

Heckington Fen Solar Park

EN010123

Statement of Commonality

Applicant: Ecotricity (Heck Fen Solar) Limited

Document Reference: ExA.SOC-D5.V4

Pursuant to: APFP Regulation 5(2)(q)

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February 2024

Track Changes



STATEMENT OF COMMONALITY

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Rev 1	October 2023	Deadline 1
Rev 2	November 2023	Deadline 2
Rev 3	January 2024	Deadline 4
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1. INTRODUCTION

- 1.1 This document has been prepared in respect of an application for the proposed Heckington Fen Solar Park made by Ecotricity (Heck Fen Solar) Ltd (“the Applicant”) to the Secretary of State for Energy Security and Net Zero for a Development Consent Order (“DCO”) under section 37 of the Planning Act 2008.
- 1.2 The purpose of this document is to summarise the status and progress of all Statements of Common Ground (SoCGs) and to provide a Statement of Commonality, i.e. matters that are common to more than one SoCG.
- 1.3 Overleaf, Table 2.1 summarises the SoCG status and Section 3 provides more detail of the current position on SoCGs that are not yet finalised. In the following section, Table 4.1 shows matters that are common to several interested parties.
- 1.4 In Table 2.1 of this SoC:
- “Final and signed” indicates where issues are resolved;
 - “Final” indicates where issues are resolved but not signed;
 - “Under discussion” indicates a number of points remain under discussion between the parties;
 - “Draft shared” is whereby the Applicant is yet to receive a response from the other party; and
 - “Capable of resolution” provides a view as to whether the parties are likely to agree by the close of the Examination.

Statement of Common Ground

- 1.5 The Rule 6 Letter (PD-009) requested Statements of Common Ground with the parties listed in Table 2.1. The exception is Cadent Gas who is omitted following confirmation to the Planning Inspectorate on 14 September 2023 (AS-033) they have no assets being affected by the project.

Deadlines

1.6 The following deadlines were provided in the Rule 6 Letter (PD-009) and confirmed in the Rule 8 Letter (PD-010):

- Deadline 1 – 3 October 2023
- Deadline 2 - 7 November 2023
- Deadline 3 - Tuesday 5 December 2023
- Deadline 4 - Tuesday 16 January 2024
- Deadline 5 - Tuesday 13 February 2024 – Final SOCGs to be received.
- Deadline 6 – Tuesday 20 February 2024

2. STATEMENT OF COMMON GROUND - OVERVIEW

Table 2.1 – Overview

Party to SOCG	Deadline 1	Deadline 2	Deadline 4	Deadline 5
Boston Borough Council, North Kesteven District Council and Lincolnshire County Council	Under discussion	Updated with BBC and NKDC	Updated	Final and signed (save for BBC)
Anglian Water	Final and signed			
Black Sluice Internal Drainage Board	Single item remains under discussion, capable of resolution	No update	Final	Final and signed
Environment Agency	Under discussion, capable of resolution	Updated	No update	Final and signed
Lincolnshire Wildlife Trust	Final and signed			
National Gas Transmission plc	Under discussion, capable of resolution	No update	No update	Final
National Grid Electricity Transmission plc	Under discussion, capable of resolution	No update	No update	Final
National Grid Viking Link Ltd	Under discussion, capable of resolution	No update	No update	Final
Natural England	Draft shared	Updated	No update	Final
Network Rail Infrastructure Ltd	Draft shared	No update	No update	Final and signed
Triton Knoll OFTO Limited	Under discussion, capable of resolution	No update	No update	Final

3. PROGRESS SUMMARY

Position at Deadline ~~4~~5

3.1 This section provides a summary of the current position on individual SoCGs between the Applicant and each party at Deadline ~~4~~5 (~~16 January~~ 13 February 2024). Individual SoCGs submitted to the ExA should be referred to for the full detail on specific matters.

Boston Borough Council (BBC)

3.2 No further points remain under discussion or outstanding. ~~BBC are in agreement with the proposals for the biodiversity/connectivity linkage (as a mitigation/enhancement measure for the loss of trees at the Bicker Fen substation), which is dealt with in the Outline Landscape and Ecological Management Plan (document reference 7.8)~~ A signature from BBC is due at Deadline 6.

North Kesteven District Council

~~3.3 A small number of points, primarily in relation to the Development Consent Order (fees for discharge, and measures to take upon non-generation of electricity) remain under discussion. Archaeology and ecology have been resolved through further information or Requirements. Best and most versatile land cannot be resolved entirely, but Requirements in relation to grazing and the additional commitments offered by the Applicant in the outline Operation Environmental Management Plan at Deadline 3 (REP3-034) have assisted with moving this point along.~~

3.3 A small number of points remain not-agreed, primarily relating to the use of best and most versatile land. NKDC cannot agree the outline OEMP without updating it to reference 4 to 8 sheep. Furthermore NKDC and the Applicant disagree on the level of harm on

Kyme Tower, but acknowledge the scheme meets the public benefit test. NKDC wish to see the 65% biodiversity net gain (in habitat units) commitment increased.

Lincolnshire County Council

~~3.4 As above for North Kesteven District Council.~~

3.4 A small number of points remain not agreed, primarily relating to the use of best and most versatile land, however LCC note the outline OEMP is acceptable and appropriately secured mitigation should the scheme be granted consent. LCC wish to see the 65% biodiversity net gain (in habitat units) commitment increased. LCC as a landowner on the grid route have wished not to engage in seeking a voluntary agreement. In landscape terms the Applicant and LCC advisors disagree on the application of 'significance' in relation to a 'moderate effect'.

Anglian Water

3.5 This SOCG is final and signed.

Black Sluice Internal Drainage Board

3.6 The ~~Applicant and BSIDB have reached agreement, and this~~ SOCG is ~~considered~~ final ~~but not~~ and signed. ~~A signed version is expected at Deadline 5.~~

Environment Agency

3.7 Protective Provisions are agreed and the SOCG is final and signed. Discussions are ongoing between the Applicant's and the EA's solicitors in relation to the land agreements. ~~No further~~ A small update ~~is possible to the SOCG which is only outstanding on~~ to this point is reflected in the SOCG.

Lincolnshire Wildlife Trust

3.8 This SOCG is final and signed.

National Gas Transmission plc

~~3.9 A draft has been shared and agreed with Gas Transmission plc for Deadline 1. The draft includes a number of points that remain Under Discussion. This remains the case for Deadline 4. These are expected to be capable of resolution before Deadline 6.~~

3.9 The Applicant and National Gas Transmission confirm the side agreement is finalised subject to board approval. The objection submitted will be removed in due course.

National Grid Electricity Transmission plc

~~3.10 A draft has been shared and agreed with NGET for Deadline 1. A single point remains Under Discussion. This remains the case for Deadline 4. These are expected to be capable of resolution before Deadline 6.~~

3.10 The Applicant and National Grid Electricity Transmission plc confirm the side agreement is finalised subject to board approval. The representation submitted will be removed in due course, which is expected before the close of Examination.

National Grid Viking Link Ltd

~~3.11A draft has been shared and agreed with National Grid Viking Link Ltd for Deadline 1. The draft includes a number of points that remain Under Discussion. This remains the case for Deadline 4. These are expected to be capable of resolution before Deadline 6.~~

3.11 An updated draft has been shared and agreed with National Grid Viking Link Ltd (NGVL) for Deadline 5. The final draft SoCG includes agreement that the parties are in the final stages of negotiating commercial terms. The principle of the bespoke protective provisions

included at Part 10, Schedule 13 of the DCO at Deadline 5 are agreed save for one point which the Applicant has included at paragraph 112 of Schedule 13, Part 10 of the DCO; this requires that any further agreement/deed of consent to be entered into between the parties for the purpose of crossing NGVL's assets (or which is otherwise required) cannot be "unreasonably withheld". Once the commercial side agreement is complete, NGVL will withdraw its objection.

Natural England

~~3.12 Comments were received from Natural England on 1 November 2023; a revised draft is submitted for Deadline 2. Further discussions are required to address their comments about soil management and to progress the draft District level licences. No update is proposed for Deadline 4.~~

3.12 Following a call between Natural England's and the Applicant's advisors the Outline Soil Management Plan is agreed. A Letter of No Impediment has been received from Natural England.

Network Rail Infrastructure Ltd

~~3.13 A draft has been shared with Network Rail on 5 September 2023. No response has been received. This remains the case for Deadline 4.~~

3.13 An in-principle agreement to commercial terms with Network Rail has been received, and their objection is expected to be removed once the agreement has progressed. An updated SoCG has been agreed with Network Rail (NR) which reflects the same. The Protective Provisions included at Part 8, Schedule 13 of the DCO are in agreed form subject to one point, which relates to a restriction on the Applicant from compulsorily acquiring rights and interests required for the delivery of the Proposed Development from NR without NR's prior consent.

Triton Knoll OFTO Limited

~~3.14 A draft has been shared and agreed with Triton Knoll for Deadline 1. The draft includes a number of points that remain Under Discussion. This remains the case for Deadline 4. These are expected to be capable of resolution.~~

3.14 An updated SOCG has been agreed with Triton Knoll (TK) and legal discussions are progressing and it is expected that their objection will be removed once the documentation is signed. The SoCG reflects that the Applicant and TK have agreed protective provisions save for one paragraph (paragraph 134, at Part 12 of Schedule 13) which restricts the Applicant's ability to use compulsory acquisition powers over TK's access track.

4. LIST OF MATTERS NOT AGREED WHERE SOCG COULD NOT BE FINALISED

4.1 Whilst the majority of SoCGs are considered complete/final at Deadline 5 (as illustrated in Table 2.1), due to signature availability, it has not been possible to obtain signatures on some of these (namely: National Gas Transmission Plc, National Grid Electricity Transmission Plc, National Grid Viking Link Ltd, and Triton Knoll). The Applicant expects to be able to submit signed versions of these documents for Deadline 6 and will continue to work to resolve the remaining commercial points.

5. ~~4~~ STATEMENT OF COMMONALITY

5.1 ~~4.1~~The following table Table 4.1 sets out matters that are common to SoCGs that have been drafted, and is guided by the Rule 6 Letter (PD-009). ~~It is subject to change as SoCG discussions are progressed.~~ A tick (✓) - denotes the subject is included.

5.2 ~~4.2~~The colours within Table 4.1 denote whether the topic is:

Agreed or no comment	Under discussion	Not agreed
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Table 4.1 – Statement of Commonality

Interested Party / Topic	Biodiversity, Ecology and the Natural Environment	Habitats Regulations Assessment	Biodiversity Net Gain	Compulsory Acquisition	Draft Development Consent Order	Energy Generation and Storage	General and Cross-Topic Matters	Historic Environment	Land Use and Soils	Landscape and Visual, and Design	Socio-Economics	Traffic and Transport	Water Environment and Flood Risk	Other Matters	Cumulative Effects	Effects on Operations	Relevant other byelaws, agreements, consents and licences
Boston Borough Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
North Kesteven District Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Lincolnshire County Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓
Anglian Water					✓								✓			✓	
Black Sluice Internal Drainage Board					✓								✓			✓	✓
Environment Agency				✓	✓								✓				✓
Lincolnshire Wildlife Trust	✓	✓	✓		✓										✓		✓
National Gas Transmission plc					✓											✓	
National Grid Electricity Transmission plc					✓											✓	✓
National Grid Viking Link Ltd				✓	✓											✓	
Natural England	✓	✓	✓		✓				✓					✓			✓
Network Rail Infrastructure Ltd				✓	✓											✓	
Triton Knoll OFTO Limited				✓	✓											✓	

Boston Borough Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
North Kesteven District Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Lincolnshire County Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Anglian Water					✓								✓			✓	
Black Sluice Internal Drainage Board					✓								✓			✓	✓
Environment Agency				✓	✓								✓				✓
Lincolnshire Wildlife Trust	✓	✓	✓		✓									✓			✓
National Gas Transmission plc					✓											✓	
National Grid Electricity Transmission plc					✓											✓	✓
National Grid Viking Link Ltd					✓											✓	
Natural England	✓	✓	✓		✓				✓				✓				✓
Network Rail Infrastructure Ltd					✓											✓	
Triton Knoll OFTO Limited					✓											✓	

UPDATED

Interested Party / Topic	iversity, Ecology and Natural Environment	itats Regulations Assessment	iversity Net Gain	ulsory Acquisition	ft Development Consent Order	Y Generation and Storage	al and Cross-Topic Matters	oric Environment	nd Use and Soils	ape and Visual, and Design	ocio-Economics	fic and Transport	r Environment and Flood Risk	Other Matters	mulative Effects	cts on Operations	ant other byelaws, nents, consents and licences
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Table 4.1 – Statement of Commonality

Interested Party / Topic	Biodiversity, Ecology and the Natural Environment	Habitats Regulations Assessment	Biodiversity Net Gain	Compulsory Acquisition	Draft Development Consent Order	Energy Generation and Storage	General and Cross-Topic Matters	Historic Environment	Land Use and Soils	Landscape and Visual, and Design	Socio-Economics	Traffic and Transport	Water Environment and Flood Risk	Other Matters	Cumulative Effects	Effects on Operations	Relevant other byelaws, agreements, consents and licences
Boston Borough Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
North Kesteven District Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
Lincolnshire County Council	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓
Anglian Water					✓								✓			✓	
Black Sluice Internal Drainage Board					✓								✓			✓	✓
Environment Agency				✓	✓								✓				✓
Lincolnshire Wildlife Trust	✓	✓	✓		✓										✓		✓
National Gas Transmission plc					✓											✓	
National Grid Electricity Transmission plc					✓											✓	✓
National Grid Viking Link Ltd					✓											✓	
Natural England	✓	✓	✓		✓				✓					✓			✓
Network Rail Infrastructure Ltd					✓											✓	
Triton Knoll OFTO Limited					✓											✓	

Updated