

**Nationally Significant Infrastructure Project: EN10123
Heckington Fen Solar Park**

**Response to The Examining Authority's written questions and requests for
information (ExQ1) issued on 17 October 2023**

Prepared by Lincolnshire County Council

November 2023

The following table sets out the Council’s response to the Examining Authority’s (ExA’s) written questions and requests for information (ExQ1) where a response from the County Council was sought.

ExQ1	Question	LCC Response
1	General, miscellaneous and and cross-topic questions	
GEN.1.10	Could the relevant planning authorities (RPAs) confirm if you are in agreement with and provide any other comments regarding the overall approach to the cumulative impact assessment, including the developments considered, and the conclusions therein as set out in both ES Appendix 2.3 [APP-175] and the Interrelationship with other NSIPs [REP1-021].	<p>LCC recognises that the list of sites identified within the cumulative assessment was created in December 2022 and so was a reasonable interpretation at the time. However, as was discussed at ISH2, the cumulative list needs to be updated as it does not take into account other projects (notably other NSIPs) that have since come forward. LCC therefore welcomes the Applicant’s commitment to provide an update to the Environment Statement and Cumulative Impact Assessment during the course of the Examination (as stated in para 2.4 of REP1-021) and so in the first instance, in addition to those listed, the following NSIP scale projects should be included which are currently registered with PINs and/or have been publicly announced:</p> <p>Beacon Fen Energy Park [EN010151] Fosse Green Energy [EN010154] Springwell Solar Farm [EN010149] Lincolnshire Reservoir [WA010003] One Earth Solar Farm Project [EN010159]</p> <p>The ExA is also advised to take into account any TCPA scale projects that are identified by the other RPAs in their response to this question and requests that the Applicant also be required to take those projects into account.</p>

ExQ1	Question	LCC Response
		In terms of the overall approach to the cumulative assessment and potential effects LCC agrees with the majority of the commentary in relation to cumulative effects however does not agree with the Applicants assessment within Table 1.1 of REP1-021 that cumulative agricultural land/BMV impacts will not be significant especially in relation to NSIP projects 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 and 13.
3.	Compulsory Acquisition and temporary possession	
CA.1.3	<p>Are Lincolnshire County Council (LCC) in their role as the Highway Authority aware of:</p> <p>i) any reasonable alternatives to CA or TP sought by the Applicant; and</p> <p>ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?</p>	<p>i) In our role as Highway Authority, we are not aware of any highway land being identified as subject of these powers or concerns that the land-take for highways works should be elsewhere or is excessive.</p> <p>ii) LCC is a landowner for part of the cable route for which the Applicant is seeking CA and TP powers however this response and representations made from this office are provided in respect of LCC's role as Highway Authority and as a Relevant Planning Authority only. Therefore no comments are offered with regard this particular question.</p>
4.	Design, Landscape and Visual	
DLV.1.2	<p>Can the RPAs provide comment:</p> <p>i) Do the DAS [PS-144], the Technical Guide [PS-045] and the Outline Design Principles Document (DPD) [PS-138] provide enough detail and a sufficient basis to guide detailed design development post consent? Are any further visuals or illustrative drawings required?</p> <p>ii) Is Requirement 6 of the dDCO [PS-024] sufficient to secure the detailed design of the structures listed at Tables 1.1 to 1.6 of the Outline DPD [PS-138]?</p> <p>iii) Do the RPAs have the necessary experience and expertise to take on the design approval post-</p>	<p>i) LCC considers that the submitted documents provide enough detail and a sufficient basis to guide detailed design at this stage.</p> <p>ii) Comments on the current drafting of R6 have already been provided to the Applicant and is considered sufficient to secure the detailed design of the structures listed in the Outline DPD. It might, however, be helpful to expand the current drafting of part (2) to make it clear that the detailed design should also take into account any details approved pursuant to other requirements where these are relevant. This is similar to the wording used in the latest dDCO submitted in connection with the Mallard Pass project. Suggested additional wording could be as follows:</p> <p><i>(2) The details submitted must accord with the outline design principles-and the flood risk assessment and with any details approved under requirements 7, 8, 10, 11</i></p>

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	consent, or would an external design review be necessary? If so, please could the RPAs indicate what additional support you believe would be required and from whom such support should come.	<i>and demonstrate how they have taken account of the results of any archaeological investigations or archaeological evaluations carried out pursuant to requirement 12(1).</i> iii) Given the nature of the development and number of similar such projects within the County LCC has/have used external consultants to assist in the review of applications/details and also feel we have sufficient experience and expertise to consider design matters post-consent. We do not consider that an external design review is necessary.
5. Development Consent Order		
DCO.1.1	At ISH1 the references to the individual RPAs in the dDCO [PS-024] was referred to in relation to numerous Articles and Schedules. The ExA understands that the Applicant is working with the RPAs to agree which authority is responsible for each of the individual discharge of requirements. References to individual consultees is also to be reviewed. The Applicant is asked to reflect this review and agreed wording with the RPAs in the D2 submission of the dDCO.	The RPAs have prepared and furnished the Applicant with a document setting out suggested revisions to the dDCO in relation to which authority is responsible for each of the individual discharge of requirements. It is understood the Applicant will be submitting an updated version of the dDCo at Deadline 2.
9. Planning Policy and Legislation		
PPL.1.3	Could the RPAs: i) Provide to the Examination full copies of any Development Plan policies that have or will be referred to in your LIRs. ii) Provide copies of any Supplementary Planning Documents that may be of relevance.	i) The other RPAs have already/will be providing copies of the Development Plan policies in their response to this question. These are the same as those referred to by LCC in its LIR and so rather than submit duplicate copies we instead refer the ExA to those submissions. However, it is noted that LCC also referenced CLLP Policy S12 and SELLP Policies 1 and 33 in addition to those cited by others and so for completeness copies of those policies are attached to this response as Appendix A. ii) As above.

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	<p>iii) Confirm whether there are any relevant made or emerging neighbourhood plans that the ExA should be aware of, and if so provide details.</p> <p>iv) Confirm whether the Applicants’ policy analysis set out in section 4 of the Statement of Need and Planning Statement [PS-142] is comprehensive.</p>	<p>iii) As above.</p> <p>iv) The Applicants policy analysis is considered to be reasonably comprehensive however LCC has referenced several policies within the CLLP and SELLP which the Applicant has not made reference to within PS-142. These are listed below and consider that the policy section of this document should therefore be updated by the Applicant as these policies are considered to be relevant and applicable to a greater or lesser degree to the proposal.</p> <p>CLLP policies not referenced by the Applicant but which are referenced in our LIR – S10, S11, S12, S16, S47, S50, S54, S66 and S67.</p> <p>SELLP policies not referenced by the Applicant but which are referenced in our LIR – 1, 2, 3, 4, 30 and 33.</p>
<p>10. Socio-economics</p>		
<p>SET.1.2</p>	<p>The Application includes an Outline Supply Chain, Employment and Skills Plan [APP-243], and this is identified in ES Chapter 11 [PS-067] as being mitigation in maximising the local benefits of the Proposed Development. It states at paragraph 11.6.2-11.6.3 that measures will include local employment opportunities and partnership with local educational institutions. Could the Applicant:</p> <p>⇒ Confirm if any communications have been made to date with local colleges/university and the form that such partnerships might take?</p> <p>Could the RPA’s provide:</p>	<p>Questions to RPA’s:</p> <p>i) As LCC are not identified as the discharging authority for this requirement LCC offers no comments at this stage and instead the ExA is advised to refer to the responses given by the RPAs to this question.</p> <p>ii) As above.</p> <p>iii) As above.</p>

ExQ1	Question	LCC Response
	i) Comments on the Outline Supply Chain, Employment and Skills Plan [APP-243]. ii) Confirm if you would be able to liaise with the relevant educational institutions in order to discharge Requirement 16 of the dDCO [PS-024]? iii) Details of any current initiatives in place regarding promotion of related careers in renewable energy in the area?	
11. Traffic, Transport and Public Rights of Way		
TT.1.5	Table 14.8 of ES Chapter 14 [PS-073] sets out the activity and type of HGV traffic flows to the energy park and indicates that substation transformers and a crane would be delivered via Abnormal Indivisible Load (AIL). Paragraph 14.6.3 indicates that the construction of the energy park would require around 107 AILs. i) Could the Applicant and NGET clarify if AILs would be necessary for the works at Bicker Fen substation? ii) Could LCC clarify if they have any comments to make regarding the use of AILs on the local highway network?	i) This question is directed to the Applicant and not LCC. ii) No comments at this stage. It is noted an AIL Assessment will be prepared in due course as is proposed in Chapter 14, para 14.6.3 of the ES [PS-73] however it is currently not clear whether this assessment would be provided pre-determination or as a requirement of any DCO (Schedule or Requirement).LCC would therefore welcome clarification on this matter and will continue to liaise with the Applicant on this matter.
TT.1.6	Paragraph 14.6.14 to 16 of ES Chapter 14 [PS-073] estimate traffic flows to the National Grid Bicker Fen substation extension works to 2,076 vehicles over the 60 week construction period, plus construction worker movements, leading to an average of 18 two way vehicle movements per day. Tables 14.9 and 14.11 indicate Links Four (Cowbridge Road), Five (Bicker	i) This question is directed to the Applicant and not directed to LCC. ii) This question is not directed to LCC. iii) Paragraphs 5.12 to 14.5.14 of ES Chapter 14 [PS-073] confirm that Cowbridge Road, Bicker Drove and Vicarage Drove are all subject to the national speed limit (60 mph) and do not have any footways. Given the location of these roads they are unlikely to be used heavily by pedestrians however, they may still be used by other non-motorised users as recreational routes. Therefore having regard to the

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	<p>Drove) and Six (Vicarage Drove) as having a high impact significance from HGV traffic flows. Paragraph 14.6.22 states <i>“Given that Links Four to Six are of negligible sensitivity, the increases in traffic result in a temporary Negligible level of impact significance at all links, and therefore are Not Significant in EIA terms”</i>.</p> <p>i) Can the Applicant explain why these particular Links are identified as being of negligible sensitivity value.</p> <p>ii) Can NGET confirm if paragraphs 14.6.14 to 14.6.18 and Table 14.9 of ES Chapter 14 [PS-073] are an accurate indication of existing and proposed traffic flows to the Bicker Fen substation.</p> <p>iii) Can LCC confirm if they agree with the Applicant’s assessment of sensitivity of Links Four (Cowbridge Road), Five (Bicker Drove) and Six (Vicarage Drove), or if, having regard to Table 14.2 of ES Chapter 14 [PS-073], you consider the sensitivity of any of these Links should be increased.</p>	<p>criteria within Table 14.2, LCC would suggest that the sensitivity of these routes should be considered to fall within the scope of the definition of High (or at the very least Medium) rather than Negligible. If this sensitivity were applied then the Significance of Effect would increase from Negligible to Major (or Moderate) and therefore significant in EIA terms.</p> <p>Notwithstanding the above, LCC is of the view that a reasonable estimate of HGV and car traffic associated with the development has been applied by the Applicant for the construction phase and, subject to the routing and mitigation measures as proposed by the Applicant being secured as part of any DCO, then as confirmed in paragraph 7.7.18 of our LIR [REP1-028] the traffic and transport impacts during the construction, operation, and decommissioning (subject to agreement of a CTMP) would be neutral.</p>
TT.1.8	<p>The outline Decommissioning and Restoration Plan (DRP) [PS-150] sets out at section 1.10 that a separate Decommissioning Traffic Management Plan (DTMP) will be produced and agreed with the RPA.</p> <p>Could the Applicant and LCC consider if the wording of Requirement 18 of the dDCO [PS-024] is sufficient to secure a DTMP?</p>	<p>LCC will continue to discuss the drafting of R18 with the Applicant and look to agree a position in later versions of the dDCO. One option could be to draft R18 so that it makes clear a Decommissioning Traffic Management Plan will need to be submitted. Another option could be to adopt a similar approach to that taken at Mallard Pass where Schedule 16 of the latest version of the draft DCO [REP8-006] (which sets out the procedure for discharging requirements) has been revised to make clear that subsequent agreements referenced within approved documents would fall within the meaning of “discharge” and therefore follow the same approval route as that of original Requirements. If this approach were taken then Schedule 14 could therefore</p>

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		be amended to replicate this approach as it would then provide the mechanism/control necessary to ensure a subsequent DTMP is secured.
12. Water Environment and Flood Risk		
WE.1.4	<p>Water Bodies in a River Basin Management Plan [PS-017] shows the range of watercourses which cross the Order Land and in the surrounding area, many of which will need to be crossed by the Proposed Development.</p> <p>i) Could the Applicant clarify how the directional drilling or similar technology under the IDB drains and other major wet drains would be controlled through the DCO process?</p> <p>ii) Could the IDB, the EA and Lead Local Flood Authority (LLFA) provide any further comments they wish to raise regarding the proposed methods of watercourse crossings and whether you consider the final details are able to be adequately secured by Requirement 6 of the dDCO [PS-024] alongside the protective provisions set out in Schedule 13 Parts 5 and 7.</p> <p>iii) For the smaller field ditches can the Applicant explain how these will be monitored for water retention and rainfall during construction to ensure that silt run off is minimised.</p> <p>iv) Could the EA, IDB or LLFA comment on the mitigation and monitoring measures.</p>	<p>i) This question is directed to the Applicant and not LCC.</p> <p>ii) No further comments at this stage. Requirement 6 could secure final details as part of the final design and is satisfied this provides the necessary control at this stage. LCC will continue to liaise with the Applicant about the drafting of the dDCO and so if necessary the wording could be amended to make clearer that this detail will form part of this Requirement.</p> <p>iii) This question is directed to the Applicant and not LCC.</p> <p>iv) No comments offered at this stage.</p>