

Meeting note

Project name	Heckington Fen Solar Park
File reference	EN010123
Status	Draft
Author	The Planning Inspectorate
Date	31 August 2022
Meeting with	Ecotricity
Venue	Microsoft Teams Meeting
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

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 explained that the publication of the meeting note could be delayed up to six months, or until a formal scoping request had been submitted (if requested by an Applicant for commercial reasons).

Ecotricity Update – Statutory Consultation

The Applicant confirmed that the Statutory Consultation period ends on 1st September 2022. Discussions are still being held with Lincolnshire County Council (LCC) in regard to an extension of time to compile their comments including on Best and Most Versatile (BMV) agricultural land. The Inspectorate advised the Applicant to ensure that any discussions held after the close of statutory consultation are reflected the Consultation Report.

In person consultation events for the scheme were more well attended than online events and the Applicant confirmed that the main opposition to the project was concern over cumulative impact on agricultural land relating to the number of projects in the Lincolnshire area.

Flood Risk Assessment

The Applicant has consulted the Environment Agency on the methodology of the Flood Risk Assessment. The Applicant confirmed that lower edge panel heights may be reduced by c. 1m following the results of the hydraulic modelling, resulting in overall height of 4.5m being reduced to 3.5m.

Agricultural Land Classification

The Applicant is in an agreement with Natural England to conduct further soil testing on the site following consultation. The Applicant confirmed that 49% of the land in the energy park site is Best and Most Versatile (BMV) agricultural land (Grade 3a and above). The Inspectorate suggested that the Applicant considers this matter further as they advance towards submission of the DCO application. The Inspectorate advised that the Applicant follow what progress is made with the examinations for Longfield Solar Farm and Sunnica NSIPs for instance to see how matters concerning agricultural land classification are unfolding.

Archaeology

The Applicant intends to undertake trial trenching in September/October 2022, within the remit of sampling 2% (with up to 2% contingency) of the onsite development area as per the approach being pursued by Lincolnshire County Council (LCC) for the whole county. The Applicant expressed concern over the guided sampling amount, and whether or not it is both reasonable and proportionate to the site and its archaeological potential. The Applicant confirmed that each trench would be 50 metres long and 2 metres wide, depth is determined by the archaeological layer, on average c.0.5 metres. The Applicant sought advice on how trial trenching would affect the validation of the application, if the adequate amount is not completed due to inclement weather or matters outside of the Applicant's control.

Post the meeting, the Inspectorate confirmed that it does not have any other general policy advice on the approach that should be taken in discussions with Lincolnshire County Council about the area of coverage of trial trenching. The Inspectorate advised the Applicant to continue liaising with LCC's archaeologist on this. The Inspectorate confirmed that the national policy position on archaeological investigations is set out in the overarching National Policy Statement (NPS) for Energy (EN-1) and the draft NPS for Renewable Energy Infrastructure (EN-3). These do not specify any percentage area requirements for archaeological excavation such as for trial trenching.

The Inspectorate also advised that the need to meet a certain level of coverage of trial trenching is not in itself something that would necessarily make the ES inadequate or would be an acceptance issue. Where there is missing trial trench data a 'worst case scenario' should be assumed and any appropriate mitigation agreed with LCC, if possible.

Programme

The Applicant confirmed that its intention remains to submit the Application to the Planning Inspectorate by February 2023. The Applicant intends to submit draft documents for review, ahead of the formal submission, week commencing 17th October 2022. The Inspectorate advised the Applicant to provide as much warning as possible for when the draft documents will be submitted to ensure adequate resource for a thorough review.

Clarification

The Applicant requested clarification regarding the previous minutes dated 8th June 2022, replicated below for ease:

The Applicant confirmed geophysical surveys have been completed onsite. Findings were limited to matters already identified. A trial trenching plan was being discussed with Lincolnshire County archaeologists, to be completed alongside the Preliminary

Environmental Information Report (PEIR). Timeframes for trial trenching were uncertain due to harvesting. Discussions were ongoing about the percentage of the order limits for trial trenching, but it was expected that there would be at least one trench in each field. The Inspectorate requested to be kept informed of progress. The Inspectorate advised that practice for archaeological trenching had progressed since the Triton Knoll project in terms of Development Consent Order (DCO) drafting. The Applicant should consider how potential environmental impacts from trial trenching would be assessed in the ES and mitigation secured in the DCO. It acknowledged the risk and cost assigned to completion prior to permissions being secured. However, the Applicant was reminded that whilst a Written Scheme of Investigation (WSI) within the Application documents could be used to give comfort to local planning authorities (LPA's), should surveys be undertaken pre-commencement, the trigger for the WSI should be considered.

The Applicant considered that the word 'onsite' should be added in bold on the first line, along with the removal of the second sentence as this is considered too broad -and further discussion clarified the 'trigger for the WSI should be considered' in the final sentence.

It is the Applicant's understanding that on previous projects site investigation works and surveys (including trenching) have been undertaken prior to 'commencement' of the DCO. The Applicant considers that the result of this is that DCO planning controls and Requirements do not officially 'kick in' as most of the triggers for the requirements are 'upon commencement' or 'prior to commencement' of that stage of the work. This detail provides the further context behind the word 'trigger' for when a WSI is required, and will be discussed further, if required, by the Applicant with the appropriate statutory consultees and during the Examination.

Specific decisions/ follow-up required?

The following actions were agreed and were actioned as S51 advice on 31 August following the meeting, the advice can be found [here](#):

- The Inspectorate to check if PEIR comments should be published. The Inspectorate's response is that, with respect to the Applicant's enquiry about whether the responses to the PEIR would be published by the Applicant and/or the local authority/stakeholders, there is no requirement for these responses to be published.
- The Inspectorate to provide guidance regarding archaeology and coverage of trial trenching. See above for the Inspectorate's response following the meeting.