

# Heckington Fen Solar Park

EN010123

## Statement of Common Ground with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council

Applicant: Ecotricity (Heck Fen Solar) Limited

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## STATEMENT OF COMMON GROUND

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**INTRODUCTION**

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ecotricity (Heck Fen Solar) Limited ("the Applicant") in conjunction with North Kesteven District Council ("NKDC"); Lincolnshire County Council ("LCC"); and Boston Borough Council ("BBC").
- 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 the table below of this SoCG:
- "Agreed" or "No comment" indicates where the issue has been resolved or the parties have no further comment, and
  - "Unresolved" indicates where there are different views or disagreement between the principal parties on the specific matter.
- 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 there is agreement but also where the principal parties do not agree..
- The Proposed Development
- 1.6 It is agreed that the proposed development is for a temporary use of land only which will be in place for a period of 40 years from the date of the commencement of electricity generation.

Development Consent Order

1.7 It is agreed that North Kesteven District Council and Boston Borough Council will act as a relevant planning authority in relation to the discharging of the requirements of the DCO applicable to their 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, or vice versa as appropriate.

Local Planning Policy Context

1.8 It is agreed that the development plan applicable to the development proposal comprises:

- The Central Lincolnshire Local Plan 2018 - 2040, adopted 13 April 2023
- South East Lincolnshire Local Plan 2011 – 2036, adopted 8 March 2019

1.9 It is agreed that the Central Lincolnshire Local Plan 2018 - 2040 replaces in full The Central Lincolnshire Local Plan 2012 - 2036 (April 2017).

1.10 Table 3 covers the local policies which are considered important and relevant.

Planning History

1.11 The planning history related to the Energy Park and relevant to the proposed development is included at Table 1.

**Table 1 – Planning history of renewable projects**

	Description of Development	Decision	Date
09/0628/FUL	Installation of a 70m high wind monitoring mast for a temporary period of 18 months	Approved	15 October 2009

	<b>Description of Development</b>	<b>Decision</b>	<b>Date</b>
09/1067/S36	Application (submitted under section 36 of the Electricity Act 1989) for consent to construct and operate a wind energy electricity generating station	Local Authority objected to the proposal. <b>Application approved subject to conditions – February 2013</b>	08 February 2012
15/0416/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington.	Local Authority had no objection to the proposal but expressed concerns regarding landscape impacts and proposed re-wording of the RMS condition.  Local Authority raised concerns regarding differing noise reports from applicant and objectors and proposed re-wording of the RMS condition. <b>Application not being progressed – confirmed November 2022*</b>	05 June 2015*  24 January 2017
18/1384/S36	S.36C of the Electricity Act 1989 and S. 90(2ZA) of the Town and Country Planning Act 1990. Application to vary S. 36 consent and deemed planning permission for the Heckington Fen Wind Park, Heckington Fen, near East Heckington to allow for the date by which development must be commenced from 5 years to 10 years.	Local Authority raised significant concerns to the proposal. <b>Application refused – July 2022</b>	06 December 2018
<p>*Although no formal decision has been issued by BEIS on the 2015 application, they (BEIS) have advised that they do not intend to consider the 2015 Variation application further. The Applicant have therefore not assessed the wind turbine permission as part of the baseline for Environmental Statement. NKDC’s position is that the wind turbine application (09/1067/S36) has expired and is incapable of being implemented.</p>			

Impacts of the development

- 1.12 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.
- 1.13 It is agreed that the development proposed is an EIA development, and the submitted EIA assesses the realistic worst-case effects of the development.
- 1.14 The parties agree that, with the exception of the impacts listed under Table 2, the proposal includes mitigation measures that are capable of reasonably and satisfactorily addressing all other substantive impacts of the proposal necessary to make the development acceptable in planning terms.

Requirements

- 1.15 It is agreed that the DCO requirements will be necessary to address the following matters:
2. *Commencement of the authorised development*
  3. *Phasing the authorised development and date of final commissioning*
  4. *Requirement for written approval*
  5. *Approved details and amendments to them*
  6. *Detailed design approval*
  7. *Fire safety management*
  8. *Landscape ecological management plan*

9. *Implementation and maintenance of landscaping*

10. *Fencing and other means of enclosure*

11. *Surface and foul water drainage*

12. *Archaeology*

13. *Construction environmental management plan*

14. *Construction traffic management plan*

15. *Operational noise*

16. *Supply chain, employment and skills*

17. *Permissive path*

18. *Decommissioning and restoration*

19. *Operational Environmental Management Plan*

20. *Soil Management Plan*

21. *Community Orchard*

1.16 A schedule of DCO Requirements is included in the draft DCO (document reference 3.1).

Summary of main issues not agreed



1.17 Based on engagement to date, common ground has not been possible to fully resolve in relation to the following elements (or sections within these):

- Land use and agriculture (BMV land) – NKDC and LCC, cumulative effects with other NSIP solar proposals across Lincolnshire
- Landscape – LCC, over-reliance on hedgerow planting methodology and application of ‘significance’ in relation to ‘moderate effect’.
- South Kyme Tower level of harm not agreed but agreement that the public benefit test is met - NKDC

**Table 2 – Matters addressed**

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
<b>1. Biodiversity, Ecology and the Natural Environment</b>					
1.1 Agreed / No comment	Implications for statutory and locally protected habitats sites	Implications are detailed in the Chapter 8, with various mitigation measures summarised. No residual impacts deemed significant.	Defer to other parties with expertise, notably Natural England, North Kesteven District Council’s ecological advisors and Lincolnshire Wildlife Trust.	It is agreed that impacts on statutory and local sites have been adequately assessed. AECOM offer no comments in relation to HRA generally, noting that the assessment of wintering birds is appropriate provided that Natural England agrees with the findings of the HRA report.	Defer to other parties with expertise, notably Natural England, North Kesteven District Council’s ecological advisors and Lincolnshire Wildlife Trust.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
1.2 Agreed	Appropriateness of habitat surveys	Survey for Quail will be undertaken in 2024.	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.	Assessment of impacts on scarce arable flora has been addressed and the Council agrees that additional survey work for quail can be secured by Requirement.	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.
1.3 Agreed	Effects on specific species and their habitats, including European protected species (EPS)	Requirements can satisfactorily deal with arable flora; ground nesting birds; and fencing. Natural England's process for badger licencing covers mitigation requirements.	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.	The Applicant's proposed mitigation strategy for badger (Natural England badger licence) is acceptable. Previous concerns in relation to scarce arable flora have been addressed and the Council is satisfied that further surveys for quail can be secured by Requirement. A skylark mitigation strategy is still to be agreed, again secured by Requirement, and the need for further information on badger and deer gates in relation	Defer to other parties with expertise, notably Natural England, North Kesteven District Council's ecological advisors and Lincolnshire Wildlife Trust.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
				to security fencing can also be addressed by Requirement.	
1.4 Under Discussion	Grazing impact on ground nesting bird	The Applicant has submitted an oLEMP (doc. ref. 7.8), and an oOEMP (REP3-034) which detail stocking levels and grazing rotation patterns designed to maximise floral diversity, pollinator resource and opportunities for ground nesting birds.	No comment.	Details of the timings and arrangements of proposed sheep grazing is also needed, due to use of pasture by ground nesting birds. This matter is under discussion.	No comment.
1.5 Agreed	Effects on trees and hedgerows	Further survey effort of the veteran tree can be undertaken once the land access is agreed.  Further planting	In relation to existing trees and hedgerows LCC have no significant comments but supports the replacement of trees lost around the Bicker Fen Substation as agreed with Boston Borough	No comment other than to highlight that the Oak within Group G39 will need to be re-assessed for 'veteran tree' status and that stand-off distances / root protection zones might	Removal of trees at Bicker Fen Substation is unfortunate. Outline Landscape and Ecological Management Plan

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>around Bicker Fen Substation covered in the oLEMP.</p>	<p>Council. Outline Landscape and Ecological Management Plan updated at Deadline 3 satisfies this issue.</p>	<p>need to be adjusted.</p>	<p>updated at Deadline 3 satisfies this issue, and BBC is comfortable that the mitigation is adequately secured in the oLEMP given that the final scheme submitted under Requirement 8 must be in accordance with the outline scheme, and BBC have approval powers.</p> <p>The parties agree that the exact legal mechanism and/or contractual arrangements for the payment of the fee can be dealt with alongside submission and</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
					approval of the final plan, subject though to the OLEMP being amended to reflect that a s106 agreement will be used to fully discharge this matter. However, the parties will work together to agree heads of terms during the examination period and proceed to enter into the section 106 agreement shortly thereafter.
1.6 Agreed	Habitat creation, enhancement and application of Net Gain	Positive with hedgerow and woodland creation, enhancement of existing features and application of	LCC welcome the commitment made at Deadline 3 to secure a minimum 65% BNG however this is still significantly less than	NKDC welcomes the commitments made at Deadlines 2 and 3, and note that 65% BNG is now proposed and is worded into	No additional comment further to the above.

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		<p>Net Gain showing significant improvement on current intensive arable landscape which will become grassland.</p> <p>Requirement 8 of the DCO sets out how a minimum of 60% biodiversity net gain in habitat units, calculated using The Biodiversity Metric 4.0, will be secured during the operation of the whole of the authorised development.</p>	<p>that claimed within the application. LCC believes there is still scope for a higher % to be agreed that would strike a reasonable balance between giving the Applicant the flexibility they require whilst ensuring one of the key benefits of this scheme as promoted by the Applicant is secured/delivered.</p> <p>LCC has no issue with the Requirement fixing the use of Metric 4.0 / an exact metric given that to remove this reference could introduce future uncertainty in relation to complying with a fixed BNG figure.</p>	<p>Requirement 8. The information presented is suitable to set terms of reference for agreement of the detailed plan later as a Requirement, however the Council's position remains that it should be possible to exceed the 65% BNG specified from the information presented with the DCO application. NKDC consider there is still scope for a higher % to be agreed that would strike a reasonable balance between giving the Applicant the flexibility they require whilst ensuring one of the key benefits of this scheme as promoted by the Applicant is secured/delivered.</p>	
<p><b>2. Compulsory Acquisition</b></p>					
2.1 Agreed /	Whether the full	There is no	LCC is a landowner for	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
No comment	extent of the land, rights and powers that are sought to be compulsorily acquired, including access for maintenance, temporary possession, powers to override easements and rights under streets, are necessary to facilitate or are incidental to the Proposed Development	freehold acquisition sought in the DCO. The remaining powers sought are in relation to the acquisition of new rights and/or temporary possession which is proportionate and necessary to facilitate the Proposed Development.	the Highways network and also on the grid route.  From a Highway perspective, LCC is content that the detail of the proposed highway improvements can be addressed through the DCO without utilising the Compulsory Acquisition powers.		
2.2 Unresolved	LCC landownership	The Applicant has sought engagement with LCC's agents but have been notified they do not wish to engage at this time.	Discussions remain ongoing with the landowner's agents regarding the parcel of land owned by LCC (at plot 76B) on the grid connection route, however no formal representation has been made by LCC in its	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
			capacity as a landowner and at this time no agreement has been reached. Also refer to LCC response to ExQ2 CA.2.3 (Document reference TBC)		
<b>3. Draft Development Consent Order (dDCO)</b>					
3.1 Under Discussion	The appropriateness of the draft Development Consent Order including its structure, scope, provisions, requirements and protective provisions	The draft DCO is based on legal precedent and includes the appropriate structure, scope, provisions, requirements and protective provisions.	Under discussion, position to be confirmed in the final SOCG.	Under discussion, position to be confirmed in the final SOCG.	Under discussion, position to be confirmed in the final SOCG.
<b>4. Energy Generation and Storage</b>					
4.1 No comment	Likely potential energy generated by the solar panels	Sufficient to power some 100,000 homes – calculations are provided in the	No comment.	No comment.	No comment.



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		Consultation Report – Appendix 1 (APP-024).			
4.2 No comment	Capacity of the secured Grid connection	Sufficient for the scheme proposed as detailed in the Grid Connection Statement (doc. ref. 5.4, APP-051).	No comment.	No comment.	No comment.
<b>5. General and Cross-Topic Matters</b>					
5.1 No comment	Air Quality	There are expected to be no significant effects to air quality as a result of the Proposed Development.	Defer to other parties with expertise, notably North Kesteven District Council and Boston Borough Council's Environmental Health Officers.	No comment. The Council agrees that a Requirement can be used to address control of emissions during construction and operation.	No comment.
5.2 Agreed / No comment	Alternatives and site selection	Other technologies have been considered, as well as a comprehensive back check, guided primarily by grid availability, and a	LCC notes the Applicant's approach to the site selection process and recognises that this has been influenced taking into account a number of different factors including	NKDC has agreed the flood risk sequential test parameters with the Applicant. NKDC notes the Applicant's approach to the site selection process and recognises	No comment.

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		<p>willing landowner.</p> <p>Further details are covered in the Applicant's ISH2 Summary of Oral Statement (REP1-020) that being that any alternative site would fail to comply as they are not deliverable in the same timescale.</p>	<p>proximity to a grid connection; minimising impacts on designated sites (e.g. SSSI/Listed Buildings, etc). LCC cannot reach agreement on the use of Best and Most Versatile Land.</p>	<p>that this has been influenced taking into account a number of different factors including proximity to a grid connection; minimising impacts on designated sites (e.g. SSSI/Listed Buildings, etc). NKDC cannot reach agreement on the use of Best and Most Versatile Land, and the consideration of alternatives in the context of agricultural land considerations should be a particular focus for the ExA.</p>	
5.3 Under Discussion	Benefits	<p>Benefits include a permissive path, business rates, a community orchard with access by arrangement, ongoing farming and energy provision for the landowner in</p>	<p>Welcome the addition of the permissive path but question how much it will be used and despite the proposed 40 year life maintains a preference for paths to be permanent. Links to other paths outside of the Order Limits would also</p>	<p>Partial agreement as NKDC questions the farming benefit accruing from grazing, and whether this is tangible. Whilst discussions are ongoing in relation to securing sheep grazing on the site, NKDC's position is that this does</p>	No comment.

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		<p>conjunction with a shepherd, and most importantly working towards net zero targets. The Operational Environmental Management Plan covers the permissive path for the lifetime of the project as well as securing the grazing.</p>	<p>be welcomed. Biodiversity Net Gain benefits are also noted (subject to being secured), however LCC maintains that the commitment could be higher than that included in the dDCO - see comments in Section 1.5 above.</p> <p>LCC is content that should the DCO be granted then sufficient provision/commitments have been made in the OEMP and OLEMP and the draft wording of Requirement 19 to ensure sheep grazing is secured. Notwithstanding concerns about the loss of BMV land, LCC is therefore content at least with the mechanisms being offered to secure this benefit.</p>	<p>not fully mitigate our concerns in relation to BMV impacts. NKDC agrees that if the Flood Risk Sequential Test is accepted then the scheme would satisfy the 'exception test' community benefit element.</p>	

Reference and Status	Topic	Applicant’s Position	LCC’s Position	NKDC’s Position	BBC’s Position
5.4 Under Discussion	Cumulative and in-combination effects with other projects and developments in the locality including other solar farm proposals in the region	Cumulative and in-combination effects considered within the relevant EIA Chapters. The Applicant has addressed the cumulative projects in the Interrelationship Report submitted at each relevant deadline.	Totality of the projects across Lincolnshire have been a key focus for LCC during the Examination, particularly in relation to loss of Best and Most Versatile land; and potential landscape impacts. LCC notes the Interrelationship Report for schemes coming forward.	Partial agreement - Cumulative socio-economic and climate change are considered positive. Cumulative ALC and farming implications across all projects are negative. NKDC notes the submission of the Interrelationship Report for schemes coming forward noting cumulative adverse effects in relation to agricultural land across Lincolnshire and cumulative adverse LVIA effect in relation to Beacon Fen Energy Park. It is noted and agreed that cumulative effects associated with other projects are outside of the Applicant’s control.	No comment.
5.5 No comment	Electromagnetic field effects	Considered within Chapter 18 of the ES.	No comment.	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
5.6 No comment	Extent of the Rochdale envelope	Considered within Chapter 4 of the ES, with necessary flexibility in-built for a project of this nature.	No comment.	No comment.	No comment.
5.7 Agreed / No comment	Fire and safety hazards associated with storage technology	The Applicant has included a provision in the outline Energy Storage Safety Management Plan [REP3-013], at paragraph 2.1.4, which commits to the requested provisions for LFR in the context of a familiarisation exercise and payment from the Applicant, as well as a monitoring fee for the benefit of LFR for the lifetime of the scheme.  The parties agree	LCC agrees that the safeguards for LFR are adequately secured in principle for the Project within the outline Energy Storage Safety Management Plan [REP3-013] given that the final scheme must be in accordance with the outline scheme under the terms of Requirement 7 of the DCO. LCC, in consultation with LFR and NKDC, are the approval body for Requirement 7 so there is adequate control.  The parties agree that the exact legal mechanism and/or	No comment other than to note that NKDC will be making written submissions regarding the need to consider the use of Lithium-Iron Phosphate batteries.	No comment subject to Lincolnshire Fire and Rescue agreement of the provisions.

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		that the exact legal mechanism and/or contractual arrangement for the payment of the fee can be dealt with alongside submission and approval of the final plan.	contractual arrangements for the payment of the fee can be dealt with alongside submission and approval of the final plan.		
5.8 Agreed / No comment	Greenhouse gas emissions arising during all phases	Recycling is covered in the Outline Decommissioning and Restoration Plan (document reference 7.9).	No comment.	The submitted data / estimates in the ES does not account for GHG emissions associated with the recycling or disposal of components and panels at specialist disposal facilities; rather that all material is produced for the first time use in the development, and then recycled post-development.	No comment.
5.9 No comment	Human health and wellbeing	Considered throughout the ES.	No comment.	No comment.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
5.10 Agreed	Need case	Considered within the Planning Statement and Statement of Need, crucially to meet net zero requirements.	As per EN1/EN3 the Applicant does not need to prove a Need case for renewable energy, as such LCC has no comment.	As per EN1/EN3 the Applicant does not need to prove a Need case for renewable energy, as such NKDC has no comment.	As per EN1/EN3 the Applicant does not need to prove a Need case for renewable energy, as such BBC has no comment.
5.11 No further comment	Noise and vibration	Considered within Chapter 12. An Operational Environmental Management Plan is submitted at Deadline 2 (ExA.oOEMP-D2.V1).	Defer to other parties with expertise, notably North Kesteven District Council and Boston Borough Council's Environmental Health Officers.	Short term negative construction impact. Particular consideration needed for Elm Grange school. Operationally no comment, as this forms part of the Requirements / Outline CEMP and requested Operational Environmental Management Plan.	No comment.
5.12 No further comment	Policy and legislation including emerging National Policy Statements (NPS).	ES complete and supported by Statement of Need and Planning Statement. NPS considered in Updated Statement	Table 3 considers the local policies considered important and relevant. In relation to the November 2023 EN1 and EN3 guidance refer to	Table 3 identifies the local policies considered important and relevant. The NKDC LIR and WR discusses relevant policy to be engaged in relation to each technical chapter	No comment.

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		of Need and Planning Statement with the Change Application.	LCC response to EXQ2 question GEN.2.2 submitted at DL4 (Document ref tbc)	and notes particular conflict with national and local policy and guidance relating to BMV land; including in relation to the November 2023 EN1 and EN3 guidance.	
5.13 Under Discussion	Relevant DCO decisions and High Court challenges	The DCO is based on various made and emerging Orders across the energy sector and, more specifically, solar DCO projects such as Longfield, Little Crow DCO, and Cleve Hill and those projects currently in Examination within Lincolnshire.	Under review with no further schemes to add at Deadline 4.	To be agreed. No High Court challenges to comment on.	No comment.
5.14 No comment	Waste management, including replacement equipment and decommissioning	Considered in Chapter 18, and Chapter 17 where necessary.	No comment, GHG associated with decommissioning covered above.	No comment, GHG covered above.	No comment.



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<b>6. Historic Environment</b>					
6.1 No further comment	Effects on designated and non-designated heritage assets and their settings	With regards to South Kyme Tower, the scheme will not result in harm to the significance of the asset. This is covered in REP3-039.	In respect of build form LCC defers to North Kesteven District Council's Conservation Officer, Heritage Trust Lincolnshire and Historic England. Further comments below in relation to non-designated heritage assets in particular buried archaeology.	NKDC position is that the proposals cause lower end 'less than substantial harm' to setting / significance of South Kyme Tower (scheduled and listed) but that the public benefit test would be met. Otherwise agree with ES conclusions. S	No comment.
6.2 No further comment	Appropriateness of schemes of investigation for archaeology	Trial trenching not completed on the cable route. Outline WSIs included for Evaluation and Mitigation sections, associated with the cable route and energy park (and subsequent cable route following Evaluation e.g. trial trenching).	Sufficient trenching completed on Energy Park to inform a Mitigation Strategy. LCC agreeable to further trenching along cable route being secured as Requirement if not completed before the close of the Examination.	NKDC note the submission of REP2-048 and REP2-036 in relation to energy park archaeological mitigation areas and initial archaeological assessment of parts of the cable corridor. This has advanced the understanding of impact of significance along the cable corridor and the Council is satisfied that	BBC notes the Applicant is undertaking trial trenching on the cable grid route where access is available. BBC agreeable to further trenching along cable route being secured as Requirement if not completed before the close

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				the archaeological mitigation strategy for the project can be secured by Requirement on that basis.	of the Examination.
<b>7. Land Use and Soils</b>					
7.1 Agreed	Appropriateness and accuracy of Best and Most Versatile designations within the site	The Energy Park comprises 50.6% Grade 3b, and 49% a mix of Grades 1 (11.1%), 2 (7.4%) and 3a (30.5%) in a complex pattern mostly intermixed with Grade 3b, such that few fields are wholly of BMV quality. A total of 81% is Grade 3.	LCC have no comments on the appropriateness and accuracy of the methodology and the results of the survey work undertaken.	NKDC's position is that the spatial approach, distribution and analysis of soil augering is acceptable relative to the size of the site. Appropriate methodologies have been adopted. NKDC agree with the proportions of BMV presented however point to there being very limited margin for professional interpretation, noting the subjectivity of overall assessment. This is relevant mindful of the near 50/50 proportions of BMV to non-BMV.	No comment.

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7.2 Not agreed	Loss of agricultural land including implications for food production and supply	<p>The Savills Report (APP-220) provides useful context to why the land is not producing food for human consumption, e.g. availability of irrigation; drainage; storage; soil quality; weed and pest burdens. Food production will remain possible due to the presence of sheep being grazed.</p> <p>Policy S67 refers to the 'loss' of the BMV land - the word loss is important in this context, as it is predominantly a change of use - not a loss.</p> <p>Taking to the rest of the Policy, it is</p>	<p>Refer to LIR paragraph 7.8.14 [REP1-028] and Written Representation [REP2-104].</p> <p>Nearly 50% of the total area of the main Energy Park comprises of BMV land and would take this land out of productive arable use for 40 years. The loss of this high-grade land is not only of significant concern to LCC in respect of this specific project and location but is also of significant concern given the cumulative and in-combination effects of such loss when taking into account other NSIP scale solar developments that are also currently being promoted across Lincolnshire that are similarly seeking to use high-grade agricultural land.</p>	<p>Not agreed. NKDC highlight that there is a near 50/50 distribution of BMV to non-BMV across the energy park site and its does not differentiate between the proportions of G1, G2 and G3(a); all are noted as Best and Most Versatile. The Council's position is that the loss of 257ha of BMV across the energy park site is 'significant' both in an individual and cumulative (with other solar NSIPs) context. NKDC consider that the Applicant has not proven that the 'need' to develop BMV land has been clearly established (by reference to CLLP policy S67, point (i), nor in relation to point (iii) that the impacts of the proposal upon ongoing agricultural operations have been minimised</p>	No comment.

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		<p>noted the need has been clearly established and insufficient lower grade land available; benefits and/or sustainability considerations outweigh the need to protect such land; taking into account the economic and other benefits; impacts upon agricultural operations have been minimised through the use of appropriate design solutions (including a Soil Management Plan) and where feasible the land will be restored. These points will form a large part of the Examination and it is not</p>	<p>Also refer to LCC response to ExQ2 LUS.2.4 (also response to Action Point ISH3-AP13) (Document reference TBC)</p>	<p>through the use of appropriate design solutions. Key areas to be considered by the ExA will be the weight afforded to best and most versatile land in planning balance and whether suitable mitigation through grazing can be secured albeit NKDCs position in principle is that mitigation does not overcome impacts on BMV land.</p>	

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>proposed to repeat them verbatim here - however the need for renewable energy is paramount; providing economic benefits locally; minimal impact as agriculture will continue with no jobs lost; and can be returned to its former use after the operational life of the project.</p>			
7.3 Agreed	Proposed uses of the land once operational	The site will remain in agriculture as it will be grazed. This is secured by legal obligation of Requirement 8, which secures the Landscape Ecological Management Plan and Requirement 19 which secures	. LCC is content that should the DCO be granted then sufficient provision/commitments have been made in the OEMP and OLEMP and the draft wording of Requirement 19 to ensure sheep grazing is secured. Notwithstanding concerns about the loss	NKDC note that the applicant has made provision/commitments in the OEMP and OLEMP and the draft wording of Requirement 19 to secure sheep grazing, the mechanism for which is agreed. Notwithstanding concerns about the loss of BMV land, NKDC is therefore	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		the Operational Environmental Management Plan (the outline of which explains the detail of sheep grazing).	of BMV land, LCC is therefore content at least with the mechanisms being offered to secure this benefit.	content at least with the mechanism being offered to secure this mitigation.	
7.4 No comment	Proposals for soil stockpiles and bunds	These will largely be in areas determined by final track positions and in proximity to where the soil is removed. Further details in Outline Soil Management Plans (document reference 7.15).	No comment.	No comment. NKDC agrees without prejudice that a Soil Management Plan can be secured by Requirement.	No comment.
7.5 Under Discussion	Soil Management Plans	Outline Soil Management Plans (Energy Park and Cable Route) are included (document reference 7.15).	Further review of the Outline Plans to be completed by LCC for Deadline 5.	Dealt with by Requirement, further discussion on additional Requirement with the Applicant (without prejudice to the Council's position regarding BMV).	No comment.
7.6 Under	Site restoration	Outline	LCC has not yet agreed	Dealt with by	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
Discussion	following decommissioning	Decommissioning and Restoration Plan are required as part of the certified documentation pack.	proposals for early decommissioning ahead of the 40 year operational time limit in the event of cessation of energy generation. Further review of the Outline Plans to be completed by LCC for Deadline 5.	Requirement the terms of which are still under discussion. NKDC has not yet agreed proposals for early decommissioning ahead of the 40 year operational time limit in the event of cessation of energy generation.	
<b>8. Landscape and Visual, and Design</b>					
8.1 No comment	The study area, including Zones of Theoretical Visibility (ZTV)	The study area and ZTV have been considered appropriately, and proportionately.	No comment.	No comment, agree with the ES.	No comment.
8.2 Not agreed	Landscape effects, identification of valued landscapes and setting of settlements	Any potential for adverse effects has been judged to be considerably limited by the existing vegetation that characterises the close to medium range landscape.	Refer to LIR, in particular definition of and application of 'significant' in relation to 'moderate effect'.	No comment, agree with the ES. The Council's position is that negative LVIA impacts accrue. Chapter 12 of the NKDC LIR refers.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
8.3 Not agreed	Visual effects and identification of sensitive receptors	Whilst certain elements of the Proposed Development would, inevitably, be more visible, for a scheme of its scale the residual landscape and visual effects arising are considered to be highly limited.	Refer to LIR [REP1-028] and Summary of Oral Representation at ISH4 [REP3-052]  Agree with LVIA in that there would be negative effects. The area is predominantly flat which would help to limit long distance views, however from close range the LVIA identifies a significant change to high and medium sensitivity receptors. There is an over reliance upon hedgerow planting for mitigation (which are not a common characteristic of the site and the immediate locality) and hedgerows of 3m to 5m would introduce a significant vertical element into views which are currently long and open and characteristic of the area. The effect	No comment, agree with the ES. The Council's position is that negative LVIA impacts accrue. Chapter 12 of the NKDC LIR refers.	No comment.



Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
			would be most notably experienced by users of country lanes to the north of the site where their views to the south would be foreshortened by very high hedges which are out of character for the area.		
8.4 No comment	Glint and glare	Considers residential properties, road, rail, air traffic and national trails. Glint is theoretically possible for many receptors before taking screening into account but is only visible to a few receptors after the existing screening is accounted for.	No comment.	No comment, agree with the ES.	No comment.
8.5 Not agreed	Mitigation proposals	The proposed mitigation planting has the potential to considerably reduce	See 8.3 above.	To be agreed by Requirement (Outline Landscape and Ecological Management Plan –	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		significant effects, which would be geographically highly limited, both in character and visual terms.		document reference 7.8).	
8.6 No comment	The Rochdale Envelope in relation to design and scale parameters and flexibility	ES complete including where Rochdale Envelope principle required.	No comment	No comment	No comment.
8.7 No comment	Consideration of good design and relevant guidance for all above ground structures including solar panels, substations and storage equipment	Since inception of the project design has been considered and updated following consultation; including set back from properties and watercourses; relocation of the substation and energy storage and routing of the grid connection to Bicker Fen	No comment	No comment	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		Substation.			
8.8 No comment	The need for a Design Approach document to guide detailed design, with consideration of future consultation and approval of detailed design proposals post-consent	The design approach document to guide detailed design is the Outline Design Principles (doc. ref. 7.1) which will be a certified document and is secured by Requirement 6 of the DCO. Consultation is a necessary part of the Examination process and is in-built into Requirement 6 for submission of the final design details.	No comment – no objection to securing by Requirement.	No comment – no objection to securing by Requirement.	No comment.
<b>9. Socio-Economics</b>					
9.1 Agreed	Economic and employment effects during all phases including on tourism and	An Outline Supply Chain, Employment and Skills Plan has been produced to optimise the	No specific comment but LCC do wish to be party of any legal agreement /contractual arrangement used to secure the	No comment other than to note that NKDC agrees that the construction and operational phases will deliver socio-economic	Potentially positive during construction, otherwise neutral.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	local businesses	<p>number of local people who will have access to employment and training opportunities arising from the Proposed Development and is secured by DCO requirement (Doc. Reference 7.12). The Applicant has included a provision to include further detail on an apprenticeship scheme amongst other initiatives, and a fund to facilitate training and apprenticeships for the operational lifetime of the development. The fund is for £50,000 per annum (index linked).</p>	<p>funding and to be involved in discussions around how this is spent given we also have an economic development interest and work with local businesses and training providers to develop and support opportunities for investment, employment and economic growth across the County.</p> <p>We agree the exact legal mechanism and/or contractual arrangements for the payment of the fee can be dealt with alongside submission and approval of the final plan.</p> <p>Also refer to LCC response to EXQ2 SE.2.1 submitted at DL4 (document reference TBC)</p>	<p>benefit but highlight some negative impact on accommodation availability during construction (to tourists).</p> <p>NKDC agrees that the oSCES [REP3-015] adequately secures the principles of the apprenticeship scheme including the principle of a fund to facilitate training and apprenticeships to a value of £50,000 per annum (index linked) for the lifetime of the scheme, given that the final scheme submitted under Requirement 16 must be in accordance with the outline scheme and NKDC have approval powers. NKDC suggests that the mechanism of a s106 is referred to in the oSCES plan as the appropriate 'legal agreement' to be entered</p>	<p>BBC agrees that the oSCES [REP3-015] adequately secures the principles of the apprenticeship scheme including the principle of a fund to facilitate training and apprenticeships to a value of £50,000 per annum (index linked) for the lifetime of the scheme, given that the final scheme submitted under Requirement 16 must be in accordance with the outline scheme and BBC have approval powers. The parties agree that the exact legal</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>The parties will work together to agree heads of terms for the s106 agreement during the examination period and proceed to enter into the section 106 agreement shortly thereafter.</p>		<p>into between the parties. The oSCES should not defer the method of securing the payment to post-determination, as currently drafted.</p> <p>The parties agree that the exact legal mechanism and/or contractual arrangements for the payment of the fee can be dealt with alongside submission and approval of the final plan, subject though to the oSCES being amended to reflect the need for a s106 Agreement to discharge this matter. However, the parties will work together to agree heads of terms during the examination period and proceed to enter into the section 106 agreement shortly thereafter.</p>	<p>mechanism and/or contractual arrangements for the payment of the fee can be dealt with alongside submission and approval of the final plan, subject though to the oSCES being amended to reflect the need for a s106 Agreement to discharge this matter. However, the parties will work together to agree heads of terms during the examination period and proceed to enter into the section 106 agreement shortly</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
					thereafter.
9.2 Agreed	Effects on local living conditions and communities including recreational impacts	<p>Whilst there are some localised significant visual effects none would be overbearing. Potential significant noise effects are identified if trenchless works is required and remains active at night, depending on the final locations where this may be required on the grid route. No recreational impact currently allowed over the majority of the Energy Park site save for nearest neighbours walking their dogs by agreement with the landowner.</p> <p>The CTMP doesn't go into detail for</p>	Topics considered within other sections of the SOCG including permissive path; construction traffic management, and landscape and visual including residential visual amenity.	Negative residential visual amenity until year 5 as per the ES. Positive on the community orchard (access by agreement) and permissive path subject to securing by Requirement. Overall agree with ES conclusions and Lavender Test. Particular consideration needed of construction impacts to Elm Grange School. CEMP and OEMP to be secured by Requirement; under discussion.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		<p>each road crossing as typically traffic management would be determined by the contractor. However, para. 7.26 suggests that it may be necessary to implement some night-time closures on the A17. The CTMP suggests that drills may be required for the A17, railway line and South Forty Foot Drain but a worse case for the traffic and access considers trench and duct. Paragraphs 7.30 to 7.36 suggest that the traffic will likely be managed by either give and take, stop/go boards, temporary</p>			

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
		traffic signals or as a last resort, a road closure. In terms of impacts on residents, the CTMP at para. 7.24 notes that it is envisaged the cable run will be constructed outside the peak construction for the Energy Park to minimise conflict and impact on the highway network, and at paragraph 7.25 suggests that before construction a letter will be delivered to the nearest properties.			
<p><b>10. Traffic and Transport</b></p>					
10.1 Agreed / No comment	Access proposals  Effects on the local and strategic road	Scheme amended prior to submission to incorporate Triton Knoll access track to avoid	Traffic and transport, subject to agreement with Construction Traffic Management Plan and Construction	No comment.	No comment subject to LCC agreement.



Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	<p>networks, rail network and public rights of way (considered under 10.3)</p> <p>Effects on non-motorised users, public rights of way and bridleways</p>	<p>Bicker village and residents on Cowbridge Road for the Applicant's construction traffic. Discussions are ongoing with National Grid to secure appropriate measures for construction of the Bicker Fen extension and seek to minimise the impact on residents along Cowbridge Road. Tracks connecting to the grid route corridor are included to ensure they can be maintained for grid route access, e.g. repair potholes etc.</p>	<p>Environmental Management Plan this is considered neutral with no fundamental concerns. There is an impact but can be dealt with through Requirement. Further detail including in the LIR and Responses to First Written Questions.</p>		
<p><b>11. Water Environment and Flood Risk</b></p>					
<p>11.1 Agreed / No comment</p>	<p>Flood Risk Assessment (FRA)</p>	<p>Considered as part of Chapter 9, and a</p>	<p>No comment.</p>	<p>Sequential test noted above, to be agreed</p>	<p>No comment.</p>

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	including identification of risk zones and climate change allowance	separate appendix.		interpretation of sequential test and alternatives. Exception Test likely to be passed is agreed. No comment in relation to identification of risk zones and climate change allowance. NKDC has no comments on the Flood Risk Assessment.	
11.2 No comment	Surface water drainage strategy	Considered as Part 2 of the FRA which is an appendix to Chapter 9. Predominantly swales at field edges.	No comment.	Agreed/no comments.	No comment.
11.3 Agreed / No comment	Water quality including groundwater	Considered within Chapter 9 of the ES.	No comment.	Agreed/no comments.	No comment.
11.4 Agreed / No comment	Watercourse crossings	Considered within Chapter 4 of the ES.	No comment.	Agreed/no comments.	No comment.
11.5 Agreed / No comment	The Water Framework	Considered within Chapter 9 of the	No comment.	Agreed/no comments.	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	Directive	ES.			
<b>12. Other Matters</b>					
12.1 Agreed / No comment	The Environmental Statement including its scope, methodology, baseline, likely significant effects, in-combination effects, mitigation measures and management plans.	All environmental constraints and sensitive receptors relevant to the determination of the application have been considered in the application plans and documents.  The submitted EIA assesses the realistic worst-case effects of the development.	Methodology of LVIA as outlined above.	NKDC confirm that the methodology, likely significant effects, in-combination effects for all chapters is agreed. REP2-048 and 2-036 now advance the baseline evidence in relation to archaeology.  NKDC agree that in principle Requirements can be drafted to agree mitigation measures and management plans. Regardless of the discussions in relation to mitigation of impacts in relation to BMV land (sheep grazing), NKDC does not agree that this will fully mitigate those impacts. NKDC agrees that Requirements can address remaining archaeological and	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
				ecological matters including evidence of ability to deliver the BNG amounts as predicted (min. 65%).	
12.2 No further comment	The need case, site selection and consideration of alternatives.	ES complete and considers alternative layouts and back check review on other sites. Planning Statement includes Need Case. The Applicant details local Policy S67 above; and further consideration of EN-1, and it's latest Draft are covered in the Statement of Need and Planning Statement.	Refer to Section 5.10 above.	The general 'need' case is not challenged, site selection is covered under Flood Risk and alternatives. NKDC does not consider that the 'need' to develop BMV land has been fully justified by reference to national and local policy. Alternative layouts have been considered, and NKDC notes removal of some areas of BMV from the draft Order Limits during pre-application albeit it maintains that additional areas of BMV land could have been removed.	Refer to Section 5.10 above.
12.3 Agreed	Cumulative effects with other NSIPs	ES considers cumulative	Refer to Section 5.4 above.	Beacon Fen, Fosse Green and Springwell, and	No comment.

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	and major projects in the region.	schemes including a further interrelationship report to be used as part of the Examination.		Lincolnshire Reservoir – not addressed in detail owing to timescales of submission. Two further TCPA 1990 sub-50MW solar farms at Little Hale Fen (live planning application) and Screddington (EIA Screening) also highlighted. NKDC highlights a particular concern regarding cumulative BMV impacts with other NSIP solar projects in Lincolnshire. The Interrelationship Report now considers these schemes (REP1-021).	
12.4 Not resolved	Planning policy compliance.	Planning Statement and Chapter 5 consider the compliance with local and national planning policy.	Refer to Section 5.12 above.	Not agreed primarily in relation to BMV. See NKDC LIR and WR for discussion of policy compliance for specific technical areas.	No comment.
12.5 Agreed	The dDCO, its	Further details	Refer to Section 3 above.	Refer to Section 3 above.	Refer to Section 3

Reference and Status	Topic	Applicant's Position	LCC's Position	NKDC's Position	BBC's Position
	Articles and Requirements.	available in the Explanatory Memorandum.	Under Discussion.	Under Discussion.	above. Under Discussion.
12.6 Agreed / No comment	Any other matters raised by interested local residents, Members of the Council and internal consultees.	Agri-voltaics considered by subsequently ruled out. Compromise is reducing the Order Limits and areas remaining in arable agriculture along the southern and western boundary.	No further comment in addition to the above.	No comment. See above in relation to cumulative effects and fire risk (battery selection) raised by NKDC Members in debate of the NKDC LIR. These matters will be set out in the Written Representation.	No comment.

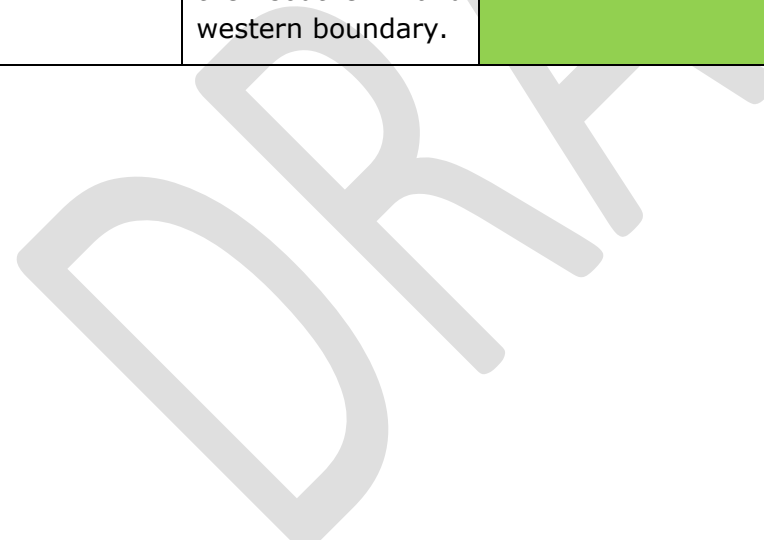


Table 3 – Local Policies considered important and relevant

<b>South East Lincolnshire Local Plan 2011-2036 (adopted March 2019) (SELLP)</b>		<b>BBC LIR</b>	<b>LCC LIR</b>
Policy 1	Spatial Strategy		✓
Policy 2	Development Management	✓	✓
Policy 3	Design of New Development		✓
Policy 4	Approach to Flood Risk		✓
Policy 28	The Natural Environment	✓	✓
Policy 29	The Historic Environment	✓	✓
Policy 30	Pollution	✓	✓
Policy 31	Climate Change and Renewable and Low Carbon Energy	✓	✓
Policy 33	Delivering a More Sustainable Transport Network		✓
<b>Central Lincolnshire Local Plan 2023-2040 (adopted April 2023) (CLLP)</b>		<b>NKDC LIR</b>	<b>LCC LIR</b>
Policy S1	The Spatial Strategy and Settlement Hierarchy	✓	
Policy S2	Level and Distribution of Growth	✓	
Policy S5	Development in the Countryside		✓
Policy S10	Supporting a Circular Economy	✓	✓
Policy S11	Embodied Carbon	✓	✓
Policy S12	Water Efficiency and Sustainable Water Management		✓
Policy S14	Renewable Energy		
Policy S16	Wider Energy Infrastructure	✓	✓
Policy S21	Flood Risk and Water Resources		
Policy S28	Spatial Strategy for Employment	✓	
Policy S47	Accessibility and Transport	✓	✓
Policy S50	Community Facilities	✓	✓
Policy S53	Design and Amenity	✓	✓
Policy S54	Health and Wellbeing	✓	✓
Policy S57	The Historic Environment	✓	✓
Policy S59	Green and Blue Infrastructure	✓	✓
Policy S60	Protecting Biodiversity and Geodiversity	✓	✓

Policy S61	Biodiversity Opportunity and Delivering Measurable Net Gains		
Policy S66	Trees, Woodland and Hedgerows		✓
Policy S67	Best and Most Versatile Agricultural Land		✓
Policy S84	Ministry of Defence Establishments	✓	

**Table 4 – Management Plans**

	<b>LCC’s position</b>	<b>NKDC’s Position</b>	<b>BBC’s Position</b>
Outline Construction Traffic Management Plan	TBC	TBC	TBC
Outline Energy Storage Safety Management Plan	TBC	TBC	Agreed
Outline Landscape Ecological Management Plan	TBC	TBC	Agreed
Outline Written Scheme of Investigations – Evaluation & Mitigation	Agreed	Agreed	Agreed
Outline Construction Environmental Management Plan	TBC	TBC	Agreed
Outline Supply Chain, Employment and Skills Plan	TBC	TBC	Agreed
Outline Decommissioning and Restoration Plan	TBC	TBC	Agreed
Outline Operational Environmental Management Plan	TBC	TBC	Agreed
Outline Soil Management Plan	TBC	TBC	Agreed



**SIGNATORIES**

The above SoCG is agreed between Ecotricity (Heck Fen Solar) Limited ("the Applicant"), North Kesteven District Council, Lincolnshire County Council and Boston Borough Council, as specified below.

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

Name:	Laura White
Job Title:	Senior Development Manager
Date:	
Signature:	

Duly authorised for and on  
behalf of Lincolnshire County Council

Name:	Neil McBride
Job Title:	Head of Planning
Date:	
Signature:	

Duly authorised for and on  
behalf of North Kesteven District Council

Name:	
Job Title:	
Date:	
Signature:	

Duly authorised for and on  
behalf of Boston Borough Council

Name:	
Job Title:	
Date:	
Signature:	