



Heckington Fen Solar – EN010123

Section 51 advice regarding draft application documents submitted by Ecotricity (Heck Fen Solar) Limited

On 04 November 2022, Ecotricity (Heck Fen Solar) Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Environmental Statement Chapter 16: Land Use and Agriculture and the following Appendices:

- Appendix 16.1 Farming Report, Savills
- Appendix 16.2 Significance Criteria
- Appendix 16.3 Agricultural Land Classification
- Appendix 16.4 BSSS Note “Soil Carbon”
- Appendix 16.5 Construction Methodology (as it affects soils)

2. Outline Soil Management Plan (oSMP)

The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate’s review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
1.	Executive Summary	The Executive Summary uses the terms “sealing over” and “downgrading”, and these are used repeatedly throughout the chapter, however definitions are not provided. These terms should be clearly defined in the ES.
2.	Chapter 16 and Appendices 16.1 and 16.3	Study area The study area used within the assessment is not clear within this chapter. Only the baseline of the ‘Energy Park’ section of the Proposed Development is described and Agricultural Land Classification (ALC) surveys have only been conducted for the Energy Park. It is not clear whether the assessment also includes the cable route corridor and substation sections of the Proposed Development. The ES chapter would benefit from a section describing the Study Area used throughout the assessment.
3.	Chapter 16 and Appendix 16.2	Significant effects The Environmental Statement (ES) chapter uses the terms ‘impacts’ and ‘effects’ interchangeably. Paragraph 16.3.16 describes the “significance of impacts” and impacts are described throughout the chapter including Section 16.6: Assessment of Likely Significant Effects. The ES should report on the likely significant <u>effects</u> of the Proposed Development on the environment in line with the requirements of Regulation 14 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). It is not made clear how effects are considered significant for the purposes of EIA. Moderate and major effects are typically considered significant, however paragraph 16.9.1 reports a moderate adverse effect as not significant. Appendix 16.2 describes the significance criteria, but it is unclear at what level an effect would be considered significant. The ES chapter should clearly explain what is considered significant within EIA terms and report the significance of each residual effect. Where significant effects are reported these should be clear. The ES could use bold text to denote a significant effect within the prose as well as making reference to these within the summary table.



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
4.	Para 16.3.25	This paragraph states that the “ <i>methodology is based on criteria set out in the PEIR</i> ”. The ES chapter should clearly describe the methodology used for the assessment and avoid a ‘paper chase’ between other documents not within the ES.
5.	Paras 16.4.1 and 16.4.2	These paragraphs state that the ES has taken into account the comments made within the Scoping Opinion and/or PEIR. Paragraph 16.4.4 states that how the Applicant has had regard to these comments is outlined within the Consultation Report. It is standard practice to include a table within each ES chapter explaining how the requirements of the Scoping Opinion have been addressed or amended following consultation with relevant bodies and it is advised that this approach is followed to prevent a paper chase.
6.	Para 16.4.5	Limitations It is stated that there are no significant limitations to the assessment. The ES chapter later refers to the age of the provisional ALC maps; paragraph 16.5.15 states that these “ <i>need to be used cautiously</i> ” and paragraph 16.5.21 states that these maps “ <i>are of limited use</i> ”. The limitations, assumptions, and/or difficulties of the methodology should be clearly described to demonstrate how reasoned conclusions have been reached for the assessment despite these limitations. Any assumptions and/or difficulties within the assessment should be described.
7.	Para 16.5.54	The phrase “ <i>which is what this is</i> ” in this paragraph is ambiguous and should be clarified. It is unclear whether this is stating that the Proposed Development site supports organic grassland sheep farming, or whether this is what is depicted in the photo.



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
8.	Paras 16.5.59 to 16.5.61	Implications of climate change The relevance of this section to the overall assessment of land use and agriculture is unclear, since the assessment of significant effects does not consider the implications of climate change. Where there is potential for climate change impacts to exacerbate likely significant effects on soils and agricultural land use these should be cross referenced to the assessment within the in-combination climate change assessment.
9.	Para 16.6.2	This paragraph states that construction work would be carried out “ <i>in accordance with industry good practice and methodologies tailored specifically for the soils within the Energy Park</i> ”. It is unclear whether construction work within the cable route corridor will be tailored to specific soils or whether the same methodology will be used. The ES should clarify this and explain the suitability of this methodology for the entirety of the Proposed Development and should include the cable connection route corridor and substation elements.
10.	Para 16.6.4	This paragraph states that “ <i>as the detailed design progresses these areas will be subject to detailed ALC survey work and the quantum of areas affected will be measured</i> ”. It is unclear when the detailed design will be decided and whether this means that the baseline to inform the ES is representative. Where there is uncertainty / flexibility within the detailed design of the Proposed Development the ES should ensure that a worst-case scenario is assessed.
11.	Para 16.6.20	It is concluded that the installation of photovoltaic (PV) panels will not result in a significant adverse effect on soils. The potential for adverse effects on the cable corridor and substation elements of the Proposed Development site are not discussed within the ES Chapter. The ES should consider the likely significant effects for the entirety of the Proposed Development.
12.	Para 16.6.27	The ES should define the term “Field Capacity Days”.



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
13.	Paras 16.6.29-6.6.31 Grid Cable Route	<p>This paragraph states with respect to the Grid Cable Route (the connection cable route) that “<i>none of these soils are expected to be of particular sensitivity under the assessment criteria, or to be adversely affected</i>”. No assessment appears to have been made for the proposed connection cable route corridor and substation.</p> <p>The ES should detail the methodology for assessing the likely significant effects of the entirety of the Proposed Development including the Grid Cable Route and any conclusions over soil sensitivity should be fully explained and justified through evidence presented in the ES, with reference to the Appendices on the farming and ALC surveys (ES Appendices 6.1 and 6.3) and EIA methodology (ES Appendix 6.2). The ES should clarify when the remaining surveys for the Grid Cable Route will be undertaken and the results of these will be made available.</p>
14.	Para 16.7.2	<p>Mitigation</p> <p>This paragraph refers to mitigation measures which are proposed to be implemented through a Construction Environmental Management Plan (CEMP). The mitigation and monitoring measures proposed in the ES should be cross referred to specific provisions and/ or Requirements within the draft DCO and should be included within the ‘additional mitigation’ section of the ES Chapter.</p>
15.	Para 16.8.1	<p>Cumulative effects</p> <p>It is stated that the Proposed Development would not result in cumulative effects on the use of agricultural land with other developments since Heckington Fen is a “<i>standalone proposal not connected to any other proposed developments, solar or otherwise</i>”. The assessment of cumulative effects should consider all reasonably foreseeable developments within the relevant study area not just those which are ‘connected’ to the Proposed Development.</p>



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
16.	Para 16.8.11	In-combination effects This paragraph states that there is potential for in-combination effects from ecology and socioeconomics but provides no assessment of these effects within this ES Chapter. The ES should ensure that these effects are assessed whether within a standalone cumulative effects chapter or within the individual aspect chapters with appropriate cross referencing to avoid repetition.
17.	Paras 16.9.2 and 16.9.6	These paragraphs refer to the potential for soil to be impacted from vehicle movements on the land but there is no consideration within the chapter of other potential impacts on soils during construction e.g. from stripping, moving, storing, and handling. These are listed as potential impacts on soils within the outline Soil Management Plan. The assessment should consider the other potential impacts and whether they may give rise to likely significant effects.
18.	Para 16.9.4	It is not clear what is meant by “magnitude effect”. This term should be defined within the ES.
19.	References	Numbered references made throughout the prose should correspond to the reference list at the end of the ES Chapter.
20.	Para 16.6.47	The oSMP refers to retaining soils and restoration to original profiles (para 4.11) and the storage of soils in bunds (para 4.20) to be restored following the decommissioning of the Proposed Development. The ES should include a description of the quantity and type of soils to be stored and the location and height of the proposed bunds. Where there is potential for significant effects to occur in relation to soil quality and health and/or agricultural land quality this should be assessed within the ES Chapter.



Environmental Statement Chapter 16: Land Use and Agriculture and Appendices 16.1-16.5		
Ref No.	Paragraph/ Section	Comment/Question
21.	Appendix 16.1 Farming Report (Savills)	The draft report is dated February 2023 and it is not clear from the report when it was prepared.
22.	Appendix 16.2 Agriculture and Soils Significant of Effect Methodology	This Appendix states that it sets out the criteria used to determine sensitivity (Table 1) and magnitude (Table 2) for agricultural soils followed by the matrix used to determine the resulting “significant of effects” (Table 3). Table 3 is described as the Methodology for Determining Sensitivity rather than significance and does not appear to set out how the magnitude and sensitivity of effects on soils would be used to determine significance.
23.	Appendix 16.3 Semi-Detailed and Detailed Agricultural Land Classification (November 2022)	Para 1.1 states that the report sets out the results of the ALC survey of the 525ha proposed for the Energy Park as part of a semi-detailed survey of approximately 590ha of land at Heckington Fen. The Applicant should clarify in this Appendix how much of the of the Proposed Development’s Order Limits has currently been surveyed. Please also see comment 13 above on the Grid Cable Route with respect to updating the ALC surveys for the Proposed Development.



Outline Soil Management Plan (oSMP)		
Ref No.	Paragraph/ Section	Comment/Question
24.	Paras 1.2 and 1.3	<p>These paragraphs appear to be contradictory in that paragraph 1.2 states that the oSMP will be agreed upon prior to the commencement of construction works, whereas paragraph 1.3 notes that the oSMP is a 'live' document meaning it can be modified during construction. It is unclear whether the second reference should be to the detailed Soil Management Plan (SMP) being a 'live' document.</p> <p>The mechanism of how the two iterations of the SMP / oSMP are difficult to understand without the draft DCO Requirements. In the event that the oSMP is to be a 'live' document, it is likely that the ExA will want to understand the extent to which changes to certified/approved documents could be made post-consent and ensure such changes would not result in materially worse significant effects on the environment beyond those assessed within the ES.</p>
25.	Para 3.3	<p>This paragraph states that <i>"a soil survey and ALC survey (part detailed, part semi-detailed) have been carried out across the area within the Order limits. No survey has as yet been carried out of the connecting cable route, pending route finalisation"</i>. These sentences appear to be contradictory as the connection cable route is part of the Order Limits; the oSMP should ensure that the correct study area is referenced and that it is made clear what has been surveyed as part of the baseline evidence for the assessment and any proposed mitigation.</p>
26.	Para 8.1	<p>This paragraph refers to the 'Order Limits' in reference to the Energy Park element of the Proposed Development. The Order Limits should refer to the entire site boundary (e.g. including the Grid Cable Route) and the term Energy Park should be used to denote the site for the solar array.</p>

General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: *"The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be*



made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”