

Heckington Fen Solar Park

EN010123

Written Summary of Applicant Oral Case at Issue Specific Hearing 4 (ISH4) on Wednesday 22nd November 2023

Applicant: Ecotricity (Heck Fen Solar) Limited

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WRITTEN SUMMARY OF APPLICANT'S ORAL CASE AT ISSUE SPECIFIC HEARING 4

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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 summary of its oral submissions at Issue Specific Hearing (ISH) 4.
- 1.2. ISH 4 on Environmental Matters for Heckington Fen Solar Park took place on Wednesday 22nd November 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 ISH 4 can be located at **Appendix 1** of this note.
- 1.4. The broad approach to ISH 4 followed the form of the agenda published by the Examining Authority (“ExA”) on the 13th November 2023 (the Agenda).
- 1.5. 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 4 –Environmental Matters

Item	ExA Question/ Content for Discussion	Applicant's Response
Agenda Item 3: Landscape and Visual Amenity, and Residential Visual Amenity		
a)	<p>The Applicant is to summarise their response to Lincolnshire County Council's Local Impact Report [REPI-028] in relation to landscape and visual effects.</p>	<p>The Applicant summarised their response referring to the <i>Applicant Response To The Examining Authority's First Written Questions</i> (document reference ExA.ResponseFWQ-D2.V1), Point DLV 1.3 response.</p> <p>The Applicant confirmed that the scope of work, methodology, and viewpoint selection was agreed with the RPAs and the Applicant's understanding is that this is not in dispute. The only point of disagreement is the Applicant's interpretation of significant effects – the value of significance assigned to certain effects. The Guidelines for Landscape and Visual Impact Assessment Edition 3 (GLVIA3) confirm that it is for the assessor to determine the level of significance, determine their own approach in a simple and transparent manner. The LVIA methodology (document reference APP-177) with its three-tier scale is very simple and avoids ambiguity. The Applicant's position is that significant effects would only occur where the key characteristics of the landscape or a view would be completely changed and redefined or removed. The Applicant stated that should the ExA accept the LCC level of significance, and assuming moderate effects are significant, based on the Applicant's assessment such significant visual effects would still be highly localised and within the same geographical extent as major adverse effects. The Applicant proceeded to refer to a number of viewpoints that were judged not to be significantly affected, which confirm that that the actual visual envelope of the Energy Park would be very limited. The Applicant proceeded to summarise that significant effects would be localised to Sidebar Lane, the A17, and closest viewpoints.</p> <p>The Applicant proceeded to refer to paragraph 7.1.19 of LCC's LIR, and Chapter 6, Table 6.6, page 41 and 42 (document reference PS-059) and associated Appendix 6.8 (document reference PS-123) and Appendix 6.9 (document reference PS-125) and stated that the viewpoint selection was coordinated and agreed. It is the Applicant's understanding that the consultees did not have any concerns in terms of the geographical extent of those viewpoints or selection in terms of receptors presented, and they did not consider any more distant viewpoints to be informative to the assessment.</p>

Item	ExA Question/ Content for Discussion	Applicant's Response
		<p>The Applicant proceeded to refer to paragraph 7.1.20 of LCC's LIR, stating that LCC qualified but not quantified the 'negative' effects. The adverse effects are acknowledged in Chapter 6 (document reference PS-059), with the adverse effects highly localised. Notwithstanding the different approach with regards the significant effects, at Year 5, the proposed mitigation measures namely the 3m high perimeter hedgerow, would reduce the scale of effects to 'not significant'. Therefore, none of the identified residual effects will be significant. The Applicant confirmed that, with regard to the cumulative effects, a detailed response was provided at Deadline 2 within document ExA. ESTN-Cumulative-D2.V1 (REP2-050).</p> <p>The Applicant confirmed that Chapter 6 (document reference PS-059), paragraphs 6.3.9 to 6.3.17, and paragraphs 6.4.43 to 6.4.51 provide a detailed and robust analysis with regard to the study area, justifying why certain parts were omitted from detailed analysis.</p> <p>The Applicant explained that the negative residential visual amenity effects would be limited, as evidenced at Chapter 7 (document reference PS-061), Table 7.4 with only 22 receptors identified. The introduced mitigation hedgerow planting would assist in reducing those effects to moderate adverse visual effects. The Applicant reiterated that the main purpose of Chapter 7 (document reference PS-061) was to identify whether any of the effects would be overbearing. In the case of the proposed Energy Park, none of the identified major adverse effects would be overbearing.</p> <p>The Applicant explained that the relative level of tranquillity is greatly reduced by the presence of the motorists along the A17, and fast moving traffic, noise and light spill during hours of darkness. The landscape south of the road, contains a number of large scale energy related infrastructure, such as the Bicker Fen Wind Farm, which is highly visible and prominent from close to medium range views, and from Sidebar Lane and the A17. Those elements are highly visible and affect the character of the landscape and the relative level of tranquillity.</p> <p>The Applicant responded to LCC's suggestion that the proposed hedgerow planting would be 'overbearing' by referring to the consultation with LCC, as evidenced at Chapter 6 (document reference PS-059), paragraph 6.5.61. The Applicant's position is that the proposed mitigation planting is in keeping with the local landscape and that the Proposed Development would respond</p>

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		<p>to the draft EN-3, paragraphs 3.10.86 and 3.10.91, and by extension to Section 4.6 of the draft EN-1, paragraph 4.6.6 specifically</p> <p>The Applicant responded to LCC's comment on views from local highways stating that receptors travelling only the central section of Sidebar Lane would gain views of the Energy Park. The northern section of Sidebar Lane is visually segregated through a combination of tree vegetation, build form, and the embankment associated with Head Dike. The Applicant then referred to the height of Head Dike relative to the ground levels in the Energy Park, and the proposed mitigation measures. The Applicant then commented on the level of inter-visibility with the users of the A17; and the visibility from the settlement of South Kyme by referring to Viewpoint 19 and Viewpoint 18.</p> <p>The Applicant confirmed that Chapter 7 (document reference PS-061) relied on proxy views where access to dwellings was not gained and confirmed that the Proposed Development would not fail the Lavender Test as the proposed hedgerow planting would not be overbearing. It should be noted that the Lavender Test is an extremely high bar deriving from the context of onshore wind in which an appeal decision for the Carland Cross Wind Farm (decided by David Lavender) considered whether the presence of turbines in close proximity to residential properties would make living conditions unacceptable. A particular nuance of the Carland Cross case centred on whether properties were considered 'within' the cluster of turbines as opposed to being physically detached¹. The facts of the Carland Cross Wind Farm are materially different to the proposals put forward by the Applicant, particularly when LCC's concern centres on the height of hedgerows between 3-5m. The Applicant strongly disputes that the Lavender Test is engaged and/or met in these circumstances.</p> <p>The Applicant also confirmed that RVAA was used in relation to the DCO Cleve Hill Solar Park and made reference to the Technical Guidance Note 2/19' published by the Landscape Institute.</p>

¹ Carland Cross Wind Farm Appeal (Reference: APP/DO840/A/09/2103026).

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b)	<p>The ExA will ask questions of the Applicant in relation to viewpoints, significance of effects, mitigation and cumulative effects.</p>	<p>The Applicant notes the Examining Authority's comment querying the current status of public consultation for the Beacon Fen cumulative site.</p> <p>The Applicant notes that at this point in time, Beacon Fen have not yet started any formal consultation. They do have their own website, which contains limited information. This website holds no information on the design of the site. Within the Scoping Request that was submitted to PINS there are details of the maximum height of panel being 4.5m and the potential number of inverters etc. Their Scoping Request states that they will also have battery storage, but no dimensions or locations of any of that equipment is shown on any of the plans that were submitted to PINS. Nor is any of this information, to date, available on any of their published materials.</p> <p>The Applicant has had ongoing conversations with them to see if we can obtain any information from them, but to date, they are not willing or in a position within their design process, where they are comfortable with having that presented in the public domain. This is because of the ongoing assessment work that they are doing for their site.</p> <p>Post Hearing Submission: <i>The Applicant notes a Statement of Community Consultation was published on 1 December 2023 on Beacon Fen Energy Park's project website. This notes a statutory consultation period will be held for six weeks in early 2024 (para 9.1.5).</i></p>
Agenda Item 4: Historic Environment		
a)	<p>The ExA will seek updates and ask questions relating to heritage assets including:</p> <p>a) The setting of Grade I listed Kyme Tower</p>	<p>The Applicant maintains that:</p> <ul style="list-style-type: none"> • visibility of the Energy Park in certain views to and from Kyme Tower are largely incidental; • the Energy Park does not contribute through setting to the significance of Kyme Tower; and • the proposed development will cause no harm to the significance of Kyme Tower through change to setting.



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		<p>The Applicant is encouraged that Historic England, in their response (REP2-091), do not identify the Energy Park among those elements of setting that they consider <i>do</i> contribute to the significance of Kyme Tower. Namely, the immediate surroundings of the Tower: the Scheduled Monument in which the Tower sits, the village of South Kyme, and the immediately outlying fenland, which stops short of the northern boundary of the Energy Park. Historic England stated that views within and across the Energy Park “will still have the capacity to contribute to significance but arguably to a much lesser degree”. Historic England concluded that a low level of less than substantial harm might still be identified, but in their view, this would not constitute a significant effect in EIA terms.</p> <p>The Applicant considers that the point of difference between the Applicant and Historic England (and North Kesteven District Council) is whether Paragraph 202 of the NPPF is engaged. The Applicant confirms that this is a matter for the ExA as decision-maker. In the event that Paragraph 202 is engaged, the Applicant contends that the public interest test would be met.</p> <p>The Applicant reiterates their position that the intervisibility of the Energy Park and Kyme Tower is largely incidental. There is nothing to suggest that visibility specifically from or across the Energy Park was ever of particular defensive significance. The height of the Tower and the flat, low lying landscape character creates long ranging 360 panoramic views. The Applicant wishes to emphasise that visibility does not equate to a contribution of heritage significance: not all views are significant.</p> <p>The Applicant notes North Kesteven District Council’s point regarding a hierarchy of significance of views, but wishes to emphasise firstly that the Energy Park is not visible at ground level which is where the Tower is best appreciated. Secondly, that the Energy Park could be visible from the top of the Tower; however, when the Tower was built and in use, there was a house attached to the southern elevation and so it is not clear from which levels of the Tower there would have been visibility of the Energy Park. Also, the Energy Park is now part of a landscape whose character is derived mostly from post-medieval and modern drainage and agriculture: its current character is already not representative of when the Tower was built and used. As such the Applicant concludes that visibility specifically of the Energy Park is not significant.</p>

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		<p>The Applicant confirms that there is no public access to the Tower. All of the floors within the Tower have been removed. There is a stair tower with a staircase attached to the Tower itself, but there is no public access.</p> <p>The Applicant is happy to provide further information in the form of visualisations towards/from Kyme Tower, but this would not alter the Applicant's previous conclusions regarding development impact – rather, it would be to assist the ExA's decision on whether Paragraph 202 is engaged or not.</p> <p>It was confirmed that the ExA was to undertake an unaccompanied site visit to South Kyme Tower. At Deadline 3 the RPAs were to issue a plan showing locations of PROW near the tower so that the ExA could undertake this site visit. The ExA confirmed that for Health and Safety reasons they would not be climbing the tower.</p>
b)	<p>The ExA will seek updates and ask questions relating to heritage assets including:</p> <p>b) Archaeology</p>	<p>Regarding non-designated built heritage assets, the Applicant is willing to discuss the inclusion of Historic Building Recording for Six Hundreds Farm and the Head Dike Drainage Pump.</p> <p>Post Hearing Submission: <i>The Applicant confirms the Outline CEMP (document reference 7.10) has been updated at Deadline 3 (Revision 5) to include provision for historic building record (level 1) of the two non-designated heritage assets.</i></p> <p>The Applicant also wishes to flag that protection measures for both assets are secured in Paragraphs 7.70–7.71 of the Outline Construction Environmental Management Plan (REP2–071). The protection measures comprise both assets being fenced off to prevent access by plant and machinery, which could cause damage. The fencing/assets will be regularly inspected and monitored to ensure the protection measures remain in force during the construction phase.</p> <p>The Applicant advises that it has not been possible to undertake any additional fieldwork for the trial trenching on the Cable Route since the Preliminary Hearings, but an interim report is now available for the work carried out in August and September (REP2–048). This work took place at Royalty Farm: the part of the Cable Route with the greatest archaeological potential as indicated by the heritage desk-based assessment and the geophysical survey. A total of 67 trenches have been excavated.</p>

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		<p>24 of those contained archaeology, namely the remains of a Romano-British enclosure complex or field systems.</p> <p>The Applicant highlights that the completion of the remainder of the trial trenching is secured by Requirement 12, and that the Outline Written Scheme of Investigation for Evaluation has also been updated (REP2-055).</p> <p>The Applicant further advises that since the Preliminary Hearings, the Outline Written Scheme of Investigation for Mitigation (REP2-057), ES Chapter 10 (REP2-024), and its supporting Figure 10.4 (REP2-036) have been updated to resolve previous discrepancies picked up on by Heritage Lincolnshire regarding the mitigation proposed within the Energy Park and also to provide additional detail regarding the mitigation strategy for the Cable Route, which has been led by those initial trial trenching results.</p>
<p>Agenda Item 5: Ecology, Biodiversity and Ornithology and the Natural Environment</p>		
<p>a)</p>	<p>The ExA will seek updates and ask questions relating to a range of biodiversity and natural environment matters including Biodiversity Net Gain.</p>	<p><u>Quail and Arable Flora</u></p> <p>Following updates from NKDC advisers the Applicant confirmed that BNG condition assessment methodologies and further information relating to surveys for Quail and Arable Flora will be provided at Deadline 3. Post-hearing submission: the Applicant has provided a separate technical note at Deadline 3 (ExA.ESNE.D3.V1) and at Deadline 4 the Biodiversity Net Gain Assessment (REP2-049) will be updated to include additional information on condition assessments.</p> <p><u>Pre-commencement surveys</u></p> <p>In response to questions relating to the survey of the Potential Veteran Tree in G39 within the cable route corridor, the Applicant confirmed that, subject to landowner permission, further survey of the tree – in group G39 – will be undertaken. The Applicant also notes that due to the cable route corridor width in this location, flexibility in the design is available for mitigating any potential impact through micro-siting of the cable. Should the tree be identified as a veteran tree the BNG reporting will also</p>

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		<p>be updated accordingly to reflect the tree's distinctiveness. To date the landowner has not agreed to walk over surveys taking place.</p> <p>The Applicant also highlighted that section 7 of the outline CEMP could be updated to include a pre-commencement survey of the tree should agreement to survey not be confirmed before the conclusion of the examination period.</p> <p>Post Hearing submission: <i>The Applicant confirms the Outline CEMP (document reference 7.10) has been updated at Deadline 3 (Revision 5) to include provision for a survey prior to commencement of the construction of the Proposed Development.</i></p> <p>The ExA asked for clarification in relation to securing pre-commencement surveys. The Applicant confirmed that in order to ensure baseline data remains current, and any proposed avoidance, mitigation and/or compensation measures remain valid, the Applicant is proposing a suite of pre-commencement surveys to be undertaken in 2024. These pre-commencement surveys have been secured through the Outline Construction Environment Management Plan (DCO Requirement 13 – CEMP).</p> <p><u>Biodiversity Net Gain (BNG)</u></p> <p>The ExA requested further information relating to the confirmation that the delivery of 60% BNG would be secured through the DCO.</p> <p>The Applicant confirmed that they were comfortable with delivering the unit gains set out in the BNG report. However, it is important to note that the BNG calculation is an iterative process, and the calculation will be refined to reflect any future changes during the DCO process and during the detailed design phase. A variety of approaches to securing BNG percentages has been taken by solar DCOs with some setting firm figures and others taking a more flexible approach. The Applicant has tried to take a pragmatic approach and find a middle ground. As such, the DCO is seeking to secure a minimum net gain of 60% in habitat units. This approach ensures there is enough flexibility to accommodate scheme design, whilst also demonstrating the significant increase in biodiversity value the proposed development will bring to the local area to which planning weight can be applied.</p>

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		<p>The Applicant also set out how it intends to establish an Ecology Advisory Group comprising local stakeholders and facilitated by the Applicant. This group would assess the BNG monitoring reports and ensure the BNG targets are achieved. It was confirmed by the Applicant that 60% should be the percentage of BNG considered by the ExA in the Planning Balance.</p> <p><i>Post Hearing Submission: taking on board comments from ISH 3 and following a post-hearing meeting with the RPAs, the Applicant has been able to update the minimum percentage of BNG to 65%. The DCO and oLEMP have been updated at Deadline 3 accordingly. The Applicant therefore requests that this increased 65% BNG is considered by the ExA in the Planning Balance.</i></p> <p><u>Replacement Planting</u></p> <p>The ExA questioned if 5 years was a sufficient window for replacement planting to occur. NKDC highlighted that some precedent in TCPA for a 7 year replacement clause. NKDC and LCC agreed to provide responses at Deadline 3.</p> <p>The Applicant welcomed the confirmation from the RPAs that they are content with the wording at Requirement 21 (Community Orchard).</p>
<p>Agenda Item 6: Water Environment</p>		
<p>a)</p>	<p>The ExA will seek updates and ask questions relating to the water environment including flood risk and drainage.</p>	<p>The Applicant provided updates covering the following 4 areas:</p> <ol style="list-style-type: none"> 1. Requirement 11 of the DCO – the Applicant has updated the drafting within the DCO at Deadline 2 (REP2-008) to link with the outline drainage strategy in the FRA so that the final surface water strategy must be in accordance with the outline drainage strategy; 2. Floor levels – the Applicant has updated the Outline Design Principles at Deadline 2 (REP2-051) for the control rooms (in the Substation Control Buildings) to be at or above 2.25m AOD, following a request from the EA. As shown in REP2-103 the EA now consider this matter resolved;

Item	ExA Question/ Content for Discussion	Applicant's Response
		<p>3. Protective Provisions – protective provisions are now agreed with The Environment Agency, Black Sluice IDB, and Anglian Water; these have been included in Schedule 13 of the DCO;</p> <p>4. Water Resources Assessment – the Applicant welcomes Anglian Water's confirmation at Deadline 2 (REP2-085) that the project does not need to provide a Water Resources Assessment Requirement within the DCO, as the design has minimised the need for potable water supplies through including rainwater harvesting.</p>
<p>Agenda Item 7: Habitats Regulations Assessment</p>		
<p>a)</p>	<p>The Applicant is to explain the amendments to the most recent version of the shadow Habitats Regulations Assessment (HRA) [REP2-022].</p>	<p>The Applicant set out updates to the sHRA.</p> <p>The Applicant has updated the sHRA report (REP2-022) to bring its format into alignment with PINS advice note 10. Additional tables have been provided as appendices to the report outlining:</p> <ul style="list-style-type: none"> • Which European Sites were scoped into the HRA; • The conservation objectives of each site and the threats and pressures to each sites integrity, and • A summary of likely significant effects. <p>The cumulative assessment section of the sHRA has also been updated to reflect the revised site list and further detail setting out instances when silt controls would be required during construction have been added to the document and signposts to the Construction Environment Management Plan (REP2-071) provided.</p> <p>The findings of the sHRA remains the same as the last submission. The sHRA rules out any impacts from pathways during construction, and from all pathways during operation. Natural England concurs with this assessment and the reasoning provided. This consensus has been documented in the statement of common ground with Natural England (REP2-069).</p>

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Agenda Item 8: Other Environmental Matters: including Transport and Access, Air Quality, Noise, Climate Change, Glint and Glare, Socio-Economics, Miscellaneous Issues		
a)	<p>At the time of publication of the Agenda the ExA does not anticipate the need to ask questions on any of these other matters, but any IPs present are invited to make comments if they so wish.</p>	<p><u>Traffic Assessment</u></p> <p>The Applicant notes LCC’s comments on the sensitivity of Cowbridge Road, Bicker Drove and Vicarage Drove.</p> <p>The Applicant confirmed that the assessment criteria of the Institute of Environmental Management and Assessment (IEMA) guidance has been updated since submission of ES Chapter 14 (document reference 6.1.14) and that the new document is not prescriptive in defining roads with no footways as a high sensitivity receptor. However, it was noted that the Applicant does not disagree with LCC’s conclusions.</p> <p>The Applicant confirmed that the conclusions have been established and it was noted that in their response to TT1.6 of the ExA’s questions, LCC suggest that whilst Cowbridge Road may fall within the scope of definition of “High” using the definition of sensitivity set out in Table 14.2 of the ES, the routing and mitigation measures proposed and secured as part of the DCO would result in neutral traffic impacts during the construction phase. We also note that LCC does go on to conclude that the effect is not significant because the use of Cowbridge Road would be temporary.</p> <p>Post Hearing Submission: <i>The Examining Authority requested further explanation regarding the sensitivity assessment of Cowbridge Road, Bicker Drove and Vicarage Drove, as referred to in LCC response to ExQ1 TT1.6 [REP2-093] with reference to the amended Institute of Environmental Management and Assessment (IEMA) guidance.</i></p> <p>It was confirmed with the Examining Authority that the Applicant would provide clarification at Deadline 3. ES Transport and Access Technical Note – Sensitivity of Cowbridge Road, Bicker Drove and Vicarage Drove – of this document confirms the response to the aforementioned question and request for a further explanation from the ExA.</p>

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b)		<p><u>Streets and Access Plan</u></p> <p>Further to ISH3 Item 6, the Applicant summarised the changes made to the Streets and Access Plan (REP2-006) to support the changes to Articles 9 and 12 and Schedules 5 and 7 of the dDCO.</p> <p>Further work has been undertaken by Ecotricity to establish locations within the DCO Order Limits where existing field access points are present and may be improved (either temporarily or permanently), and those locations where new junctions may be required (either temporarily or permanently). To inform this exercise, swept path assessments for a low loader has been undertaken (the largest vehicle that may be required for maintenance purposes). The Applicant has also confirmed that all the cable route access points will be required to be available permanently and retained for use during the operational phase (with the exception of CR/D at Royalty Lane).</p> <p>The Applicant confirmed that the principle of the plan itself has not changed, but that there have been updates to reflect those areas where temporary or permanent alterations to the streets will be required to facilitate access.</p> <p>The Applicant confirmed that the Streets and Access Plan has been updated to remove CR-A, which is no longer proposed to be used. Changes have also been made to the plan and associated key to distinguish between existing and proposed access points; permanent and temporary access points; and to identify those areas where permanent or temporary alteration of layout or work to the streets which are shown as cross hatch and hatch respectively.</p>
c)		<p><u>Lincolnshire Fire and Rescue 'Protective Provisions'</u></p> <p>The Applicant notes that the draft form provided by LCC is not synonymous with the usual type of "protective provisions" as there are no assets to protect. Nevertheless, the Applicant is not opposed to the principle of providing a contribution towards the cost of LFR monitoring fire safety equipment at the proposed energy storage facility.</p>

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		<p>Post Hearing submission: the Applicant has included the wording proposed by LCC within the outline Energy Storage Safety Management Plan submitted at Deadline 3 (document reference 7.11, version 2); the exact mechanism in which the contribution will be paid is to be determined prior to submission of, and outlined within, the final plan.</p>
<p>Agenda Item 9: Cumulative Assessment</p>		
<p>a)</p>	<p>The ExA will seek updates and ask questions regarding cumulative effects and the Interrelationship with other Nationally Significant Infrastructure Projects.</p>	<p>The Applicant notes the Examining Authority's comment querying what updates were made to the cumulative assessment and whether there are likely any other changes expected in any future versions of the Interrelationship Report, particularly considering there are other examinations now in progress. Cottam is progressing and West Burton is now in examination.</p> <p>The Applicant notes that there was an updated ES cumulative report submitted at Deadline 2. The Applicant reviewed the long and short list, as per the discussions that we had had at ISH 2, and updated it to include the sites that were agreed should be included, as well as updating the status of the sites that were already on the list as they progressed through from pre application into hearings etc. At Deadline 2, there was, through agreement with the RPAs, the addition of one more Local Authority site, which was added to the cumulative shortlist. This site is number 17 of the short list (REP2-050) and is Land to the East of Mareham Lane. That site was a Screening Opinion. The other cumulative sites within the ES technical note (REP2-050), that are not within the Interrelationship Report were already in the cumulative shortlist. They had just altered in status as they had moved through the planning process. For example, Little Fen was in the original cumulative assessment as a screened site but has now become a submitted application. So, it has changed its status within the existing short list.</p> <p>Post Hearing submission: at this point the Applicant would like to make a correction to the oral representations made at ISH 4. It was stated in ISH4 that sites were removed from the long list, this was an error. The sites remain on the long list but were removed from the short list for the ES Technical Note which was submitted at Deadline 2.</p>

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		<p>The removed sites were No 7. on the long list, Outer Dowsing Offshore Wind Farm. This site has now been removed, down to the refinement of their order limits of the potential cable route. It had run quite close to Heckington Fen Order Limits. The site is now 54km away and the closest point of the onshore section of the order limit is now 10.58km away. So, the decision was made to remove that site from the cumulative assessment because there would be no cumulative impact from the cable route. The other site that was removed was Land at Ewerby Thorpe, which was previously a Screening site. That land has now been encapsulated within the order limits of the site for Beacon Fen, so it has been removed to ensure that there is not double counting. That, or the expectation that that screening for Town and Country Planning will not progress until after a decision has been made on whether or not they intend to progress with Beacon Fen all the way through the DCO process. The third removed site was Land North of Whitecross Lane, which was a 32MW development in North Kesteven that is now fully operational and that was confirmed with discussions with the applicant. Hence it would no longer be a cumulative impact. It forms part of the baseline. The same is true for Land South of Gorse Lane which again is a North Kesteven application, 20MW site and again has been confirmed by the applicant and the applicant/operator of that site to now be fully operational. So, this site would also form part of the baseline rather than being part of the cumulative assessment.</p> <p>The Applicant is intending to revisit the Interrelationship Report for Deadline 3 and review the sites within this report. The intention is that there will be some updates to the Report. There is a want to try and align one element of the methodology within the two reports. Currently in the Interrelationship Report where a NSIP site had stated that they were going to have no take at all on best and most versatile land, they have stated zero and the Applicant then used that figure (zero). Within the ES cumulative report, the Applicant has taken a slightly harder line where it was assumed that if the other project was saying "none" or "zero" loss, there may still be a risk of some BMV land being taken because those schemes are at an early stage of their design; accordingly, the Applicant assigned a 1% loss of best and most versatile as a contingency. The Applicant intends to use that methodology to create the headline cumulative figure within the Interrelationship Report.</p> <p>The Applicant sought guidance from the ExA and RPAs on when the final cumulative sites would be issued to us from the RPAs to include in the Interrelationship Report. The Rule 6 letter states that Deadline 5 would be the final update to the Interrelationship Report. The Applicant sought this</p>

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		<p>agreement to ensure there was the opportunity to review these sites and to produce the report for Deadline 5. The Applicant suggested Deadline 3 would be appropriate.</p> <p>Post Hearing Submission:</p> <p><i>As an update and in addition to the representations made at ISH4, this item has been discussed with the RPAs since the hearings closed. It has been agreed with the RPAs that Deadline 4 will be the 'freeze' for new cumulative sites which should be considered by the Heckington Fen application.</i></p>
<p>Agenda Item 10: Statements of Common Ground</p>		
<p>a)</p>	<p>The ExA will seek an update on the progress of statements of common ground relevant to environmental matters.</p>	<p>The Applicant notes the Statement of Common Grounds remain under discussion with all parties listed in the Rule 8 letter and summarised in the Statement of Commonality submitted at Deadline 2 (REP2-079).</p> <ul style="list-style-type: none"> • The Statement of Common Ground with the Councils is progressing in line with other amendments to the Development Consent Order; and the Outline plans. Specific matters associated with Best and Most Versatile Land are unlikely to be agreed between the parties by the close of the Examination. • Black Sluice Internal Drainage Board will be agreed once the commercial side agreement is finalised. • Once the land agreement is concluded with the Environment Agency this Statement of Common Ground can be finalised. • National Grid Gas and National Grid Electricity Transmission can be finalised once the commercial side agreements are agreed. • National Grid Viking Link Statement of Common Ground requires protective provisions to be agreed, this one is considered further from agreement than the previous National Grid entities.

Item	ExA Question/ Content for Discussion	Applicant's Response
		<ul style="list-style-type: none"> • Natural England Statement of Common Ground remains under discussion, further discussion is awaited following Natural England's review of the outline soil management plan submitted at Deadline 2, and progression of the district licence contract. • Network Rail remains under discussion and may be capable of resolution if a commercial agreement can be reached. • Triton Knoll will be progressed once the legal agreements are concluded. This is progressing.
Agenda Item 11: Any Other Matters		
		<p>The Applicant notes Black Sluice IDB's (BSIDB) request for tree planting not to encroach on the 9m set back from drainage ditches/BSIDB assets. The Applicant confirms that the protective provisions at Schedule 13 Part 7 provide a "specified work" distance of 9m, meaning that any works within the specified work threshold require sign-off and approval by BSIDB. The Applicant has designed the scheme with appropriate set-backs from drainage ditches and watercourses, as confirmed by [Figure 2.1 Indicative Site Layout [APP-078]]. Both of these measures therefore provide protection for BSIDB.</p>



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 6– Water Environment
 - Item 8 – Other Environmental Matters
 - 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 9 – Cumulative Assessment
 - Any other matters including project updates (if necessary).
- 1.3. **Radek Chanas**, Associated Landscape Architect at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:
 - Item 3 – Landscape and Visual Amenity, and Residential Visual Amenity
- 1.4. **Elizabeth Pratt**, Associate Heritage Consultant at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:
 - Item 4 – Historic Environment
- 1.5. **Mark Latham**, Ecology and Environmental Advisor at **Ecotricity** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:
 - Item 5 – Biodiversity and Ornithology and the Natural Environment
 - Item 7 – Habitat Regulations Assessment
- 1.6. **Katie Stock**, Transport Director, at **Pegasus Group** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:
 - Item 8 – Other Environmental Matters
- 1.7. **Laura White**, Senior Development Manager at **Ecotricity** speaking on behalf of Ecotricity (Heck Fen Solar) Limited on:
 - Item 10 – Statements of Common Ground

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