

Heckington Fen Solar Park

EN010123

Cover Letter Deadline 4

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: ExA.CL-D4.V1

Deadline 4: 16th January 2024

January 2024



Susan Hunt
Examining Authority
By Email

Dear Ms Hunt

16 January 2024

Heckington Fen Solar Park Development Consent Order (application reference: EN010123)

Ecotricity (Heck Fen Solar) Limited (the “Applicant”)

Applicant Response to Deadline 4 (our document reference – ExA.CL-D4.V1)

Introduction

Following Deadline 3 and the Second Written Questions dated 19 December 2023, the Applicant provides responses below and within the enclosed Deadline 4 submission documents.

Deadline 4 submission documents

Document Reference	Title
ExA.ResponsesSWQ-D4.V1	Applicant Response to Second Written Questions
ExA.ResponseD3Sub-D4.V1	Applicant Response to Deadline 3 Submissions
1.4 Revision 7	Guide to the Application
2.1 Revision 5	Land and Crown Land Plans
2.2 Revision 5	Works Plan
2.3 Revision 4	Rights of Way Plan
2.4 Revision 3	Statutory & Non-statutory Nature Conservation Designations Plan
2.5 Revision 3	Water Bodies in a River Basin Management Plan
2.6 Revision 3	Statutory & Non-statutory Historic Designations Plan
2.7 Revision 3	Streets and Access Plan
2.8 Revision 3	Location and Order Limits Plan
2.9 Revision 3	Important Hedgerows Plan
2.10 Revision 3	Crown Land Plan
ExA.SP-D4.V1 Revision 2	Supplementary Plan: Individual sheets showing isolated work areas for sheets 5, 6, 12, and 13 of the Works Plans
3.1 Revision 6	Draft DCO including word version
3.3 Revision 6	Explanatory Memorandum
ExA.SCHDCO-D4.V1	Schedule of Changes to the draft Development Consent Order
4.3 Revision 6	Book of Reference
4.4 Revision 6	Schedule of Negotiations with Statutory Undertakers and Landowners
5.2 Revision 4	Shadow HRA to Inform Appropriate Assessment
6.1.4 Revision 5	Chapter 4 - Proposed Development
6.1.11 Revision 4	Chapter 11 – Socio-Economics
Appendix 8.12 Revision 2	Biodiversity Net Gain Calculation
Appendix 8.13 Revision 4	Biodiversity Net Gain Assessment Report
ExA.ESTN-Cumulative-D4.V3 Revision 3	ES Technical Note- Updated Information on Cumulative Projects
7.1 Revision 4	Outline Design Principles
7.5 Revision 3	Consents and Licences Required Under Other Legislation
7.6a Revision 3	Statement of Common Ground with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council
7.6c Revision 2	Statement of Common Ground with Black Sluice Internal Drainage Board

Document Reference	Title
7.8 Revision 4	Outline Landscape and Ecological Management Plan
7.9 Revision 3	Outline Decommissioning and Restoration Plan
7.11 Revision 3	Outline Energy Storage Safety Management Plan
7.12 Revision 3	Outline Supply Chain, Skills and Employment Plan
ExA.SOC-D4.V3	Statement of Commonality

The Applicant has included tracked change versions of the above documents where relevant, and would kindly refer readers to the Guide to the Application (document reference 1.4, revision 7) for a full list of the documents enclosed.

The Applicant has provided a summary of the key points below:

1. Second Written Questions:

Following the Second Written Questions provided by the Examining Authority (ExA) on 19 December 2023, the Applicant has provided a reply to these. A number of figures are contained as appendices within this document in relation to viewpoints for South Kyme Tower.

2. Applicant Response to Deadline 3 Submissions

The Applicant has summarised documents submitted at Deadline 3 and provided a response to them. This also includes Black Sluice Internal Drainage Board submission to the First Written Questions.

3. Plans

As noted at Deadline 3 (Cover Letter, document reference REP3-001), minor Order Limit amendments are captured in the DCO Plans (references 2.1 - 2.10, and ExA.SP-D4.V1) at Deadline 4. These amendments reduce the Order Limits where land is no longer required (for example, removal of an access track) for the Proposed Development, namely plots 275A, 275B, 299 and 345. As the Applicant outlines in response to written question CA 2.2 (document reference ExA.ResponsesSWQ-D4.V1) no new environmental effects beyond those that have already been assessed arise from this minor Order Limit reduction.

4. Interrelationship with other Nationally Significant Infrastructure Projects Report

The Interrelationship with other Nationally Significant Infrastructure Projects Report has been reviewed to assess if further updates are required. No update is provided at Deadline 4, however a further update at Deadline 5 will be submitted to capture the Beacon Fen Preliminary Environmental Information Report (PEIR) with Statutory Consultation due to commence on 22 January 2024 (according to the project's website). Furthermore, the PEIR for the Springwell DCO, as published on 11 January 2024, will be included at Deadline 5.

5. ES Technical Note - Updated Information on Cumulative Projects

Following the close of the Hearings the Applicant agreed with the RPAs that Deadline 4 would be the final deadline for submitting further new projects to be considered in the Interrelationship with other Nationally Significant Infrastructure Projects Report and ES Technical Note- Updated Information on Cumulative Projects Report. NKDC advised that two previously long listed schemes had progressed in status, but that there were no further new sites that needed to be considered cumulatively. The two longlisted sites are sites numbers 42 and 43, both in South Kesteven District Council and over 20km away from the Heckington Fen site.

The only update to the shortlisted sites within the cumulative Technical Note relates to Mareham Lane. This site has now altered to a Tier 1 site as an application has been submitted (28 November 2023). The application is for a 49.9MW solar farm, located 10.5km from the Heckington Fen Energy Park. The submission of the application has clarified the status of the agricultural land classification grade. It has been determined through survey work that the whole of the application site is Grade 3b, and therefore considered to be 'poorer quality agricultural land'.

6. Progress Schedules

The following Progress Schedules are provided:

- Land and Rights related matters including Protective Provisions and Statutory Undertakers: Document Reference 4.4 (Revision 6) - Schedule of Negotiations with Statutory Undertakers and Landowners (with tracked and clean versions);
- Schedule of the latest versions of the Applicant's submission documents and documents to be certified: Document Reference 1.4 (Revision 7) - Guide to the Application (with tracked and clean versions); and
- Consents and Licences Required Under Other Legislation: Document Reference 7.5 (Revision 3) (with tracked and clean versions).

The Book of Reference includes a number of consistency amendments and clarification updates following a review by Ardent Management who were brought in during late 2023 to assist with expediting land agreements and finalising the land referencing for the Proposed Development. A summary note explaining the amendments is included at Appendix 1 of this cover letter.

7. Statements of Common Ground

Good progress is being made on reaching agreement with key stakeholders whereby Statements of Common Ground were requested in the Rule 8 Letter. A further revision to the Statement of Common Ground with the Relevant Planning Authorities (RPAs) is submitted at Deadline 4. Agreement has been reached with the Black Sluice Internal Drainage Board, and a final version of the Statement of Common Ground with Black Sluice Internal Drainage Board is submitted at Deadline 4, but yet to be signed; a signed version is expected at Deadline 5. Further SOCGs are due for submission at Deadline 5. The Statement of Commonality is updated at Deadline 4.

8. Updated Guidance and Policy

Following the release of the Town and Country Planning statutory biodiversity metric tools and guides on Wednesday 29 November 2023 further consideration has been given to these in Appendix 8.13, Revision 2 (document reference ExA.6.3.8.13-D4.V2). As it is not possible to track change an excel metric, document 6.3.8.12 Version 4, contains the updated metric as released on 29 November 2023.

9. Outline Plans

The Outline Decommissioning and Restoration Plan is submitted at Deadline 4, as the version at Deadline 3 included the incorrect front cover; the content of the Deadline 4 version has not therefore changed since the Deadline 3 submission. The Outline Energy Storage Safety Management Plan reverts back to an earlier version which does not include the fees payable to Lincolnshire Fire and Rescue as these are now covered on the face of the Order as a Protective Provision.

Please let us know if there is any clarification or further detail you require.

Yours sincerely,

Laura White

Laura White
Senior Development Manager
Ecotricity
Email: heckingtonfensolar@ecotricity.co.uk
Freepost: FREEPOST ECOTRICITY SOLAR PARK
Freephone: 0800 151 0784.

APPENDIX 1 – Book of Reference Update

Upon review of the book of reference for Deadline 4 of the examination, the Applicant's Land Referencing team has identified some inconsistencies and aspects of the document which required amending and updating.

Through this review, three new land interests have been identified within plots 66B and 296, and subsequently notified in writing by the Applicant.

A summary of the changes:

Addresses of registered companies have been reviewed against Companies House and updated accordingly.

Any plot containing an interest related to the Crown has had a qualifier included in the description to declare that no interests of the Crown will be subject to compulsory acquisition powers. An additional note to explain this has been added to the introduction also.

The Applicant is aware the sale of the transmission assets associated with Triton Knoll Offshore Wind Farm Limited has completed, and the landholdings are now under Triton Knoll OFTO Limited. The associated name and address has been amended in all affected plots - article online to confirm: Triton Knoll Offshore Wind Farm: Sale of transmission assets (rwe.com)

All plots which contain a drain or drain embankment which fall within the maintenance jurisdiction of Black Sluice Internal Drainage Board have had their interest captured as a Category 1 Occupier interest, as well as the existing Category 2 record for complete accuracy.

The Triton Knoll access route plots previously didn't account for all the adjacent landowners who currently have unimpeded access to use it. These have been added to the relevant plots.

Christopher and Rosemary Hinge of Royalty Farm Cottage have been added after it was determined from additional Land Registry title review that they may hold a rights interest in plots 66A, 66B, 68A, 68B, 68C, 68D, 68E and 68F. They have been written to by The Applicant to advise them of this and to give them an opportunity to confirm this interest is correct.

Any unregistered, adopted highway plots where only Class, 2, 3 and 4 rights were being sought, previously only captured the interest of the highway authority (Lincolnshire County Council) as the Category 1 land interest. For accuracy adjacent landowners have now been included in respect of their presumed ownership of the half width of the subsoil through Moiety rights.

As a result of point 7, a new land interest within the Book of Reference has been identified within plot 296, Bicker United Charity. They have been notified of this in writing by the Applicant.

Plots 275a, 275b, 299 and 345 are no longer required for the scheme and subsequently have had all their interests removed within the Book of Reference and now labelled "Plot number no longer in use". Interested parties have been notified of this in writing by the Applicant, as confirmed at Deadline 3.

Where an occupier was previously missing within a plot, this has been rectified to include the land interest with the responsibility for maintenance of the land.

There was an amendment required to plot 60C to match the boundary of the land registry title. This has resulted in an area change to plot 60C and 285 descriptions. This change is also reflected in the land plans.

Land interests held by the Pomfrets, who were removed from deadline 3's version of the Book of Reference, were not fully removed and still remained in Part 2. They have now been fully removed from all parts of the Book of Reference.

Where a public right of way has been described in a plot and Lincolnshire County Council hold an interest for its maintenance, a specific right of way number was not previously referenced. This has now been amended in plots 72, 279, 282 and 283 to include the right of way numbers.

A tracked changes version and clean version of the Book of Reference has been submitted to the Examining Authority at Deadline 4.