

Department for Energy Security & Net Zero

One Glass Wharf
Bristol BS2 0ZX
Tel: +44 (0)117 939 2000
email@burgess-salmon.com
www.burgess-salmon.com
DX 7829 Bristol

Direct Line: +44 [REDACTED]
[REDACTED]@burgess-salmon.com

By email only: heckingtonfensolar@planninginspectorate.gov.uk

Our ref: MT12/KK01/5933.5423/TUCKE

22 November 2024

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

Request for Information

We write further to the above. We act on behalf of The Crown Estate in respect of this matter.

1 OUTSTANDING CROWN CONSENT

- 1.1 We write in reply to your request for information dated 11 October 2024, requiring updated information from The Crown Estate in order to understand whether agreement is going to be reached with the Applicant. If agreement has not been reached, you have requested an explanation setting out the reasons for this.
- 1.2 We can confirm that at the time of this update, The Crown Estate has not yet agreed terms with the Applicant which would enable The Crown Estate to provide consent to the Order including provisions authorising the compulsory acquisition of Crown land pursuant to section 135(1)(b) of the Planning Act 2008.

2 REASONS

- 2.1 There have been meaningful continuing discussions between the Applicant and The Crown Estate since February 2024.
- 2.2 An offer was made by The Crown Estate in May 2024 on the same basis as the discussions to date.
- 2.3 Heads of Terms were provided in July 2024 which were considered to reflect the final position and the settled basis of negotiations at that time.
- 2.4 The Applicant responded to the Heads of Terms on 09 September 2024 on a fundamentally different commercial basis from the approach and terms which had previously been agreed between the parties.
- 2.5 The Applicant's response disregards all previous discussions with The Crown Estate and the revised offer is not acceptable to The Crown Estate, for the reasons already described in the course of negotiations.

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- 2.6 The Applicant's change in position is, from The Crown Estate's perspective, the reason for the delay in reaching agreement.
- 2.7 The Applicant will be aware that Applicants and Crown authorities are expected to do all that they reasonably can to ensure an early resolution of any Crown consents as needed. Early and consistent engagement is vital to ensure that consenting requirements can be resolved at the earliest possible opportunity. The Applicant's approach in this respect is not considered to be consistent with the requirements of the Government's guidance on this topic.
- 2.8 We will provide a further update, as requested, by 08 January 2025.

Yours faithfully

Burges Salmon LLP