

Heckington Fen Solar Park

EN010123

Statement of Common Ground with Natural England

Applicant: Ecotricity (Heck Fen Solar) Limited

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STATEMENT OF COMMON GROUND

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1. INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ecotricity (Heck Fen Solar) Limited ("the Applicant") in conjunction with Natural England ("NE").
- 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 this SoCG:
- "Agreed" indicates where the issue has been resolved
 - "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.

Development Consent Order

- 1.6 It is agreed that either North Kesteven District Council and/or Boston Borough Council will act as a relevant planning authority in relation to the discharging of the requirements of the DCO applicable to its 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.

Impacts of the development

- 1.7 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.
- 1.8 It is agreed that the development proposed is an EIA development, and the submitted EIA assesses the realistic worst-case effects of the development.
- 1.9 The parties agree that, with the exception of the impacts listed under Section 2 (Matters to be agreed), the proposal includes mitigation measures that will reasonably and satisfactorily address all other substantive impacts of the proposal necessary to make the development acceptable in planning terms.
- 1.10 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.

Summary of main issues agreed/not agreed

- 1.11 Based on engagement to date, common ground is expected to be fully resolved.

2. MATTERS TO BE AGREED

Reference and Status	Topic	NE's Position	Applicant's Position
<p>1. Assessment of effects (including survey areas, baseline data and methodology) as relevant including Land Use and Soils (including Best and Most Versatile agricultural land)</p>			
<p>1.1 Under Discussion/Agreed</p>	<p>Survey areas</p>	<p>The key concerns NE have regarding Soils and BMV agricultural land are the omission of assessment of the loss of BMV land to each element of the proposal, including Biodiversity Enhancement Areas.</p>	<p>NE raised concerns in their consultation responses around the Soils and BMV agricultural land and the omission of assessment of the loss of BMV land to each element of the proposal, including Biodiversity Enhancement Areas. The Applicant confirms the Biodiversity Enhancement Areas which were around the south and west of the Energy Park in the Preliminary Environmental Information Report are now outside of the Order Limits; this is in response to consultation feedback and in order to reduce the amount of Grade 1 and 2 land within the Order Limits. These areas will remain in arable agriculture (as it is currently). Some additions of skylark plots are anticipated but this is considered no worse for the soil condition and treatment. The Biodiversity Enhancement Areas within the Order Limits are assessed and shown on Figure 16.1 of the ES (APP-168).</p>

Reference and Status	Topic	NE's Position	Applicant's Position
1.2 Under Discussion	Baseline data	<p><u>No auger measurements were taken for the area where the cable route to Bicker Fen will be laid. NE require that land quality and soil resources is gathered for any land that is disturbed by the development, so the cabling route should be surveyed at the detailed scale.</u></p>	<p>NE noted no auger measurements were taken for the area where the cable will be laid to Bicker Fen Substation. NE require that land quality and soil resources is gathered for any land that is disturbed by the development, so the cabling route should be surveyed at the detailed scale.</p> <p>The Applicant advocates that due to land access not being granted for intrusive soil sampling, that this be completed post-consent and at the detailed design stage. A methodology to address this has been submitted to NE for their review.</p> <p>The Applicant also notes that draft EN-3 (2023) at paragraph 3.10.18 now states that field surveys should, if necessary, be used to establish the ALC grades of proposed solar sites. The paragraph contains no further guidance in respect of when a field survey is 'necessary' and what the survey should include and exclude, specifically around cabling. The previous version of draft EN-3 stated that the ALC survey '<i>should be extended to the underground cabling and access routes</i>', but, following consultation feedback, this wording has been removed from the 2023 draft of EN-3 (previously</p>

Reference and Status	Topic	NE's Position	Applicant's Position
1.3 Under Discussion	Methodology	<p><u>A proposed 7-8km of soils will be disturbed by cabling trenching activity. This will have a potential loss of BMV land, which has not been adequately considered in the assessment. As soil disturbance will occur in the trenching process, soil will need to be handled according to best practice and reinstated to a high standard to reduce the potential impacts.</u></p>	<p>at para 2.48.14 of the 2021 draft EN-3).</p> <p>NE note that the cabling trenching will disturb the soil. They note this will have a potential loss of BMV land, which has not been adequately considered in the assessment. As soil disturbance will occur in the trenching process, soil will need to be handled according to best practice and reinstated to a high standard to reduce the potential impacts. The Applicant notes the trench will be a narrow strip estimated to be less than 1m across the majority of the route. The loss of BMV is considered unlikely over this small scale.</p> <p>The analogy of pushing a knife through a cake could be used, noting the small cut will not impact the larger field. When the trench is laid the soil will be excavated and handled in line with the Outline Soil Management Plan within the outline CEMP (document- reference- 7.715). Examples of this in the landscape have been seen with Triton Knoll and Viking Link cable routes which have now been reinstated.</p>

Reference and Status	Topic	NE's Position	Applicant's Position
2. Assessment of effects (including survey areas, baseline data and methodology) as relevant including Ecology and Biodiversity			
2.1 Agreed Under Discussion	Survey areas	NE's concerns regarding impacts to other elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out.	During consultation NE raised concerns regarding the impacts to other elements of the natural environment, which they subsequently note have been addressed within the ES submission and subject to the appropriate use of DCO requirements they consider impacts to these elements can be ruled out. The Applicant considers the assessment is sufficient and no further comment required.
2.2 Agreed Under Discussion	Baseline data		
2.3 Under Discussion Agreed	Methodology		
3. Effects on sites and features relevant to a Habitats Regulation Assessment			
3.1 Agreed Under Discussion	Shadow Habitats Regulation Assessment (sHRA)	The sHRA rules out any impacts from other pathways during construction, and from all pathways during operation. NE concurs with this assessment and the reasoning provided.	During consultation NE notes the conclusion of sHRA and concludes that there will be no likely significant effect arising from the Proposed Development on any European sites either alone or in combination with other plans or projects. NE concurs with this conclusion. The Applicant deems no further comment is required.
4. Effects on habitats, species and designated sites			
4.1 Under Discussion	Habitats, species and	NE's concerns regarding impacts to other	NE comments during consultation have

Reference and Status	Topic	NE's Position	Applicant's Position
Discussion Agreed	designated sites	elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out.	been reviewed and as noted above with the appropriate use of DCO requirements they consider impacts to these elements can be ruled out. The Applicant notes this, and the comprehensive review of effects within the Environmental Statement and supporting documentation, and deem no further comment is required.
5. Mitigation and enhancement measures			
5.1 Under Discussion Agreed	Mitigation and enhancement	A key mitigation measure to minimise the potential detrimental impact of construction on the soil resource is that the grass sward is fully established (i.e. no bare ground), prior to the installation of the panels and associated infrastructure. This should be specified in the Outline Soil Management Plan.	NE notes during consultation that a key mitigation measure to minimise the potential detrimental impact of construction on the soil resource is that the grass sward is fully established (i.e. no bare ground), prior to the installation of the panels and associated infrastructure. NE request this should be specified in the Outline Soil Management Plan. An update to the Outline Soil Management Plan with has been made to incorporate provision of a grass sward at Deadline 2.
6. Biodiversity Net Gain			
6.1 Under	Biodiversity Net Gain	NE welcomes the commitment to deliver BNG	The Applicant notes NE's comments made

Reference and Status	Topic	NE’s Position	Applicant’s Position
DiscussionAgreed	Metric 3.1 used (Appendix 8.12) provided to NE on 20 th June 2023.	and is generally supportive of the enhancements proposed through the development. The enhancements detailed within the oLEMP, are welcomed and are likely to indirectly have a positive effect.	in relation to BNG during consultation which are generally supportive of the enhancements proposed, and detailed in the oLEMP.
7. Protected species licences			
7.1 Under Discussion	Protected species licences	The key concerns we have regarding Protected Species are the possible need for protected species licences. Without draft licence applications NE are unable to issue Letters of No Impediment (LoNI).	The Applicant plans to have District Level Licences drafted during the examination process in order for NE to be able to issue a Letter of No Impediment.
8. Drafting of the dDCO including Protective Provisions			
8.1 Under Discussion	The appropriateness of the draft Development Consent Order including its structure, scope, provisions, requirements and protective provisions.	Natural England has no specific comments at this time.	The draft DCO is based on legal precedent and includes the appropriate structure, scope, provisions, requirements and protective provisions.
9. Drafting of Outline Construction Environmental Management Plan including Outline Soil Management Plans			
9.1 AgreedUnder Discussion	Outline Construction Environmental Management Plan including Outline Soil	NE welcomes the inclusion of a requirement for the CEMP and consider the measures as set out in the oCEMP to be satisfactory in protecting the elements of the natural	The Applicant notes NE’s comments which welcomes the inclusion of a requirement for the CEMP and consider the measures as set out in the oCEMP to be satisfactory

Reference and Status	Topic	NE's Position	Applicant's Position
	Management Plans	environment which represent the key areas of our remit.	in protecting the elements of the natural environment which represent the key areas of their remit. The Applicant notes this confirmation and notes that no further comment is required. The Outline Soil Management Plan is a standalone document (document reference 7.15).
9.2 Agreed under Discussion	Post-decommissioning	Following decommissioning, the arable land is reverted to its current ALC grade and cropping regime.	<p>The Applicant notes NE comments in relation to the requirement for a decommissioning plan; for its production within 12 months of the decision to decommission the development. NE further comment in relation to BMV agricultural land, a time limit within the DCO would reduce the potential long term impact on agricultural land and BMV land. The Applicant notes the 40 year operational life of the proposed development. NE also request that the land is reverted to its current ALC grade and cropping regime.</p> <p>The Applicant notes a commitment can be made that all efforts to revert the land to its current ALC will be undertaken during the construction, operation and decommissioning of the Energy Park at the end of its operational life. The cropping regime will be based on the</p>

Reference and Status	Topic	NE's Position	Applicant's Position
			<p>economics at the time, for example whilst it is wheat at the moment, this could change in the future. An Outline Decommissioning and Restoration Plan is submitted (document reference 7.9/PS-150).</p>
<p>9.3 Under Discussion/Agreed</p>	<p>Stockpiles and volumes</p>	<p>Consideration for soils under access and permanent infrastructure should set out stockpile locations and volumes.</p>	<p>NE request consideration for soils under access and permanent infrastructure should be set out with stockpile locations and volumes. A plan of stockpile locations can be provided is included in the Outline Soil Management Plan (document reference 7.15). Whilst approximate volumes are not available an estimation of the removal of 0.3m of topsoil has been assumed. It has been assumed that soil will be stored in bund of 3-4m maximum in height. This would equate to approximately 1000m² of bund per hectare of land deemed 'sealed over' for the substation and energy storage.</p>
<p>10. Drafting of Outline Landscape Ecological Management Plan</p>			
<p>10.1 Under Discussion/Agreed</p>	<p>Drafting of Outline Landscape Ecological Management Plan</p>	<p>NE welcomes the inclusion of a requirement for the LEMP; and consider the measures as set out in the oLEMP to be satisfactory in protecting the elements of the natural</p>	<p>NE comments that they welcome the inclusion of a requirement for the LEMP; and consider the measures as set out in the oLEMP to be satisfactory in protecting</p>

Reference and Status	Topic	NE's Position	Applicant's Position
		environment which represent the key areas of our remit.	the elements of the natural environment which represent the key areas of their remit. The Applicant welcomes this confirmation and notes that no further detail is needed at this stage.

3. SIGNATORIES

The above SoCG is agreed between Ecotricity (Heck Fen Solar) Limited ("the Applicant") and Natural England, as specified below.

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

Name:	
Job Title:	
Date:	
Signature:	

Duly authorised for and on behalf of Natural England

Name:	
Job Title:	
Date:	
Signature:	