



DUCHY *of* LANCASTER

1 Lancaster Place, Strand, London WC2E 7ED

Our Ref: HBW/RMA/JJM/ 10144.3496

17th September 2024.

National Infrastructure Planning,
The Planning Inspectorate,
3D Eagle Wing,
Temple Quay House,
2, The Square,
Bristol.
BS1 6PN

AND BY EMAIL: HeckingtonFenSolar@planninginspectorate.gov.uk

Dear Sir/Madam,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Ecotricity (Heck Fen Solar) Limited ("the Applicant") for an Order Granting Development Consent for the Heckington Fen Solar Park

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Order

"the Duchy" shall mean the Duchy of Lancaster

"the Duchy's Freehold Estate" means the Estate of the Duchy of Lancaster owned by The King's Most Excellent Majesty In Right Of His Duchy Of Lancaster

"Draft DCO" shall mean the Applicant's draft development consent order (reference 3.1, revision 7 and dated February 2024);

"The Leasehold Title" means the leasehold title registered at HM Land Registry with title number LL375615; and

"Order" shall mean The Heckington Fen Solar Park Order 202* once made by the Secretary of State.

The Duchy notes that the draft DCO contains at Article 44 the following wording:

"Crown rights

44.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter upon or any manner interfere with any land or rights of any description—



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(a) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for His Majesty for the purpose of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions and is deemed to have been given in writing where it is sent electronically."

Subject to and provided that:

1. The inclusion of Article 44 in the Order as referred to above and its continuing application;
2. nothing in the Order or this letter authorises the undertaker any licensee or any other party to take, use, enter upon or any manner interfere with any land or rights of any description belonging to His Majesty in right of the His Duchy of Lancaster and forming part of the Duchy's Freehold Estate without the consent in writing of the Duchy; and
3. The Duchy being consulted further if any variation to the draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act

the Duchy confirms its consent to Articles 3, 4, 5, 17, 27, 28, 40 and 44 of the Draft DCO, to the extent that they are included in the Order, applying in relation to plots 184, 293A and 293B insofar as they form part of the Leasehold Title for the purpose of section 135(2) of the Act subject at all times to the abovementioned provisos numbered 1-3.

For the avoidance of doubt nothing in this letter constitutes a consent to the acquisition of rights or other interest in respect of the Duchy's Freehold Estate in plots 184, 293A and 293B (or any part thereof) and nothing in this letter constitutes any licence grant or authorisation for the undertaker (or any other party) in respect of the Duchy's Freehold Estate.

The Duchy's Freehold Estate will remain subject to and protected by the requirements of s.135(1) and (2) of the Act.

Yours faithfully,



**Hugh Bruce-Watt, The Solicitor for the Affairs of the Duchy of Lancaster,
For and behalf of the Duchy of Lancaster**

**Hugh Bruce-Watt, LLB
The Solicitor for the Affairs of the Duchy of Lancaster**

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