

# Heckington Fen Solar Park

EN010123

## Applicant Response to Deadline 5 Submissions

Applicant: Ecotricity (Heck Fen Solar) Limited

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## APPLICANT RESPONSE TO DEADLINE 5 SUBMISSIONS

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**1. INTRODUCTION**

1.1 The purpose of this document is to provide responses from the Applicant to the documents and submissions received from Interested Parties at Deadline 5.

1.2 The following documents were submitted by Interested Parties at Deadline 5:

- Boston Borough Council (**REP5-066**);
- North Kesteven District Council (**REP5-067**);
- Environment Agency (**REP5-068**);
- Network Rail (**REP5-069**); and
- Schrodgers Greencoat (**REP5-070**).

1.3 The documents received at Deadline 5 as noted above are summarised in the tables below, along with the Applicant’s response.

**Table 1 – Boston Borough Council (BBC) (REP5-066)**

Topic	BBC Comment	Applicant Response
Section 106	BBC were provided with a copy of 'AGREED FORM – Heads of Terms + plan – Heck Fen s106 – Deadline 5.pdf' by the Applicant. BBC are content with the contents of that document.	The Applicant thanks BBC for this confirmation, which was also confirmed as part of the Statement of Common Ground with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council ( <b>REP5-037</b> ). The Applicant will work with BBC and the other RPAs to finalise the Section 106 Agreement.

**Table 2 – North Kesteven District Council (NKDC) (REP5-067)**

Topic	NKDC Comment	Applicant Response
Rule 17 – Annex C Question C2 – Skylark mitigation strategy  And  Outline Landscape and Ecological Management Plan	NKDC summarise their previous position and an update following the Rule 17 Letter and Deadline 4. NKDC summarise discussions with the Applicant which notes that an element of the skylark mitigation will be delivered in partnership with a local landowner, and a memorandum of understanding will be provided as an Appendix to the updated oLEMP to evidence the agreement. The updated oLEMP also makes provision for the 16-28 territories to be provided in locations and through a mechanism to be agreed with the Lincolnshire Wildlife Trust (LWT) as part of a strategic approach with other solar NSIP developers in Lincolnshire, should this need arise. NKDC are content that the detail of mitigation of impacts on skylark can be addressed through the detailed LEMP and associated Requirement applying the above approaches.	The Applicant confirms a memorandum of understanding is included in the oLEMP ( <b>REP5-056</b> ). The cascade approach of skylark mitigation is considered sufficient in the oLEMP and the Applicant thanks NKDC for confirming it is now satisfied.
DCO Schedule of Changes ( <b>REP4-050</b> )	NKDC notes the deletion of Metric 4.0 and replacement with the Statutory Metric. NKDC received a comparison	The Applicant has progressed the Statutory Metric in the draft DCO (REP5-020) and the

Topic	NKDC Comment	Applicant Response
Schedule Requirement 2, 8(2)(c)	document showing Metric 4.0 and the Statutory Metric in relation to actual BNG unit delivery on site will result in a gain of 20.18 habitat units. NKDC is content with Requirement 8 referring to the use of the Statutory Metric rather than version 4.0.	Applicant thanks NKDC for confirming it is now satisfied.
Schedule Requirement 2, 8(3)	NKDC are pleased to note the increase from 5 to 7 years.	The Applicant notes this comment.
Schedule Paragraph 14, 5(1)	The RPAs have continued dialogue with the Applicant regarding the Requirement for the fee discharge schedule. NKDC has reached agreement on the proposed schedule of fees.	The Applicant confirms this fee schedule has been inserted into the draft DCO ( <b>REP5-020</b> )
Schedule paragraph 14, 5(3) ( <i>sic</i> )	NKDC agree that this amendment is necessary regardless of the final discharge fee agreed between the parties.	The Applicant agrees that the refund mechanism at paragraph 3 of Schedule 14 is to remain and is included in the final draft DCO ( <b>REP5-020</b> ).
Outline Supply Chain, Employment and Skills Plan	NKDC provides further context on the Heads of Terms for the Section 106, the education and training provision organisations and the purpose.	The Applicant thanks NKDC for their confirmation on these points and confirms that the beneficiaries of the fund will be subject to agreement at the time of issue as outlined in the Heads of Terms for the Section 106 as appended to <b>REP5-003</b> . The Applicant agrees with the purpose as detailed by NKDC.
Outline Operational Environmental Management Plan	<p>NKDC agrees with the revised wording of Period of Extended Outage now included in the OOEMP (<b>REP5-011</b>) and has no further comments to make.</p> <p>NKDC do not agree with the revisions to the OOEMP (<b>REP5-011</b>) in relation to the grazing management. NKDC maintain that the mitigation of BMV impacts remain as per that submitted in response to the ExA second questions (<b>REP4-056</b>) and in relation to the NFU Guidance on grazing density of 2 to 3 sheep per hectare on newly established grassland, and thereafter 4 to 8 sheep per hectare.</p>	<p>The Applicant thanks NKDC for their confirmation on the text and measures for the period of non-generation in the oOEMP (<b>REP5-011</b>).</p> <p>In relation to raising the number of sheep from 2 to 3 to 4 to 8, this is not considered appropriate or viable at this time without assessing the condition of the vegetation. The Applicant has, however, provided mitigation in the form of a clear and robust commitment to sheep grazing, which confirms that agricultural practices will be continuing at the site.</p>
Outline Construction Traffic Management Plan and Joint Position Statement with Beacon Fen Energy Park	NKDC has no specific comments nor outstanding concerns regarding Beacon Fen Energy Park notification and Triton Knoll Access Track use by National Grid Electricity Transmission.	The Applicant thanks NKDC for their confirmation on these points.
Statement of Common Ground	NKDC has agreed, signed and dated the final version of the SOCG.	The Applicant thanks NKDC for their confirmation on the SOCG with Boston Borough Council, North Kesteven District Council and Lincolnshire County Council ( <b>REP5-037</b> ) which was submitted at Deadline 5.

**Table 3 – Environment Agency (EA) (REP5-068)**

Topic	EA Comment	Applicant Response
Land agreement	In response to A5 of the Rule 17 Letter the EA notes they returned the draft Option Agreement and Deed to the Applicant’s Solicitor with amendments on 7 <sup>th</sup> February 2024. The Applicant’s Solicitor is currently taking client instructions, however is confident the parties can reach an agreement. The EA is currently waiting for the Applicant’s Solicitor to return the revised Option Agreement (including an option plan) and Deed by close of business on 16 <sup>th</sup> February 2024.	The Applicant and their representatives will continue to liaise with the EA and their solicitors to ensure this agreement progresses; the Applicant expects matters to be concluded shortly and will continue engagement following the close of the Examination.
Flood risk	The EA have reviewed the project’s potential to impede the EA’s ability to carry out its flood risk management operations and are satisfied that there is no reason to maintain their objection on these grounds.	The Applicant thanks the EA for confirmation of removal of their objection.

**Table 4– Network Rail (NR) (REP5-069)**

Topic	NR Comment	Applicant Response
Legal agreement	<p>In response to the Rule 17 Letter NR confirm they have been in discussions with the Applicant since the submission of the application. NR confirm the parties have now reached an agreement in principle, subject to the required legal documentation.</p> <p>NR confirm the documentation is not anticipated to be completed before the close of the Examination.</p> <p>NR’s position therefore remains that unless and until the documents are completed it will require its standard protective provisions to be included in the draft DCO.</p> <p>NR’s position and justification for their standard protective provisions is set out in the final SOCG (REP5-050).</p> <p>NR include a copy the standard protective provisions, which differs from those submitted in the draft DCO (REP5-050).</p>	<p>The Applicant confirms NR’s comments and would re-iterate its position as outlined in the SOCG (REP5-050) that the protective provisions in the draft DCO are considered sufficient to provide protection for Network Rail and its assets.</p> <p>As outlined in the The Applicant’s Closing Submissions (applicant document reference ExA.AppCISub-D6.V1) submitted at Deadline 6, the two positions are summarised at Appendix 1 for ease of reference.</p>

**Table 5 – Schroders Greencoat (REP5-070)**

Question	Schroders Greencoat Comment	Applicant Response
Legal agreement	The ExA requested Schroders Greencoat (as operator of Bicker Fen) to provide an update at Deadline 5 on	The Applicant agrees with Schroders Greencoat, whereby the protective provisions within the draft DCO (REP5-

Question	Schroders Greencoat Comment	Applicant Response
	<p>progress with the asset protection agreement being negotiated with the applicant. SG can confirm that the agreement was signed by the parties on 13<sup>th</sup> February 2024 and accordingly Schroders Greencoat can confirm that matters concerning impacts of the proposed development on Bicker Farm have been resolved to their satisfaction.</p>	<p><b>020)</b> are agreeable to them. The Applicant thanks SG for their engagement and confirmation that the matters have been dealt with and resolved to their satisfaction.</p>