

Heckington Fen Solar Park

EN010123

Cover Letter Deadline 5

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: ExA.CL-D5.V1

Deadline 5: 13th February 2024

February 2024



Susan Hunt
Examining Authority
By Email

Dear Ms Hunt

13 February 2024

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

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

Applicant Response to Deadline 5 (applicant document reference – ExA.CL-D5.V1)

Introduction

Following the Rule 17 Letter and Deadline 4, the Applicant provides responses below and within the enclosed Deadline 5 submission documents.

Deadline 4 submission documents

Document Reference	Title
ExA.ResponseD4Sub-D5.V1	Applicant Response to Deadline 4 Submissions
ExA.AppResponseR17-D5.V1	Applicant Response to Rule 17 Letter
ExA.JPSBeaconFen.D5.V1	Joint Position Statement with Beacon Fen Energy Park Limited
1.4 Revision 8	Guide to the Application
ExA.BFInterface.D5.V1	Interface Area Plan
2.2 Revision 6	Works Plan
ExA.SP-D5.V3 Revision 3	Supplementary Plan: Individual sheets showing isolated work areas for sheets 5, 6, 12, and 13 of the Works Plans
3.1 Revision 7	Draft DCO including word version
3.1	Draft DCO Tracked against Application Version
3.2 Revision 2	Draft DCO Validation Confirmation
3.3 Revision 7	Explanatory Memorandum
3.3	Explanatory Memorandum Tracked against Application Version
ExA.SCHDCO-D5.V1	Schedule of Changes to the draft Development Consent Order
4.1 Revision 3	Statement of Reasons
4.3 Revision 7	Book of Reference
4.4 Revision 7	Schedule of Negotiations with Statutory Undertakers and Landowners
ExA.IRRReport-D5.V3 Revision 3	Interrelationship with other Nationally Significant Infrastructure Projects
ExA.ESLN-Cumulative-D5.V4 Revision 3	ES Technical Note- Updated Information on Cumulative Projects
ExA.ESLN-Access-D5.V1	ES Transport and Access Technical Note- Assessment of Triton Knoll Access Track, Doubletwelves Drove and Bicker Drove
6.1.6 Revision 3	Chapter 6- Landscape and Visual
7.5 Revision 4	Consents and Licences Required Under Other Legislation
7.6a Revision 4	Statement of Common Ground with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council
7.6c Revision 3	Statement of Common Ground with Black Sluice Internal Drainage Board
7.6d Revision 3	Statement of Common Ground with Environment Agency
7.6f Revision 3	Statement of Common Ground with National Gas Transmission plc

Document Reference	Title
7.6g Revision 3	Statement of Common Ground with National Grid Electricity Transmission plc
7.6h Revision 3	Statement of Common Ground with National Grid Ventures (Viking Link Ltd)
7.6i Revision 3	Statement of Common Ground with Natural England
7.6j Revision 3	Statement of Common Ground with Network Rail Infrastructure Ltd
7.6k Revision 3	Statement of Common Ground with Triton Knoll OFTO Limited
7.7 Revision 6	Outline Construction Environmental Management Plan
7.8 Revision 6	Outline Landscape and Ecological Management Plan
7.9 Revision 4	Outline Decommissioning and Restoration Plan
7.10 Revision 5	Outline Construction Traffic Management Plan
7.12 Revision 4	Outline Supply Chain, Skills and Employment Plan
7.15 Revision 3	Outline Soil Management Plan
ExA.oOEMP-D5.V3 Revision 3	Outline Operational Environmental Management Plan
ExA.SOC-D5.V4 Revision 4	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 8) for a full list of the documents enclosed.

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

1. Applicant Response to Deadline 4 Submissions

The Applicant has summarised documents submitted at Deadline 4 and provided a response, this includes other parties' responses received to the Second Written Questions.

2. Applicant Response to Rule 17 Letter

The Applicant has responded to the Rule 17 Letter in this document which signposts to the relevant location in the application documents. Furthermore, this contains the agreed Heads of Terms for the Section 106 with the RPAs as an appendix.

3. Plans

For the avoidance of doubt, the Applicant has added Work Package 3 to the key for the central energy storage and substation area shown in pink on sheet 5 of the Works Plan (document reference 2.2); the Applicant has also updated the Supplementary Plans (ExA.SP-D5.V3) for completeness. There is no greater level of work required as the change has been made simply to ensure there is clarity that a construction compound can be provided in this area when the substation and energy storage are being built out. This is shown on the Indicative Site Layout (Figure 2.1, APP-078).

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. The update at Deadline 5 captures the Beacon Fen Preliminary Environmental Information Report (PEIR) which was shared during Statutory Consultation on 22 January 2024 and the PEIR for the Springwell Solar Farm DCO, as published on 11 January 2024. Similarly, the ES Technical Note - Updated Information on Cumulative Projects has been updated with this information and submitted at Deadline 5

5. Progress Schedules

The following Progress Schedules are provided:

- Land and Rights related matters including Protective Provisions and Statutory Undertakers: Document Reference 4.4 (Revision 7) - 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 8) - Guide to the Application (with tracked and clean versions); and

- Consents and Licences Required Under Other Legislation: Document Reference 7.5 (Revision 4) (with tracked and clean versions).

The Book of Reference has been updated, with an explanation of the changes contained at Appendix 1 of this Cover Letter.

6. Statements of Common Ground (SOCG)

A final SOCG with the Relevant Planning Authorities (RPAs) is submitted at Deadline 5. A signature from Boston Borough Council is outstanding due to signatory availability and will follow at Deadline 6.

A signed SOCG with the Black Sluice Internal Drainage Board is submitted at Deadline 5; a clean version is submitted as only the signature control box has changed.

A signed SOCG with Network Rail is submitted at Deadline 5. The Environment Agency, National Grid Gas, National Grid Electricity Transmission, National Grid Viking Link plc, and Triton Knoll OFTO Limited are considered final, with the main outstanding points relating to agreements over the land or side agreements to the Protective Provisions. The Applicant will work with these undertakers to submit signed versions of the SOCGs for Deadline 6.

The Statement of Commonality includes a list of matters not agreed.

7. Outline Plans

The Outline Construction Traffic Management Plan (OCTMP) has been updated to include reference to National Grid Electricity Transmission (NGET) HGV construction traffic using Triton Knoll access track rather than Cowbridge Road. This is following consultation responses received during the course of the Proposed Development and to avoid receptors on Cowbridge Road. The alternative route utilising Triton Knoll, Doubletwelves Drove, Bicker Drove and Vicarage Drove avoids all residential receptors. NGET agrees that HGVs associated with the construction of the Bicker Fen National Grid Substation extension works (Work No. 6B and 6C) will be routed via the Triton Knoll access track onto Doubletwelves Drove, Bicker Drove, and Vicarage Drove save in the event of an emergency or as a result of matters outside of its control (including, but not limited to, the Triton Knoll access track being blocked or impassable). It should be noted that NGET can utilise this route only because it sits within the DCO and only for the purposes of the construction of the substation extension works in the Order (Work No. 6B and 6C). All other vehicles accessing the existing National Grid Bicker Fen Substation for other operational or construction purposes (now and in the future) except for the National Grid Bicker Fen Substation extension works in the Order will not benefit from the necessary access rights to utilise the Triton Knoll access track and will access the National Grid Bicker Fen Substation from the existing routes.

For completeness, the Applicant has assessed any environmental implications from 100% of the construction traffic using the Triton Knoll access track route for the purposes of both the Applicant's works at the Bicker Fen Substation (Work No.6A) and National Grid's works (Work No.6B and 6C); the Applicant has provided a standalone ES Transport and Access Technical Note at Deadline 5 (ExA.ESATN-Access-D5.V1). This concludes that the impacts at link eight (Triton Knoll Access Track), link nine (Doubletwelves Drove) and link ten (Bicker Drove – north of Vicarage Drove) during the construction period would be Negligible (i.e. Not Significant).

The Outline Construction Environmental Management Plan has been updated to reflect the changes to the OCTMP above and set out provision for quail surveys.

The Outline Operational Environmental Management Plan (OOEMP) has been amended to take account of some of NKDC's comments in relation to grazing the solar park site. It is not considered necessary to make all the changes proposed as it is considered important to keep the flexibility on the number of sheep on site to ensure the BNG standard is maintained, rather than confirming 4 to 8 sheep at this time. A minimum number has been inserted to demonstrate that the grazing operations onsite are not tokenism. Furthermore, the extended period of non-generation is considered in the OOEMP and the wording has been agreed with the RPAs. The Outline Decommissioning and Restoration Plan

(ODRP) has not been updated with this, as the period of non-generation as outlined in the OOEMP will trigger the ODRP.

However, the ODRP has been updated to reflect a 72 hour notification period should a failure of a mitigation been found during the decommissioning. Quarterly reporting will summarise this, and due regard to reasonable mitigations suggested by the RPAs will be considered following notification. This position has been agreed with the RPAs.

The Outline Landscape and Ecological Management Plan has been updated to take account of the skylark mitigation proposed (as agreed with NKDC), predominantly covering the off-site requirements.

The Outline Supply Chain, Employment and Skills Plan has been updated to capture NKDC's comments at Deadline 4.

The Outline Soil Management Plan (OSMP) has been updated following discussions with Natural England and makes both the Energy Park and the Cable Route SMPs consistent. The reason for having two parts to the OSMP is to separate out the Energy Park measures from the measures for the cable route and capture the methodology for pre-construction soil sampling on the cable route to ensure soils handling is tailored to soil type.

8. Comments on the Report on the Implications of European Sites (RIES)

The RIES was issued by the ExA on 23 January 2024 and requested comments on its contents by Deadline 5. In particular, the ExA sought confirmation that the ExA's understanding of the screening and adverse effects on integrity (AEoI) conclusions for the identified European sites at Table A1 in Annex 1, is correct at the point of the RIES publication. The Applicant confirms it has no further comments and considers the RIES was correct at the time of publication. The Applicant notes Natural England have raised no concerns or objections in this regard also.

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

Yours sincerely,



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APPENDIX 1 – Book of Reference Update

Upon review of the Book of Reference for Deadline 5 and in response to the Examining Authority's comments within Annex A of the Rule 17 letter, point A4, the Applicant's Land Referencing team has conducted further analysis into the data used for the land referencing and identified further amendments which required updating.

Through this review, several Category 2 land interests and edits to qualifiers have been made to ensure the ownership structure of the land is reflected as accurately as possible.

Legal advice has been sought when considering if these changes are necessary and all have been deemed appropriate.

A summary of the changes:

1. Further Category 2 rights interests have been added from the additional HM Land Registry title review, however all of these are for interested parties who already exist within the Book of Reference. This has been reflected in all parts.
 - a. Parts 1, 2 and 3 affected plots – 12, 60A-C, 63A, 66A-B, 67B-D, 68A-F, 75A-J, 76A-B, 89, 94, 99A-I, 100A-B, 101A-C, 107A-B, 108A-C, 274, 282, 287, 290, 298 and 301.
2. After consultation with, and confirmation from, Christopher and Rosemary Hinge of Royalty Farm Cottage, their interests in plots 66A, 66B, 68A, 68B, 68C, 68D, 68E and 68F have now been removed from all parts of the Book of Reference and their only interest lies within plot 63A. They have been written to by the Applicant to confirm this.
3. Vicarage Drove Energy Centre Limited have been removed from plots 101B and 101C within Part 2 as these are an option agreement interest which is yet to be activated.
4. Black Sluice Internal Drainage Board have been removed from plot 108A in Parts 2 and 3 as this land is identified as not containing a drain within their jurisdiction.
5. The structure of the ownership and rights interests associated with "The Trustees of the De Lisle Family Fund" have been amended to accurately reflect how their interest will be registered in HM Land Registry. This is now reflected in all their Freehold Category 1 and Category 2 interests within all parts.

A tracked change version and clean version have been submitted to the Examining Authority at Deadline 5.