

Heckington Fen Solar Park

EN010123

Statement of Common Ground with Natural England

Applicant: Ecotricity (Heck Fen Solar) Limited

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STATEMENT OF COMMON GROUND

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1. INTRODUCTION

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Ecotricity (Heck Fen Solar) Limited ("the Applicant") in conjunction with Natural England ("NE").
- 1.2 The proposed development comprises the construction, operation (including maintenance), and decommissioning of a ground mounted solar photovoltaic (PV) electricity generation and energy storage facility (hereafter referred to as "the Energy Park"), cable route to, and above and below ground works at, the National Grid Bicker Fen Substation (hereafter referred to as "the Proposed Development" (inclusive of Energy Park)) on land at Six Hundreds Farm, Six Hundreds Drove, East Heckington, Sleaford, Lincolnshire.
- 1.3 In this SoCG:
- "Agreed" indicates where the issue has been resolved
 - "Not Agreed" indicates a final position of the parties that is not agreed, and
 - "Under discussion" indicates where these points are the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 1.4 It can be taken that any matters not specifically referred to in this SoCG are not of material interest or relevance and therefore have not been considered further. It is recognised however that engagement between all parties will need to continue due to their joint interest in matters arising from the Proposed Development.
- 1.5 The purpose of the SoCG is to identify the areas where the principal parties do not agree and remain in dispute. This will allow the Examination to focus on the most pertinent issues.

Development Consent Order

- 1.6 It is agreed that either North Kesteven District Council and/or Boston Borough Council will act as a relevant planning authority in relation to the discharging of the requirements of the DCO applicable to its administrative area and LPA boundary. Where the expertise of LCC is required then the County Council will either be the discharging authority or subject to consultation during the approval process.

Impacts of the development

- 1.7 It is agreed that all environmental constraints and sensitive receptors relevant to the determination of the application have been considered in the application plans and documents.
- 1.8 It is agreed that the development proposed is an EIA development, and the submitted EIA assesses the realistic worst-case effects of the development.
- 1.9 The parties agree that, with the exception of the impacts listed under Section 2 (Matters to be agreed), the proposal includes mitigation measures that will reasonably and satisfactorily address all other substantive impacts of the proposal necessary to make the development acceptable in planning terms.
- 1.10 Notwithstanding the fact that mitigation measures to address the impacts listed in Section 2 are yet to be agreed, it is agreed that these outstanding matters are capable of being addressed through the DCO requirements.

Summary of main issues agreed/not agreed

- 1.11 ~~Based on engagement to date, c~~Common ground is ~~expected to be~~ fully resolved.

2. MATTERS TO BE AGREED

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

Reference and Status	Topic	NE’s Position	Applicant’s Position
<p>1.2 Under Discussion <u>Agreed</u></p>	<p>Baseline data</p>	<p>No auger measurements were taken for the area where the cable route to Bicker Fen will be laid. NE require that land quality and soil resources is gathered for any land that is disturbed by the development, so the cabling route should be surveyed at the detailed scale. <u>NE note the Applicant will complete this prior to construction commencing in line with the Outline Soil Management Plan (REP3-017).</u></p>	<p>NE noted no auger measurements were taken for the area where the cable will be laid to Bicker Fen Substation. NE require that land quality and soil resources is gathered for any land that is disturbed by the development, so the cabling route should be surveyed at the detailed scale.</p> <p>The Applicant advocates that due to land access not being granted for intrusive soil sampling, that this be completed post-consent and at the detailed design stage. A methodology to address this has been submitted to NE for their review <u>and is contained in the OSMP (REP3-017).</u></p> <p>The Applicant also notes that draft EN-3 (2023) at paragraph 3.10.18 now states that field surveys should, if necessary, be used to establish the ALC grades of proposed solar sites. The paragraph contains no further guidance in respect of when a field survey is ‘necessary’ and what the survey should include and exclude, specifically around cabling. The previous version of draft EN-3 stated that the ALC survey ‘<i>should be extended to the underground cabling and access routes</i>’, but, following consultation</p>

Reference and Status	Topic	NE's Position	Applicant's Position
			feedback, this wording has been <u>was</u> removed from the 2023 draft of EN-3 (previously at para 2.48.14 of the 2021 draft EN-3), <u>and the designated version on 17 January 2024.-</u>
1.3 Under Discussion <u>Agreed</u>	Methodology	A proposed 7-8km of soils will be disturbed by cabling trenching activity. This will have a potential loss of BMV land, which has not been adequately considered in the assessment. As soil disturbance will occur in the trenching process, soil will need to be handled according to best practice and reinstated to a high standard to reduce the potential impacts. <u>The Outline Soil Management Plan to be submitted at Deadline 5 adequately considers soil disturbance and storage.</u>	The analogy of pushing a knife through a cake could be used, noting the small cut will not impact the larger field. When the trench is laid the soil will be excavated and handled in line with the Outline Soil Management Plan (document reference 7.15). Examples of this in the landscape have been seen with Triton Knoll and Viking Link cable routes which have now been reinstated.
2. Assessment of effects (including survey areas, baseline data and methodology) as relevant including Ecology and Biodiversity			
2.1 Agreed	Survey areas	NE's concerns regarding impacts to other elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out.	The Applicant considers the assessment is sufficient and no further comment required.
2.2 Agreed	Baseline data		
2.3 Agreed	Methodology		

Reference and Status	Topic	NE's Position	Applicant's Position
3. Effects on sites and features relevant to a Habitats Regulation Assessment			
3.1 Agreed	Shadow Habitats Regulation Assessment (sHRA)	The sHRA rules out any impacts from other pathways during construction, and from all pathways during operation. NE concurs with this assessment and the reasoning provided.	The Applicant deems no further comment is required.
4. Effects on habitats, species and designated sites			
4.1 Agreed	Habitats, species and designated sites	NE's concerns regarding impacts to other elements of the natural environment have been addressed within the ES submission and, subject to the appropriate use of DCO requirements, we consider impacts to these elements can be ruled out.	The Applicant notes this, and the comprehensive review of effects within the Environmental Statement and supporting documentation, and deem no further comment is required.
5. Mitigation and enhancement measures			
5.1 Agreed	Mitigation and enhancement	A key mitigation measure to minimise the potential detrimental impact of construction on the soil resource is that the grass sward is fully established (i.e. no bare ground), prior to the installation of the panels and associated infrastructure. This should be specified in the Outline Soil Management Plan.	An update to the Outline Soil Management Plan has been made to incorporate provision of a grass sward at Deadline 2.

Reference and Status	Topic	NE's Position	Applicant's Position
6. Biodiversity Net Gain			
6.1 Agreed	Biodiversity Net Gain Metric 3.1 used (Appendix 8.12) provided to NE on 20 th June 2023.	NE welcomes the commitment to deliver BNG and is generally supportive of the enhancements proposed through the development. The enhancements detailed within the oLEMP, are welcomed and are likely to indirectly have a positive effect.	The Applicant notes NE's comments made in relation to BNG during consultation which are generally supportive of the enhancements proposed, and detailed in the oLEMP.
7. Protected species licences			
7.1 Under Discussion Agreed	Protected species licences	The key concerns we have regarding Protected Species are the possible need for protected species licences. Without d Draft licence applications <u>have been made to</u> NE are unable to issue and a Letters of No Impediment (LoNI) <u>issued</u> .	The Applicant plans submitted to have District Level Licences drafted during the examination process in order for and NE <u>to have be able to issued</u> a Letter of No Impediment.
8. Drafting of the dDCO including Protective Provisions			
8.1 Under Discussion No comment	The appropriateness of the draft Development Consent Order including its structure, scope, provisions, requirements and protective provisions.	Natural England has no specific comments at this time on the draft DCO.	The draft DCO is based on legal precedent and includes the appropriate structure, scope, provisions, requirements and protective provisions.

Reference and Status	Topic	NE's Position	Applicant's Position
9. Drafting of Outline Construction Environmental Management Plan including Outline Soil Management Plans			
9.1 Agreed	Outline Construction Environmental Management Plan including Outline Soil Management Plans	NE welcomes the inclusion of a requirement for the CEMP and consider the measures as set out in the oCEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit.	The Applicant notes NE's comments which welcomes the inclusion of a requirement for the CEMP and consider the measures as set out in the oCEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of their remit. The Applicant notes this confirmation and notes that no further comment is required. The Outline Soil Management Plan is a standalone document (document reference 7.15).
9.2 Agreed	Post-decommissioning	Following decommissioning, the arable land is reverted to its current ALC grade and cropping regime.	The Applicant notes a commitment can be made that all efforts to revert the land to its current ALC will be undertaken during the construction, operation and decommissioning of the Energy Park at the end of its operational life. The cropping regime will be based on the economics at the time, for example whilst it is wheat at the moment, this could change in the future. An Outline Decommissioning and Restoration Plan is submitted (document reference 7.9/PS-150).

Reference and Status	Topic	NE’s Position	Applicant’s Position
9.3 Agreed	Stockpiles and volumes	Consideration for soils under access and permanent infrastructure should set out stockpile locations and volumes.	A plan of stockpile locations is included in the Outline Soil Management Plan (document reference 7.15). Whilst approximate volumes are not available an estimation of the removal of 0.3m of topsoil has been assumed. It has been assumed that soil will be stored in bund of 3m maximum in height. This would equate to approximately 1000m ² of bund per hectare of land deemed ‘sealed over’ for the substation and energy storage.
10. Drafting of Outline Landscape Ecological Management Plan			
10.1 Agreed	Drafting of Outline Landscape Ecological Management Plan	NE welcomes the inclusion of a requirement for the LEMP; and consider the measures as set out in the oLEMP to be satisfactory in protecting the elements of the natural environment which represent the key areas of our remit.	The Applicant welcomes this confirmation and notes that no further detail is needed at this stage.

3. SIGNATORIES

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

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

Name:	<u>Laura White</u>
Job Title:	<u>Senior Development Manager</u>
Date:	<u>9th February 2024</u>
Signature:	

Duly authorised for and on behalf of Natural England

Name:	<u>Caolan Gaffney</u>
Job Title:	<u>Senior Adviser – Sustainable Development</u>
Date:	<u>12th February 2024</u>
Signature:	