

Ms Susan Hunt
Examining Authority
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2023/134163/04-L01
Your ref: EN010123
Date: 2 November 2023

Dear Madam

Application by Ecotricity (Heck Fen Solar) Limited (“the Applicant”) under the Planning Act 2008 for the Heckington Fen Solar Park Development Consent Order on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford, Lincolnshire

On 8 June 2023, the Environment Agency made Relevant Representations [[RR-009](#)] on the proposal by Ecotricity (Heck Fen Solar) Limited (‘the Applicant’) to construct a ground mounted solar photovoltaic generating facility, an energy storage facility, below ground grid connection to, and extension at, the National Grid Bicker Fen Substation, and all associated infrastructure works (‘the Project’) on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford. The purpose of these Written Representations is to provide an update on the issues, which require further discussion/negotiation, as outlined in those Relevant Representations.

Document 3.1 Draft Development Consent Order [[AS-007](#)]

Part 2, Principal Powers, Article 6 & Protective Provisions (Schedule 13, Part 5)

As recorded in the draft Statement of Common Ground, submitted at Deadline 1 [[REP1-011](#)], the Environment Agency has now agreed a satisfactory form of Protective Provisions with the Applicant and is therefore pleased to confirm that it consents to the disapplication of the need for a flood risk activity permit under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 and any applicable bylaws under the Water Resources Act 1991, for the purposes of section 150 of the Planning Act 2008.

Requirement 18 (Decommissioning and restoration)

The Applicant confirmed in the draft Statement of Common Ground, submitted at Deadline 1 [[REP1-011](#)], that the Environment Agency will be included as a consultee to this Requirement in the updated draft Development Consent Order (DCO) to be submitted at Deadline 2. We look forward to reviewing this in due course.

Schedule 14 (Article 42) - Procedure for discharge

The Environment Agency requested that this Requirement use the term ‘business day’, as defined in paragraph 1, and be amended to allow the relevant planning authority 20

business days in which to notify the Applicant of any further information required. This was needed to provide adequate consultation time for the planning authority to liaise with us, as a prescribed consultee to various requirements. The Applicant has advised that they will be amending Article 42 to satisfy this request and we look forward to reviewing this in due course.

Document 4.3 Book of Reference [AS-014]

The Environment Agency's Legal team is reviewing documents provided by the Applicant with a view to entering into an option for Easement. We will continue to work with the Applicant on this matter and update the Examining Authority on further progress in due course.

Environmental Statement Chapter 9 – Hydrology, Hydrogeology, Flood Risk and Drainage [APP-062]

The Applicant has provided us with copies of updated drawings of the Substation Control Building Elevation (Figure 4.22, Ref: 6945_T0095_03, dated October 2023) and the Central Control Building Elevation (Figure 4.21, Ref: 6945_T0094_03, dated October 2023), which we understand will be submitted at Deadline 2. These drawings state that the finished floor level of both buildings will be at or above 2.25mAOD. Accordingly, this matter is now resolved.

Document 7.7 Outline Construction Environmental Management Plan [AS-026] Appendix K (Outline Site Waste and Material Management Plan) – Management and reporting systems

The Applicant has advised us that an additional paragraph will be added as 1.6.18 to this document to read: *As recommended by the Environment Agency, for significant construction or related activities, a management and reporting system to minimise and track the fate of construction wastes, such as that set out in PAS402:2013, or an appropriate equivalent assurance methodology should be utilised. This should ensure that any waste contractors employed are suitably responsible for ensuring waste only goes to legitimate destinations.* This additional text is welcomed.

Further Representations

Once again, we would like to confirm that the Environment Agency has no objection to the principle of the development; the outstanding matters in relation to landholdings are capable of resolution through agreement and we hope to conclude these during the examination period.

However, we reserve the right to add or amend these representations, including requests for DCO Requirements and Protective Provisions should further information be forthcoming during the examination on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

**Annette Hewitson MSc MRTPI
Principal Planning Adviser**

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