Net Gain showing significant improvement on current intensive arable landscape which will become grassland.</p> <p>Further information on the Biodiversity Net Gain calculations will be considered for at the next</p>	Subject to LIR confirmation, this issue is under discussion.	AECOM note that the level of detail is sufficient to understand what is being offered in broad terms, but it does not represent a full specification suitable to set terms of reference for agreement of the detailed plan later as a Requirement. Whilst the quantum of BNG to be achieved is likely to over 10%, it cannot be agreed until sufficient information has been provided to verify the Applicant's BNG calculations. Amongst	No additional comment further to the above.

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		appropriate deadline.		other things, grassland provision might have been overstated, the gains associated with 'over-sowing' of existing grassland headlands are challenged, the balance between new hedgerow creation and the gapping up of existing hedgerows is unclear, and the condition scores for the baseline and proposed habitats are not fully provided; including the 'Strategic Significance' weighting associated with some areas of ditch which are mapped as 'green infrastructure'.	
2. Compulsory Acquisition					
2.1 Under Discussion	Whether the full extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance,	There is no freehold acquisition sought in the DCO. An agreement has been reached with the landowner of the	LCC is a landowner for the Highways network and also on the grid route. Discussions remain ongoing with	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	temporary possession, powers to override easements and rights under streets, are necessary to facilitate or are incidental to the Proposed Development	Energy Park. The remaining powers sought are in relation to the acquisition of new rights and/or temporary possession which is proportionate and necessary to facilitate the Proposed Development.	landowner's agents.		
2.2 Under Discussion	The Statement of Reasons and whether the powers sought are required for the development to which the order relates, whether they are legitimate, necessary, and proportionate and whether it is clear how the Applicant intends to use the land	Legitimate, necessary, and proportionate for delivery of a Nationally Significant Infrastructure Project. Clarity can be provided if unclear.	LCC is a landowner for the Highways network and also on the grid route. Discussions remain ongoing with landowner's agents.	No comment.	No comment.
2.3 Under Discussion	Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and	There is no freehold acquisition sought in the DCO. An agreement has been reached with the	LCC is a landowner for the Highways network and also on the grid route. Discussions remain	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	<p>powers that are sought by the dDCO that justifies interference with the human rights of those affected</p>	<p>landowner of the Energy Park. The remaining powers sought are in relation to the acquisition of new rights and/or temporary possession which is proportionate and necessary to facilitate the Proposed Development. Negotiations continue with landowners to ascertain the rights being sought are appropriate and to secure private agreements.</p>	<p>ongoing with landowner's agents.</p>		
<p>2.4 Under Discussion</p>	<p>Whether the temporary possession powers sought are needed to enable the construction, operation, or decommissioning of the Proposed Development; the total period for which the land may be subject to temporary</p>	<p>The temporary possession powers are appropriate, and in line with precedent, for a Nationally Significant Infrastructure Project (NSIP) of this nature.</p>	<p>LCC is a landowner for the Highways network and also on the grid route. Discussions remain ongoing with landowner's agents.</p>	<p>No comment.</p>	<p>No comment.</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	possession; and whether the powers sought are compatible with human rights tests				
2.5 Under Discussion	Whether all reasonable alternatives to compulsory acquisition have been explored	The Applicant outlines the approach to alternatives in the Statement of Reasons (doc. ref: 4.1) and Chapter 3 of the ES (doc. ref. 6.1.3). Negotiations continue with stakeholders to avoid the need for compulsory acquisition.	LCC is a landowner for the Highways network and also on the grid route. Discussions remain ongoing with landowner's agents.	No comment.	No comment.
2.6 Under Discussion	The adequacy and security of project funding.	Relevant information is provided in the Funding Statement (doc ref 4.3, APP-019).	LCC is a landowner for the Highways network and also on the grid route. Discussions remain ongoing with landowner's agents.	No comment.	No comment.
3. Draft Development Consent Order (dDCO)					
3.1 Under	The appropriateness of	The draft DCO is	Under Discussion.	Under Discussion.	Under

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Discussion	the draft Development Consent Order including its structure, scope, provisions, requirements and protective provisions	based on legal precedent and includes the appropriate structure, scope, provisions, requirements and protective provisions.			Discussion.
4. Energy Generation and Storage					
4.1 No comment	Likely potential energy generated by the solar panels	Sufficient to power some 100,000 homes – calculations are provided in the Consultation Report – Appendix 1 (APP-024).	No comment.	No comment.	No comment.
4.2 No comment	Capacity of the secured Grid connection	Sufficient for the scheme proposed as detailed in the Grid Connection Statement (doc. ref. 5.4, APP-051).	No comment.	No comment.	No comment.
5. General and Cross-Topic Matters					
5.1 No comment	Air Quality	There are not expected to be any significant cumulative	Defer to other parties with expertise, notably North	No comment. The Council agrees that allied with the annual	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>and in combination effects with any other schemes on the shortlist for this ES. There are expected to be no significant effects to air quality as a result of the Proposed Development.</p>	<p>Kesteven District Council and Boston Borough Council's Environmental Health Officers.</p>	<p>average background concentrations, and the suggested additional mitigation of dust emissions and Non-Road Mobile Machinery emissions during the construction phase as set out in the Outline Construction Environmental Management Plan, there will be no likely significant effects to air quality at existing sensitive receptors, with the overall impact 'negligible'.</p>	
5.2 Under Discussion	Alternatives and site selection	<p>Alternatives such as other technologies have been considered, as well as a comprehensive back check process, as outlined in Chapter 3 of the ES (doc. ref. 6.1.3, APP-056). This is guided primarily by</p>	Under discussion.	<p>Flood risk sequential test parameters agreed with The Applicant. However this topic remains under discussion as it remains for the Examining Authority to determine if a smaller scheme would have reduced the impact on Best and Most</p>	No comment.

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		<p>grid availability, and a willing landowner.</p> <p>Further details on the alternatives and requirement of Policy EN-1 are covered in the Applicant’s Issue Specific Hearing 2 Summary of Oral Statement – that being that any alternative site would fail to comply as they are not deliverable in the same timescale.</p>		<p>Versatile Agricultural Land, and therefore an alternative to the Proposed Development. There is a large reliance in the sequential test approach to being able to bring forward earlier renewable energy delivery relative to a connection into Spalding substation, and also more straightforward option/legal agreements relative to multi-landowner alternative sites, and which should be a particular focus for the ExA.</p>	
5.3 Under Discussion	Benefits	<p>Benefits include a permissive path, business rates, a community orchard with access by arrangement, ongoing farming and energy provision for the landowner in</p>	<p>Welcome the addition of the permissive path, question how much it will be used, preference for paths to be permanent. Links to other paths outside of the Order Limits would also be</p>	<p>Partial agreement as NKDC questions the farming benefit accruing from grazing, and whether this is tangible. NKDC agrees that if the Flood Risk Sequential Test is accepted then the scheme would satisfy</p>	No comment.

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		<p>conjunction with a shepherd, and most importantly working towards net zero targets.</p>	<p>welcomed. Biodiversity Net Gain noted subject to being secured. Further information is required on how the grazing is secured.</p>	<p>the 'exception test' community benefit element.</p>	
<p>5.4 Under Discussion</p>	<p>Cumulative and in-combination effects with other projects and developments in the locality including other solar farm proposals in the region</p>	<p>Cumulative and in-combination effects considered within the relevant EIA Chapters.</p>	<p>Totality of the projects across Lincolnshire will be a key focus for LCC during the Examination, particularly in relation to loss of Best and Most Versatile land; and potential landscape impacts. Update the list with any new schemes coming forward.</p>	<p>Partial agreement - Cumulative socio-economic and climate change are considered positive. Cumulative ALC and farming implications across all projects are negative. NKDC note the information gap between - Beacon Fen Solar, Fosse Green Solar, Springwell Solar and the Reservoir. However, accept that the Applicant had to draw a line to ensure the ES could be completed in time. Table 25.1 of the NKDC LIR contains a summary of cumulative effects.</p>	<p>No comment.</p>

STATEMENT OF COMMON GROUND

RELEVANT PLANNING AUTHORITIES

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
5.5 No comment	Electromagnetic field effects	Considered within Chapter 18 of the ES.	No comment.	No comment.	No comment.
5.6 No comment	Extent of the Rochdale envelope	Considered within Chapter 4 of the ES, with necessary flexibility in-built for a project of this nature.	No comment.	No comment.	No comment.
5.7 Under Discussion	Fire and safety hazards associated with storage technology	Considered within a separate Outline Energy Storage Safety Management Plan. This is a certified document, secured under Requirement 7 of the DCO.	LFR seeking Section 106 to monitor ESS systems.	No comment other than to note that NKDC will be making written submissions regarding the need to consider the use of Lithium-Ion Phosphate batteries.	LIR neutral / negative subject to Lincolnshire Fire and Rescue agreement of the provisions. All BBC can achieve is that fire risk is considered, it is designed out as far as possible and there are protocols and mechanisms in place to further reduce risk and

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					manage its impact if fire occurs. Doc. ref. 7.11 seeks to do this.
5.8 Under Discussion	Greenhouse gas emissions arising during all phases	Considered within Chapter 17.	Not querying the conclusions of Chapter 17, similarly to NKDC, if recycling is included in the assessment and would this change overall conclusions.	The submitted data / estimates in the ES does not account for GHG emissions associated with the recycling or disposal of components and panels at specialist disposal facilities; rather that all material is produced for the first time use in the development, and then recycled post-development.	No comment.
5.9 No comment	Human health and wellbeing	Considered throughout the ES.	No comment.	No comment.	No comment.
5.10 Agreed	Need case	Considered within the Planning Statement and Statement of Need, crucially to meet net zero	As per EN1/EN3 the Applicant does not need to prove a Need case for renewable energy, as such LCC	As per EN1/EN3 the Applicant does not need to prove a Need case for renewable energy, as such NKDC has no	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		requirements.	has no comment.	comment.	
5.11 Under Discussion	Noise and vibration	Considered within Chapter 12.	Defer to other parties with expertise, notably North Kesteven District Council and Boston Borough Council's Environmental Health Officers.	Short term negative construction impact. Particular consideration needed for Elm Grange school. Operationally no comment, as this forms part of the Requirements / Outline CEMP and requested Operational Environmental Management Plan.	No comment.
5.12 Under Discussion	Policy and legislation including emerging National Policy Statements (NPS).	ES complete and supported by Statement of Need and Planning Statement. NPS considered in Updated Statement of Need and Planning Statement with the Change Application. At Issue Specific Hearing 2, the Applicant explained that Best and Most Versatile land	Policies will be detailed further in the LIR. An appendix of policies to be added to a further iteration of this SOCG. This issue is under discussion.	The NKDC LIR discusses relevant policy to be engaged in relation to each technical chapter. Not agreed, notably due to the Draft EN3 which notes avoidance on BMV impacts. NKDC specifically references paragraph 3.10.14 of the 2023 draft National Policy Statement for Renewable Energy Infrastructure (EN-3) which confirms that	No comment.

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		<p>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).</p> <p>The practical difficulties of farming the BMV mixed with the poorer quality land, is hindered by a complex pattern of land quality (Inserts 6, 7, 8 and 9 of Chapter 16, APP-069).</p> <p>Using the BMV land for pasture is considered a change of use; rather than a loss and therefore ongoing agricultural operations can continue.</p>		<p>whilst land type is not a determining factor, only where the proposed use of any agricultural land over and above despoiled and brownfield land has been shown to be necessary, ‘poorer quality land should be preferred to higher quality land (avoiding the use of “Best and Most Versatile” agricultural land where possible)’. NKDC consider that the Applicant has not proven that the ‘need’ to develop BMV land has been clearly established (by reference to CLLP policy S67, point (i), nor in relation to point (iii) that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design</p>	

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				solutions.	
5.13 Under Discussion	Relevant DCO decisions and High Court challenges	The DCO is based on various made Orders across the energy sector and, more specifically, solar DCO projects such as Longfield, Little Crow DCO, and Cleve Hill.	Under review.	To be agreed. No High Court challenges to comment on.	No comment.
5.14 No comment	Waste management, including replacement equipment and decommissioning	Considered in Chapter 18, and Chapter 17 where necessary.	No comment, GHG associated with decommissioning covered above.	No comment, GHG covered above.	No comment.
6. Historic Environment					
6.1 Under Discussion	Effects on designated and non-designated heritage assets and their settings	Considered in Chapter 10.	In respect of build form LCC defers to North Kesteven District Council's Conservation Officer, Heritage Trust Lincolnshire and Historic England. Further comments below in relation to non-designated	Only South Kyme Tower (scheduled and listed) some harm to setting. Degree of less than substantial harm by Conservation Officer. Otherwise agree with ES conclusions.	No comment.

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			heritage assets in particular buried archaeology.		
6.2 Under Discussion	Appropriateness of schemes of investigation for archaeology	Trial trenching not completed on the cable route. Outline WSIs included for Evaluation and Mitigation sections, associated with the cable route and energy park (and subsequent cable route following Evaluation e.g. trial trenching). Trial trenching on the cable route is scheduled to be completed after harvest, subject to the necessary landowner consents. An Outline Written Scheme of Investigation – Evaluation and an Outline Written Scheme of	Key areas to be considered include archaeology – LCC Archaeologist advice that trial trenching is completed. Sufficient trenching completed on Energy Park to inform a Mitigation Strategy.	Key areas to be considered include archaeology - Heritage Trust Lincolnshire advice that trial trenching is needed before determination. NKDC position is that there is an appropriate level of baseline information to inform the Archaeological Mitigation Strategy for the energy park site, however clarity of the six priority areas proposed for 'strip map record' (NKDC LIR paragraph 16.21) is required. However, impact significance cannot yet be determined along the cable corridor pending the submission of trial trenching results.	BBC notes the Applicant is undertaking trial trenching on the cable grid route where access is available. Subject to Historic England and Heritage Trust Lincolnshire agreement BBC offer no further comment.

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
		Investigation – Mitigation is submitted with the Application (doc. ref. 7.13 and 7.14) and secured within Requirement 12 of the DCO. Mitigation is secured by the Requirements and therefore should it not be possible to complete trial trenching prior to determination there is sufficient protection in the Requirements to ensure it is completed prior to commencement.			
7. Land Use and Soils					
7.1 Under Discussion	Appropriateness and accuracy of Best and Most Versatile designations within the site	The Energy Park comprises 50.6% Grade 3b, and 49% a mix of Grades 1 (11.1%), 2 (7.4%) and 3a (30.5%) in a	Subject to LIR confirmation, this issue is under discussion.	NKDC’s position is that the spatial approach, distribution and analysis of soil augering is acceptable relative to the size of the site.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>complex pattern mostly intermixed with Grade 3b, such that few fields are wholly of BMV quality. A total of 81% is Grade 3.</p>		<p>Appropriate methodologies have been adopted. NKDC agree with the proportions of BMV presented however point to there being very limited margin for professional interpretation, noting the subjectivity of overall assessment. This is relevant mindful of the near 50/50 proportions of BMV to non-BMV.</p>	
<p>7.2 Under Discussion</p>	<p>Loss of BMV agricultural land including implications for food production and supply</p>	<p>The Savills Report (APP-220) provides useful context to why the land is not producing food for human consumption, e.g. availability of irrigation; drainage; storage; soil quality; weed and pest burdens. Food production will remain possible due to the</p>	<p>Subject to LIR confirmation, this issue is under discussion.</p>	<p>Not agreed. NKDC highlight that there is a near 50/50 distribution of BMV to non-BMV across the energy park site and it does not differentiate between the proportions of G1, G2 and G3(a); all are noted as Best and Most Versatile. Whilst the assessment methodology is</p>	<p>No comment.</p>

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		<p>presence of sheep being grazed.</p> <p>Policy S67 refers to the 'loss' of the BMV land – the word loss is important in this context, as it is predominantly a change of use – not a loss.</p> <p>Taking to the rest of the Policy, it is noted the need has been clearly established and insufficient lower grade land available; benefits and/or sustainability considerations outweigh the need to protect such land; taking into account the economic and other benefits; impacts upon agricultural operations have been minimised through</p>		<p>accepted, in real terms the difference between G3(a) and (b) is quite small and there is a degree of subjectivity in interpretation. The Council's position is that the loss of 257ha of BMV across the energy park site is 'significant' both in an individual and cumulative (with other solar NSIPs) context. NKDC consider that the Applicant has not proven that the 'need' to develop BMV land has been clearly established (by reference to CLLP policy S67, point (i), nor in relation to point (iii) that the impacts of the proposal upon ongoing agricultural operations have been minimised through the use of appropriate design solutions Key areas to be considered include</p>	

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
		<p>the use of appropriate design solutions (including a Soil Management Plan) and where feasible the land will be restored. These points will form a large part of the Examination and it is not proposed to repeat them verbatim here - however the need for renewable energy is paramount; providing economic benefits locally; minimal impact as agriculture will continue with no jobs lost; and can be returned to its former use after the operational life of the project.</p>		<p>weight afforded to best and most versatile land in planning balance and mitigation through grazing.</p>	
7.3 Under Discussion	Proposed uses of the land once operational	The site will remain in agriculture as it will be grazed. This is secured by legal	Subject to LIR confirmation, this issue is under discussion.	As above – plans for mitigation of BMV impacts through grazing are not yet	No comment.

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		obligation of Requirement 8, which secures the Landscape Ecological Management Plan (the outline of which explains the detail of sheep grazing).		defined/agreed.	
7.4 No comment	Proposals for soil stockpiles and bunds	These will largely be in areas determined by final track positions and in proximity to where the soil is removed. Further details will be added to the Outline Soil Management Plans which is included as part of the Outline Construction Environmental Management Plan, secured under Requirement 13 of the DCO.	No comment.	No comment. NKDC agrees without prejudice that a Soil Management Plan can be secured by Requirement.	No comment.
7.5 Under	Soil Management Plans	Outline Soil	Further review of the	Dealt with by	No comment.

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
Discussion		Management Plans (Energy Park and Cable Route) are included as part of the Outline Construction Environmental Management Plan. This can be updated with further clarification accordingly if required.	Outline Plans to be completed by LCC.	Requirement, further discussion on additional Requirement with the Applicant (without prejudice to the Council’s position regarding BMV).	
7.6 Under Discussion	Site restoration following decommissioning	Outline Decommissioning and Restoration Plan are required as part of the certified documentation pack.	Further review of the Outline Plans to be completed by LCC.	Dealt with by Requirement the terms of which are still under discussion.	No comment.
8. Landscape and Visual, and Design					
8.1 Under Discussion	The study area, including Zones of Theoretical Visibility (ZTV)	The study area and ZTV have been considered appropriately, and proportionately.	Subject to LIR confirmation, this issue is under discussion.	No comment, agree with the ES.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
8.2 Under Discussion	Landscape effects, identification of valued landscapes and setting of settlements	Any potential for adverse effects has been judged to be considerably limited by the existing vegetation that characterises the close to medium range landscape.	Refer to LIR, in particular definition of and application of 'significant' in relation to 'moderate effect'.	No comment, agree with the ES. The Council's position is that negative LVIA impacts accrue. Chapter 12 of the NKDC LIR refers.	No comment.
8.3 Under Discussion	Visual effects and identification of sensitive receptors	Whilst certain elements of the Proposed Development would, inevitably, be more visible, for a scheme of its scale the residual landscape and visual effects arising are considered to be highly limited.	Subject to LIR confirmation, this issue is under discussion.	No comment, agree with the ES. The Council's position is that negative LVIA impacts accrue. Chapter 12 of the NKDC LIR refers.	No comment.
8.4 Under Discussion	Glint and glare	Considers residential properties, road, rail, air traffic and national trails. Glint is theoretically possible for many receptors before taking	Subject to LIR confirmation, this issue is under discussion.	No comment, agree with the ES.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		screening into account but is only visible to a few receptors after the existing screening is accounted for.			
8.5 Under Discussion	Mitigation proposals	The proposed mitigation planting has the potential to considerably reduce significant effects, which would be geographically highly limited, both in character and visual terms.	Subject to LIR confirmation, this issue is under discussion.	To be agreed by Requirement.	No comment.
8.6 Under Discussion	The Rochdale Envelope in relation to design and scale parameters and flexibility	ES complete including where Rochdale Envelope principle required.	Subject to LIR confirmation, this issue is under discussion.	No comment	No comment.
8.7 Under Discussion	Consideration of good design and relevant guidance for all above ground structures including solar panels, substations and storage	Since inception of the project design has been considered and updated following consultation; including set back	Subject to LIR confirmation, this issue is under discussion.	No comment	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	equipment	from properties and watercourses; relocation of the substation and energy storage and routing of the grid connection to Bicker Fen Substation.			
8.8 Under Discussion	The need for a Design Approach document to guide detailed design, with consideration of future consultation and approval of detailed design proposals post-consent	The design approach document to guide detailed design is the Outline Design Principles (doc. ref. 7.1) which will be a certified document and is secured by Requirement 6 of the DCO. Consultation is a necessary part of the Examination process and is in-built into Requirement 6 for submission of the final design details.	Subject to LIR confirmation, this issue is under discussion.	No comment – no objection to securing by Requirement.	No comment.
9. Socio-Economics					
9.1 Under	Economic and	The Proposed	No comment.	Partially agreed – some	Potentially

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
Discussion	employment effects during all phases including on tourism and local businesses	Development would lead to no adverse significant effects from a socio-economic perspective. The Proposed Development will result in beneficial effects in terms of employment, economic contribution, and business rates in all relevant phases of development, and adverse but not significant effects in EIA terms on accommodation demands in the construction and decommissioning phases. An Outline Supply Chain, Employment and Skills Plan has been produced to optimise the number of local people who will have		negative impact on accommodation availability during construction (to tourists).	positive during construction, otherwise neutral.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>access to employment and training opportunities arising from the Proposed Development and is secured by DCO requirement (Doc. Reference 7.12).</p>			
<p>9.2 Under Discussion</p>	<p>Effects on local living conditions and communities including recreational impacts</p>	<p>Whilst there are some localised significant visual effects none would be overbearing. Potential significant noise effects are identified if trenchless works is required and remains active at night, depending on the final locations where this may be required on the grid route. No recreational impact currently allowed over the majority of the Energy Park site save for nearest neighbours walking</p>	<p>Topics considered within other sections of the SOCG including permissive path; construction traffic management, and landscape and visual including residential visual amenity.</p>	<p>Negative residential visual amenity until year 5 as per the ES. Positive on the community orchard (access by agreement) and permissive path subject to securing by Requirement. Overall agree with ES conclusions and Lavender Test. Particular consideration needed of construction impacts to Elm Grange School. CEMP and OEMP to be secured by Requirement; under discussion.</p>	<p>No comment.</p>

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		<p>their dogs by agreement with the landowner.</p> <p>The CTMP doesn't go into detail for each road crossing as typically traffic management would be determined by the contractor. However, para. 7.26 suggests that it may be necessary to implement some night-time closures on the A17. The CTMP suggests that drills may be required for the A17, railway line and South Forty Foot Drain but a worse case for the traffic and access considers trench and duct. Paragraphs 7.30 to 7.36 suggest that the traffic will likely be managed by either give and take,</p>			

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>stop/go boards, temporary traffic signals or as a last resort, a road closure. In terms of impacts on residents, the CTMP at para. 7.24 notes that it is envisaged the cable run will be constructed outside the peak construction for the Energy Park to minimise conflict and impact on the highway network, and at paragraph 7.25 suggests that before construction a letter will be delivered to the nearest properties.</p>			
<p>10. Traffic and Transport</p>					
<p>10.1 Under Discussion</p>	<p>Access proposals</p>	<p>Main site entrance approved via previous application and still represents the best</p>	<p>At this stage, traffic and transport, subject to agreement with Construction Traffic</p>	<p>No comment.</p>	<p>Neutral subject to LCC agreement.</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		solution to avoid the nearest neighbours. Scheme amended to incorporate Triton Knoll access track to avoid Bicker village and residents on Cowbridge Road for the Applicant's construction traffic. Discussions are ongoing with National Grid to secure appropriate measures for construction of the Bicker Fen extension and seek to minimise the impact on residents along Cowbridge Road. Tracks connecting to the grid route corridor are included to ensure they can be maintained for grid route access, e.g. repair potholes etc.	Management Plan and Construction Environmental Management Plan this is considered neutral with no fundamental concerns. There is an impact but can be dealt with through Requirement. Further detail including in the LIR.		
10.2 Under	Effects on the local and	Numbers are below	Refer to LIR.	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
Discussion	strategic road networks, rail network and public rights of way (considered under 10.3)	<p>10% threshold of A17. There will be an increase in vehicles using the local highway network during the construction period from both HGV movements and construction staff accessing the site. The impact of the construction phase traffic for the Energy Park, the cable route and the National Grid Bicker Fen Substation Extension is considered to be of Negligible significance, and therefore in EIA terms is Not Significant.</p> <p>No impact on rail network anticipated.</p>			
10.3 Under Discussion	Effects on non-motorised users, public rights of way and	The impact on bridleways and public rights of way are	Refer to LIR.	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	bridleways	limited to the grid route, whereby they will be predominantly drilled under e.g. along the South Forty Foot Drain.			
11. Water Environment and Flood Risk					
11.1 Under Discussion	Flood Risk Assessment (FRA) including identification of risk zones and climate change allowance	Considered as part of Chapter 9, and a separate appendix.	Refer to LIR.	Sequential test noted above, to be agreed interpretation of sequential test and alternatives. Exception Test likely to be passed is agreed. No comment in relation to identification of risk zones and climate change allowance. NKDC has no comments on the Flood Risk Assessment.	No comment.
11.2 Under Discussion	Surface water drainage strategy	Considered as Part 2 of the FRA which is an appendix to Chapter 9. Predominantly swales at field edges.	Refer to LIR.	Agreed/no comments.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
11.3 Agreed / No comment	Water quality including groundwater	Considered within Chapter 9 of the ES.	No comment.	Agreed/no comments.	No comment.
11.4 Agreed / No comment	Watercourse crossings	Considered within Chapter 4 of the ES.	No comment.	Agreed/no comments.	No comment.
11.5 Agreed / No comment	The Water Framework Directive	Considered within Chapter 9 of the ES.	No comment.	Agreed/no comments.	No comment.
12. Other Matters					
12.1 Under Discussion	The Environmental Statement including its scope, methodology, baseline, likely significant effects, in-combination effects, mitigation measures and management plans.	All environmental constraints and sensitive receptors relevant to the determination of the application have been considered in the application plans and documents. The submitted EIA assesses the realistic worst-case effects of the development.	Methodology of LVIA as outlined above.	NKDC confirm that the methodology, likely significant effects, in-combination effects for all chapters agreed, the exception is the baseline for archaeology. NKDC agree that in principle Requirements can be drafted to agree mitigation measures and management plans. NKDC does not agree with mitigation measures currently presented in relation to BMV land (sheep grazing), and certain	No comment.

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
				archaeological and ecological matters including evidence of ability to deliver the BNG amounts as predicted.	
12.2 Under Discussion	The need case, site selection and consideration of alternatives.	<p>ES complete and considers alternative layouts and back check review on other sites. Planning Statement includes Need Case.</p> <p>The Applicant details local Policy S67 above; and further consideration of EN-1, and it’s latest Draft are covered in the Statement of Need and Planning Statement.</p>	Refer to Section 5.10 above.	The general ‘need’ case is not challenged, site selection is covered under Flood Risk and alternatives. NKDC does not consider that the ‘need’ to develop BMV land has been fully justified by reference to national and local policy. Alternative layouts have been considered, and NKDC notes removal of some areas of BMV from the draft Order Limits during pre-application.	Neutral overall for climate change impacts (noting scheme is predominantly in NKDC rather than BBC).
12.3 Under Discussion	Cumulative effects with other NSIPs and major projects in the region.	ES considers cumulative schemes including a further interrelationship report to be used as part of the	Refer to Section 5.4 above.	Beacon Fen, Fosse Green and Springwell, and Lincolnshire Reservoir – not addressed in detail owing to timescales of	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		Examination.		submission. Two further TCPA 1990 sub-50MW solar farms at Little Hale Fen (live planning application) and Scredington (EIA Screening) also highlighted. NKDC highlights a particular concern regarding cumulative BMV impacts with other NSIP solar projects in Lincolnshire.	
12.4 Under Discussion	Planning compliance. policy	Planning Statement and Chapter 5 consider the compliance with local and national planning policy.	Refer to Section 5.12 above.	Not agreed primarily in relation to BMV. See NKDC LIR for discussion of policy compliance for specific technical areas.	No comment.
12.5 Under Discussion	The dDCO, its Articles and Requirements.	Further details available in the Explanatory Memorandum.	Refer to Section 3 above. Under Discussion.	Under Discussion	No comment.
12.6 Agreed / No comment	Any other matters raised by interested local residents,	Agri-voltaics considered by subsequently ruled	No further comment in addition to the above.	No comment. See above in relation to cumulative effects and fire risk	No comment.

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	Members of the Council and internal consultees.	out. Compromise is reducing the Order Limits and areas remaining in arable agriculture along the southern and western boundary.		(battery selection) raised by NKDC Members in debate of the NKDC LIR. These matters will be set out in the Written Representation.	

SIGNATORIES

The above SoCG is agreed between Ecotricity (Heck Fen Solar) Limited (“the Applicant”), North Kesteven District Council, Lincolnshire County Council and Boston Borough Council, as specified below.

Duly authorised for and on behalf of Ecotricity (Heck Fen Solar) Limited

Duly authorised for and on behalf of Lincolnshire County Council

Name:	
Job Title:	
Date:	
Signature:	

Name:	
Job Title:	
Date:	
Signature:	

Duly authorised for and on behalf of North Kesteven District Council

Duly authorised for and on behalf of Boston Borough Council

Name:	
Job Title:	
Date:	
Signature:	

Name:	
Job Title:	
Date:	
Signature:	