



Meeting note

Project name	Heckington Fen Solar Park
File reference	EN010123
Status	FINAL
Author	The Planning Inspectorate
Date	2 September 2021
Meeting with	Ecotricity (Heckington Fen Solar) Ltd
Venue	Microsoft Teams Meeting
Meeting objectives	Inception meeting
Circulation	All Attendees

Summary of key points discussed and advice given:

Introduction

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely. The Inspectorate introduced the case team.

Details of the proposed development

The site was historically identified as suitable for a wind farm, with planning permission granted in 2013. This is subject to two variations including an application to vary the lifespan of the project, currently undetermined. The two permissions could not co-exist and the Applicant advised this position would be set out in the Environmental Statement (ES). A large single solar site would balance the financial cost of the substation. Substation connection and route options are being considered.

The Applicant has met with North Kesteven District Council and identified solar permissions in the area and it aims to engage in the process for the emerging joint local plan. The Applicant is meeting regularly with the landowner representatives.

The Applicant anticipates seeking compulsory acquisition powers for the grid routes, which are not yet established. Category 3 persons are expected within the residential properties to the site boundary. The Inspectorate advised that a Book of Reference would need to be submitted with a schedule of Category 3 persons contained in Part 2.

Crown Land has been referenced in some titles and are being studied further. The Inspectorate advised earlier identification and engagement could be beneficial. The Applicant advised it was looking for alternatives to avoid the Crown land. The Applicant was considering options for solar panels. Options could be included in the design envelope to allow for adopting future technologies, such as trackers. The Inspectorate advised the Rochdale envelope should be clearly defined within the EIA, including the different impacts for each option.

A high-level programme was shared with Local Authorities. Consultation is planned to commence in early 2022, with submission to the Inspectorate expected at the end of 2022/early 2023. The Inspectorate advised that a December scoping request could affect statutory consultees' ability to comment within the statutory timeframe. The same applied for submission in relation to receipt of Adequacy of Consultation Representations from relevant Local Authorities. Also, the Inspectorate's ability to contact the Applicant for clarification/signposting (if required during acceptance) may be curtailed if the acceptance period included public holidays over the Christmas period. It advised of the statutory timeframes for acceptance and scoping, which would be met regardless of the date of submission. However, the Applicant could take these matters into consideration when reviewing the programme. The Applicant confirmed it would be separating the informal consultation with statutory consultees on technical evidence, prior to the statutory consultation.

A blended approach to consultation was being considered. The Inspectorate advised to build flexibility into the draft Statement of Community Consultation, to ensure agreement with changes in approaches if required with the relevant Local Authorities. Covid safety procedures for venues would need to be considered. The Inspectorate was moving towards a blended approach to Examination, which would be flexible according to the needs of each project. Solar specific policy in the new draft Energy National Policy Statements (NPS) is expected to be in the public domain imminently.

Environmental constraints and impact assessment

The Applicant outlined the main environmental constraints for the site, noting that the previous assessments for the wind farm consent had gathered relevant baseline information. No designated ecological or heritage features are present on site. Although a Grade II listed building was noted to be located to the NE and a Scheduled Monument was noted to be in proximity to the site, the Applicant noted that previous geo-physical surveys completed for the wind farm application did not identify specific heritage issues. The Inspectorate highlighted the need to identify peat deposits with the potential for archaeological remains, where relevant. An unregistered duck decoy is present but not within the development footprint. An agricultural land classification survey is ongoing.

A number of phase 1 surveys have already been completed. Badger and mink had been identified using the site, as well as possible otter and great crested newts. In relation to the wind farm application, Natural England (NE) and the Royal Society for the Protection of Birds (RSPB) highlighted concerns regarding marsh harriers and golden plovers on or near the site. The Inspectorate questioned whether any of the land could be deemed functionally linked to designated sites and therefore require an appropriate assessment. The Inspectorate advised the outcome of bird surveys should be considered as to whether information to inform an appropriate assessment would need to be submitted.

The Applicant has sought to complete site surveys through mutual agreement with landowners. The Inspectorate noted the potential programme implications should s53 authorisations be required.

A public right of way (PRoW) has been identified crossing the north west site border, overlooking the land holding and may require diversion. Shared construction access points were expected. Permission for the relocation of a small independent school to the south east of the site was granted in March 2021.

Discussions are ongoing with internal drainage board regarding flood risk and the Applicant is currently developing its flood risk assessment. The site is in flood zone 3, and with climate change could result in flood levels of up to 2metres. Anecdotal evidence did not show any flooding to that level including during recent wet years; however, solar panels would be designed to be safe in the event of flooding. The Inspectorate advised the maximum height of the panels from ground level should be clearly defined and that the Applicant should outline how the sequential and exception tests had been satisfied. The Applicant outlined its intention to work within the constraints of the existing site ditches and crossings. Options to reduce ditch drainage and use of swales for mitigating increased run off were being considered. The Inspectorate highlighted accelerated run off as a potential issue of concern.

The height of solar panel fencing is being considered taking into security, deer intrusion and visual impact. Security cameras are required for insurance purposes. The Inspectorate advised the location and orientation of cameras should be clear in relation to residential properties. The site was set back 200metres from properties with approximately 20% being a non-solar area, allowing opportunities for community benefits. EIA Scoping was expected to be submitted by 16 December 2021.

The Inspectorate advised that a review of key issues raised during the Examination for both Cleve Hill Solar Energy Park and Little Crow Solar Park could assist to proactively identify key issues of concern for future examinations. The Inspectorate noted that fire risk and management at battery storage compounds was a potential issue of concern.

Matters relating to radar conditions were being considered with various stakeholders including the Ministry of Defence (MOD). Radar and aviation issues were not anticipated to be significant issues for the solar farm but would be addressed in the Environmental Impact Assessment (EIA). The land is characteristic fen/agricultural land and distinctively flat. The wind farm was the main consideration and solar farm being a second option.

Practical Arrangements

The Applicant had supplied project information for the Inspectorate's website. The Inspectorate requested to be kept up to date with any changes to the project to ensure appropriate resources generally and particularly at the time of any Examination. It advised the Applicant to ensure the draft DCO was in the correct format, using a Statutory Instrument template. The Applicant would contact the Inspectorate to confirm whether a meeting before or after scoping was required.

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There was a general discussion about how to handle changes to the project made after the statutory consultation. The Inspectorate commented that the MHCLG guidance on the pre application process, includes information about a developer's responsibility for consultation and the potential for targeted consultation or a further round of statutory consultation in the context of changes made to the project in response to the statutory consultation, in advance of submission. The Inspectorate directed the Applicant to Advice Note 14 – Compiling the Consultation Report, this provides advice on how to deal with non-statutory consultation and engagement. It is also advised that the Applicant view current Consultation Reports that have recently been accepted into Examination, such as the Teesside Net Zero project.