

Heckington Fen Solar Park

EN010123

Statement of Commonality

Applicant: Ecotricity (Heck Fen Solar) Limited

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

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STATEMENT OF COMMONALITY

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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 5

- 3.1 This section provides a summary of the current position on individual SoCGs between the Applicant and each party at Deadline 5 (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. A signature from BBC is due at Deadline 6.

North Kesteven District Council

- 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 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 SOCG is final and signed.

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. A small update 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 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 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

3.11 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 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 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 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. STATEMENT OF COMMONALITY

5.1 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). A tick (✓) - denotes the subject is included.

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

| | | |
|----------------------|------------------|------------|
| Agreed or no comment | Under discussion | Not agreed |
|----------------------|------------------|------------|

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 | ✓ | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | |

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|--|---|---------------------------------|-----------------------|------------------------|---------------------------------|-------------------------------|---------------------------------|----------------------|--------------------|----------------------------------|-----------------|-----------------------|----------------------------------|---------------|--------------------|-----------------------|---|
| 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 | | | | ✓ | ✓ | | | | | | | | | | | ✓ | |

| 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 | | | | | ✓ | | | | | | | | | | | ✓ | |

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