

John Wheadon
Head of Energy Infrastructure Planning Delivery
Department for Energy Security and Net Zero
By Email

Dear Mr Wheadon

21 June 2024

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

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

Applicant Response to Secretary of State Request for Information

Introduction

Following the submission of the Examining Authority’s Report and Recommendation made to the Secretary of State on the 9 May 2024, and the Request for Information on 7 June 2024, the Applicant provides responses below.

1. Crown Estate

The Crown Estate holds rights over two land parcels within the Development Consent Order limits. The first is a mines and minerals reservation across half of the solar park site. The second is a freehold ownership of a stretch of land near the South Forty Foot Drain. Where the cable route corridor crosses this parcel, it is less than 3m wide. As noted in previous submissions, high level agreement with the Crown was initially reached at an early stage of negotiations.

The Crown’s position has subsequently changed with revised commercial terms presented which were considerably higher than those previously agreed. Notwithstanding, both during and after the Examination, the Applicant returned a number of counter-offers, the latest of which was accepted in part. Further to this, new additional commercial terms have now been sought by the Crown. As such, negotiations between the parties remain ongoing.

The Applicant continues to seek an agreement and has confidence that terms will be agreed.

2. The Duchy of Lancaster (“TDoL”)

Terms with TDoL have been agreed in principle and the documentation is with the solicitors to finalise. The agent is working with TDoL to provide the Section 135 Consent required for this land. Consent is outstanding at the time of writing but is expected imminently.

3. Network Rail Infrastructure Limited (“NRIL”)

An agreement in principle on commercial terms was reached during the Examination with NRIL. Following the closure of the Examination, Protective Provisions (“PPs”) and a commercial side agreement have progressed and are close to being finalised with NRIL. At the time of writing a single point remains under discussion. This relates to the compulsory acquisition of rights under NRIL land should an agreement between the parties to secure the necessary land rights not be reached within 12 months. The Applicant is awaiting a response from NRIL on this point.

If NRIL confirms its agreement to this point, the parties can proceed to sign and complete the side agreement – following which NRIL will be contractually obliged to remove its objection and PPs agreeable to both parties will be shared with the Secretary of State.

If NRIL does not confirm its agreement to this point, the Applicant maintains its position as set out in its Statement of Common Ground with NRIL (dated February 2024) (REP5-050), which is that the Applicant does not consider that the granting of the Development Consent Order would have a serious

detriment on NRIL's undertaking (even if compulsory acquisition was required to deliver the Applicant's project).

4. National Grid Viking Link Limited ("NGVL")

Following the closure of the Examination a commercial side agreement with NGVL has progressed and is now in an agreed form. Once engrossments are signed and the agreement is completed, NGVL will be contractually obliged to withdraw its representation.

The agreed form protective provisions remain as per those included at Part 10 of Schedule 13 to the final draft Development Consent Order (REP5-020) submitted at Deadline 5.

5. Triton Knoll OFTO Limited ("TK OFTO")

Following the closure of the Examination, a commercial side agreement with TK OFTO is in an agreed form (subject to TK OFTO's board approval). Once engrossments are signed and the agreement is completed, TK OFTO will be contractually obliged to withdraw its representation.

The agreed form protective provisions remain as per those included at Part 12 of Schedule 13 to the final draft Development Consent Order (REP5-020) submitted at Deadline 5.

6. Unknown Interests

An update on the Unknown Interests within the Order Limits is provided at Appendix 1. Plots 313 and 317 are considered Category 1 Unknown Interests, however it should be noted that these are very likely to be discrepancies on the highway boundary data provided by the local authority where the highway boundary does not align to the Ordnance Survey base map. Freehold rights are not being sought over these parcels, and their inclusion is for the purposes of access only for the cable route. Accordingly, the provisions within the Development Consent Order are considered to be proportionate and sufficient for the rights required, regardless of whether the owners come forward. Diligent enquiry has been undertaken to seek ownership details for these land parcels, including landowner questionnaires; Land Registry searches; discussions with neighbouring landowners; and site notices. Since the closure of the Examination this diligent enquiry has consisted of further site notices at plots 313 and 317, which were monitored and re-erected when they were no longer visible. No further information was forthcoming from these site notices. Appendix 1 has been included to summarise all the unknown land interests as an extract of the Book of Reference to give a status update on each (including Category 2 land interests).

We trust that these updates assist the Secretary of State and can of course provide any further detail or clarification if required.

Yours sincerely,

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Appendix 1 - Unknown Land Interests – Status Update 21/06/2024

Plot	Class of Rights Sought (where Relevant)	Description of Land	Freehold Owners or Reputed Freehold Owners (Category 1)	Lessees or tenants or Reputed Lessees or Tenants (Category 1)	Occupiers or reputed occupiers (Category 1)	Other persons with interests (Category 2)	Status Update
60A	Class 1, Class 3, and Class 4.	74525.7 square metres, or thereabouts, of agricultural land which sits north of the A17 and northeast of Rakes Farm.				<p>UNKNOWN (in respect of rights granted by a conveyance dated 1960 (exact date not known) made between (1) Harold Bowser Limited and (2) the Minister of Transport)</p> <p>UNKNOWN of Address unknown (in respects of rights granted by a conveyance dated 04/12/1958 on title LL183878)</p> <p>UNKNOWN (in respect of easements that may be contained in a conveyance dated 21.08.1968)</p> <p>UNKNOWN (in respect of rights as may be contained in a conveyance dated 12.12.1986)</p> <p>UNKNOWN (in respect of a right of way granted by conveyance of land dated 15.10.1984)</p>	Each of the Unknown conveyances within this plot cannot be confirmed to be historic and have been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact addresses for any of the interests could be determined from further research or successors identified within the title registers.

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60B	Class 1, Class 3, and Class 4.	95204.5 square metres, or thereabouts, of agricultural land to the north of the A17.				<p>UNKNOWN (in respect of rights granted by a conveyance dated 1960 (exact date not known) made between (1) Harold Bowser Limited and (2) the Minister of Transport)</p> <p>UNKNOWN (in respect of easements that may be contained in a conveyance dated 21.08.1968)</p> <p>UNKNOWN (in respect of rights as may be contained in a conveyance dated 12.12.1986)</p> <p>UNKNOWN (in respect of a right of way granted by conveyance of land dated 15.10.1984)</p> <p>UNKNOWN of Address unknown (in respects of rights granted by a conveyance dated 04/12/1958 on title LL183878)</p>	Each of the Unknown conveyances within this plot cannot be confirmed to be historic and have been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact addresses for any of the interests could be determined from further research or successors identified within the title registers.
60C	Class 1, Class 3, and Class 4.	97728.4 square metres, or thereabouts, of agricultural land which to the north of				UNKNOWN (in respect of rights granted by a conveyance dated	Each of the Unknown conveyances within this plot cannot be confirmed to be historic and have been

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		the A17.				<p>1960 (exact date not known) made between (1) Harold Bowser Limited and (2) the Minister of Transport)</p> <p>UNKNOWN (in respect of easements that may be contained in a conveyance dated 21.08.1968)</p> <p>UNKNOWN (in respect of rights as may be contained in a conveyance dated 12.12.1986)</p> <p>UNKNOWN (in respect of a right of way granted by conveyance of land dated 15.10.1984)</p> <p>UNKNOWN of Address unknown (in respects of rights granted by a conveyance dated 04/12/1958 on title LL183878)</p>	included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact addresses for any of the interests could be determined from further research or successors identified within the title registers.
63A	Class 1, Class 3, and Class 4.	4712 square metres, or thereabouts, of woodland to the south of the South Forty Foot Drain and Royalty Lane.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none

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							were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
63B	Class 1, Class 3, and Class 4.	2309.7 square metres, or thereabouts, of riverbank alongside the South Forty Foot Drain and to the north of Royalty Lane.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
63C	Class 1, Class 3, and Class 4.	46.2 square metres, or thereabouts, of riverbank alongside the South Forty Foot Drain and to the north of Royalty Lane.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
63D	Class 1, Class 3, and Class 4.	43.3 square metres, or thereabouts, of woodland to the south of the South Forty Foot Drain and Royalty Lane.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of

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							further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
72	Class 1, Class 3, and Class 4.	1425.4 square metres, or thereabouts, of riverbank and public footpath (no. Swhd/14/1) on the north side of the South Forty Foot Drain and to the south of the railway.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
73A	Class 2, Class 3, and Class 4.	186.2 square metres, or thereabouts, of land adjacent to Royalty Lane, to the west of College Farm, and south of the South Forty Foot Drain.				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
73B	Class 2, Class 3, and Class 4.	541.7 square metres, or thereabouts, of land adjacent to Royalty Lane, to				UNKNOWN (in respect of an estate contract created by an instrument dated 03.11.1971)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the

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		the west of College Farm and south of the South Forty Foot Drain.					plot was questioned of further interests and none were raised. No contact address the interest could be determined from further research or successors identified within the title registers.
282	Class 4.	2032464.6 square metres, or thereabouts, of agricultural land and public footpath (no. Heck/15/1) at Elm Grange, north of the A17, east of the B1395 and west of Six Hundreds Drove.				UNKNOWN (in respect of terms of an instrument dated 09.10.1963) UNKNOWN (in respect of a rent charge dated 06/04/1942) UNKNOWN (in respect of a licence dated 24.08.1967)	Each of the Unknown interests within this plot cannot be confirmed to be historic and have been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact addresses for any of the interests could be determined from further research or successors identified within the title registers.
301	Class 2, Class 3, and Class 4.	42 square metres, or thereabouts, of a ditch and access road passing over it, to the is east of the South Forty Foot Drain and west of Timm's Drove.				UNKNOWN (in respect of restrictive covenants and easements as may have been imposed prior to General Vesting Declaration dated 12/08/2021 on title LL411236)	The Unknown interest within this plot cannot be confirmed to be historic and has been included to ensure nothing is missed. The freeholder of the plot was questioned of further interests and none were raised. No contact address for the interest could be determined from further research or successors identified within the title registers.
313	Class 2, Class 3, and Class 4.	81.9 square metres, or thereabouts, of access track trackway which is	UNKNOWN		UNKNOWN		Plot 313 is considered to have Unknown Interests. However it should be noted this is very

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		directly adjacent to North Drove to the south.					likely to be a discrepancy on the highway boundary data provided by the local authority where the highway boundary does not align to the Ordnance Survey base map. Site notices have been monitored during the examination period (since 19 th Feb 2024) and re-erected when they were no longer visible. No further information was forthcoming from these site notices.
317	Class 2, Class 3, and Class 4.	24.3 square metres, or thereabouts, of access track adjacent to Doubletwelves Drove and east of the South Forty Foot Drain.	UNKNOWN		UNKNOWN		Plot 317 is considered to have Unknown Interests. However it should be noted this is very likely to be a discrepancy on the highway boundary data provided by the local authority where the highway boundary does not align to the Ordnance Survey base map. Site notices have been monitored during the examination period (since 19 th Feb 2024) and re-erected when they were no longer visible. No further information was forthcoming from these site notices.