



BEACON FEN ENERGY PARK

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Statement of Reasons
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1. Executive Summary

1.1 Purpose and Structure of this Statement of Reasons

- 1.1.1 The matters addressed in this Statement are summarised in this section. Unless the context indicates otherwise, references to numbered sections or paragraphs are to sections or paragraphs of this Statement. Terms used in this Executive Summary are defined in the main body of this Statement.
- 1.1.2 This Statement explains why it is necessary, proportionate and justifiable for the Application to seek powers of compulsory acquisition for the Proposed Development, and why there is a compelling case in the public interest for the Applicant to be granted these powers.

1.2 Description of the Proposed Development

- 1.2.1 The Proposed Development is described in detail in Schedule 1 of the **Draft Development Consent Order (DCO) (Document Ref: 3.1)**, and the areas in which each component (the Work Numbers) may be constructed are shown on the **Works Plan (Document Ref: 2.4)**.
- 1.2.2 The Proposed Development is split into 10 Work Numbers as follows:
- Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts;
 - Work No. 2 — a battery energy storage system compound and associated works (including fire safety infrastructure);
 - Work No. 3 — development of an onsite substation and associated works;
 - Work No. 4 — works in connection with electrical cabling and associated compounds;
 - Work No. 5 — works to the existing Bicker Fen National Grid substation to create a new generation bay and substation extension;
 - Work No. 6 — various ancillary works relating to the Solar Array Area, including cabling, fencing, security features, access tracks, watercourse crossings and landscaping and biodiversity mitigation measures;
 - Work No. 7 — construction and decommissioning compounds in connection with Work Nos. 1, 2 and 3;
 - Work No. 8 — works to create the Bespoke Access Road;
 - Work No. 9 — areas of habitat management; and
 - Work No. 10 — works to facilitate access to Work Nos. 1 to 9.

- 1.2.3 In addition, Schedule 1 to the **Draft DCO (Document Ref: 3.1)** lists other associated works (referred to as "further associated development") which may be carried out in connection with the construction of Work Nos. 1 to 10.

1.3 Description of the Site and Order Land

- 1.3.1 The Site is located east of Sleaford in Lincolnshire and comprises the Solar Array Area, Cable Route Corridor and Bespoke Access Corridor (each as described in more detail and as illustrated on Figures 1.1 – 1.4 in **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)**).
- 1.3.2 The Solar Array Area is approximately 529 hectares (ha) in size and located to the north of Heckington. The Solar Array Area predominantly comprises agricultural land in arable use, divided by ditches with sparse tree cover that is limited to small woodland blocks and scattered hedgerow trees. A small reservoir is located in the south-west of the Solar Array Area. The Solar Array Area is located wholly within the administrative areas of North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC).
- 1.3.3 The Cable Route Corridor is approximately 183 ha in size comprising predominantly agricultural land and extends c. 13km south-east from the Solar Array Area to Bicker Fen substation, where the Proposed Development will connect into the National Grid transmission system. The Cable Route Corridor is located wholly within the administrative area of LCC. The majority of the Cable Route Corridor is located within the administrative area of NKDC, however the southern section is located within Boston Borough Council's (BBC) administrative area.
- 1.3.4 The Bespoke Access Corridor is approximately 45.4 ha in size comprising predominantly agricultural land and extends c. 3km south-west from the Solar Array Area to the A17, located wholly within the administrative areas of LCC and NKDC.

1.4 Compulsory Acquisition Powers

- 1.4.1 The powers sought are:
- All interests in land, including freehold (Article 22 in the **Draft DCO (Document Ref: 3.1)** – shown edged red and shaded pink on the **Land Plans (Document Ref: 2.2)**).
 - Statutory authority to override easements and other rights (Article 24 in the **Draft DCO (Document Ref: 3.1)**).
 - Permanent acquisition of new rights and imposition of restrictive covenants (Article 26 in the **Draft DCO (Document Ref: 3.1)**) - shown edged red and shaded blue on the **Land Plan (Document Ref: 2.2)** and.
 - Extinguishment of private rights (Article 27 in the **Draft DCO (Document Ref: 3.1)**).
 - All interests in land, including freehold, in respect of subsoil and airspace only (Article 29 in the **Draft DCO (Document Ref: 3.1)**).

- Temporary use of land for carrying out and maintaining the authorised development (Articles 31 and 33 in the **Draft DCO (Document Ref: 3.1)**) and use of airspace within the Order Land (Article 36 in the **Draft DCO (Document Ref: 3.1)**).

1.5 The Need for Compulsory Acquisition of Land and Rights

- 1.5.1 The Applicant requires powers of compulsory acquisition to ensure that the Proposed Development can be constructed, operated, maintained and decommissioned and so that the Government's policies in relation to the timely delivery of new renewable energy generating capacity (designated as a "critical national priority" in the Overarching National Policy Statement for Energy (NPS EN-1)) and achieving the UK's net zero targets are met. The Applicant considers that, in the absence of these powers, there would remain a risk that the Order Land would not be fully assembled and the Proposed Development would not be delivered, meaning that Government policy objectives would not be achieved.
- 1.5.2 This Statement (alongside the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**) sets out the current status of the negotiations undertaken to date with affected persons. Details of how the Applicant identified persons with an interest in the affected land are set out in the **Consultation Report (Document Ref: 5.1)**.
- 1.5.3 The Applicant has sought to use alternatives to compulsory acquisition but considers that these would not achieve the Proposed Development objectives and the significant public benefits of the Proposed Development would not arise.
- 1.5.4 The Applicant has sought to acquire the necessary land and rights by voluntary agreement, and whilst it has reached agreement with many of the freehold owners of the Site (including over all of the land comprising the Solar Array Area) and is in negotiations with the remaining freehold owners of the land comprising the Bespoke Access Corridor and Cable Route Corridor, the Applicant has not been able to enter voluntary agreements with all landowners at this time. Whilst it will continue to seek to acquire the land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in the Application in order to provide certainty that all the land required for the Proposed Development can be acquired in order to realise the Proposed Development's significant public benefits.

1.6 Justification for the Use of the Powers of Compulsory Acquisition

- 1.6.1 The principal justification for the use of powers of compulsory acquisition arises from the fact that the Proposed Development will deliver the following non-exhaustive list of benefits:
- Generation of approximately 400 MW of electricity – providing valuable clean energy that is deliverable swiftly, being capable of connecting to the grid before 2030;

- Provision of a BESS capacity of up to 600MW, primarily to store energy from the solar panels but also to provide balancing services to the National Grid;
- Commitment to delivering at least 30% biodiversity net gain for habitat units; at least 10% biodiversity net gain for hedgerow units; and at least 10% biodiversity net gain for watercourse units, calculated using the Statutory Biodiversity Metric published by the Department for Environment, Food and Rural Affairs in July 2024. The delivery of these measures will be monitored for no less than 30 years as part of a wider package of landscaping and habitat proposals described in the **Outline Landscape and Ecological Management Plan (Document Ref: 6.3 ES Vol.2, 6.3.19)**. A **Biodiversity Net Gain Strategy (Document Ref: 7.3)** has also been prepared for the Application and reports the BNG figures that the Proposed Development is presently expected to deliver; and
- Provision of a substantial new permissive path across the Solar Array Area during the operational period linking to existing Public Rights of Way to the east and west providing additional walking and recreation opportunities. No Public Rights of Way currently exist on the ground in the Solar Array Area.

1.7 Special Considerations

- 1.7.1 There are Crown interests within the Order Land. The **Draft DCO (Document Ref: 3.1)** includes an article (Article 40 in the **Draft DCO (Document Ref: 3.1)**) protecting the position of the Crown. The Applicant has engaged in discussions with The Crown Estate in order to secure the rights and access necessary to carry out the relevant parts of the authorised development and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land.
- 1.7.2 The land or apparatus of a number of statutory undertakers would be affected by the Proposed Development. Protective provisions have been included within the draft Order which the Applicant is in the process of seeking to agree with each statutory undertaker.

1.8 No Impediments

- 1.8.1 In addition to the **Draft DCO (Document Ref: 3.1)**, the Proposed Development requires a number of other consents in order to construct, operate (including maintain) and decommission the Proposed Development. The Applicant is not aware of any reason why these other consents required would not be granted and does not consider that they represent any impediment to the Proposed Development proceeding. Further details on these are set out in the **Other Consents and Licences Statement (Document Ref: 5.4)**.

1.9 Human Rights

- 1.9.1 The **Draft DCO (Document Ref: 3.1)** has the potential to infringe the human rights of persons who own property or have rights in the land proposed to be acquired pursuant to the **Draft DCO (Document Ref: 3.1)**. The Applicant

considers that there would be significant public benefit arising from the making of the **Draft DCO (Document Ref: 3.1)**. That benefit can only be realised if the **Draft DCO (Document Ref: 3.1)** includes compulsory acquisition powers. The purpose for which the land is sought (to construct, operate (including maintain) and decommission the Proposed Development) is legitimate. The Applicant considers that there is a compelling case in the public interest for the powers of compulsory acquisition to be granted. The Applicant considers that it would be appropriate and proportionate for the Secretary of State to make the **Draft DCO (Document Ref: 3.1)** including the compulsory acquisition powers sought.

1.10 Conclusion

- 1.10.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the **Draft DCO (Document Ref: 3.1)** for the purposes of the Proposed Development meets the conditions of section 122 of the PA 2008, as well as the considerations in the CA Guidance, and that these powers should therefore be included in the **Draft DCO (Document Ref: 3.1)**.

2. Introduction

2.1 Overview

- 2.1.1 This Statement of Reasons (Statement) has been prepared on behalf of Beacon Fen Energy Park Limited¹ (the Applicant). It forms part of the application (Application) for a Development Consent Order (DCO) that has been submitted to the Planning Inspectorate on behalf of the Secretary of State under section 37 of the Planning Act 2008 (PA 2008) (Ref. 1.1) for the Beacon Fen Energy Park (the Proposed Development).
- 2.1.2 The Proposed Development comprises the construction, operation (and maintenance), and decommissioning of a solar photovoltaic (PV) electricity generating facility and battery energy storage system (BESS), with associated export and connection infrastructure to, and above and below ground works at, the National Grid Bicker Fen Substation.
- 2.1.3 As Beacon Fen Energy Park would produce over 50MW of electricity, it is classed as a Nationally Significant Infrastructure Project (NSIP) under sections 14(1)(a) and 15(1) and (2) of the PA 2008. It therefore requires an application for a DCO. The Application for the DCO is being submitted to the Planning Inspectorate, with the decision on whether to grant a DCO to be made by the Secretary of State for Energy Security and Net Zero (the Secretary of State) pursuant to the PA 2008.

2.2 The Applicant

- 2.2.1 The Applicant is a subsidiary of Low Carbon Limited (Low Carbon) who are a privately-owned global renewable energy company.
- 2.2.2 Founded in 2011, Low Carbon is committed to making a positive and significant impact on climate change by investing in large-scale renewable energy projects across a range of energy technologies including solar PV, onshore wind, battery storage, and waste-to-energy. Deploying capital at scale into renewables, it invests across the full life cycle from concept through to development, construction, and operation.
- 2.2.3 To date² Low Carbon has deployed more than £1 billion in capital into renewable infrastructure with more than 8GW already developed. Its proprietary renewable energy pipeline currently stands at more than 16GW, ideally positioning it to capitalise on investment opportunities as the need for green power and energy security increases.
- 2.2.4 Assets managed and operated by Low Carbon are making a key contribution in the fight against climate change and produced more than 131 GWh of renewable energy capacity globally in 2024.
- 2.2.5 Low Carbon has been active in the development of large-scale solar energy since its formation in 2011. With an established track record in the UK, it also has operations in Europe including the Netherlands, Germany, Poland,

¹ Company registration number 13347752 and whose registered address is Stirling Square, 5-7 Carlton Gardens, London, England, SW1Y 5AD.

Finland, Sweden and the Republic of Ireland. Low Carbon is a certified B Corp, a signatory of the UN PRI, and an early adopter of The Taskforce on Nature-related Financial Disclosures.

- 2.2.6 Information on the corporate structure of the Applicant and its financials and how the Proposed Development will be funded is presented in the **Funding Statement (Document Ref: 4.2)**.

2.3 The Site

- 2.3.1 The Site is located east of Sleaford in Lincolnshire and comprises the Solar Array Area, Cable Route Corridor and Bespoke Access Corridor (each as defined and described in more detail and as illustrated on Figures 1.1 – 1.4 in **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)** of the Environmental Statement).
- 2.3.2 The Solar Array Area is approximately 529 hectares (ha) in size and located to the north of Heckington. The Solar Array Area predominantly comprises agricultural land in arable use, divided by ditches with sparse tree cover that is limited to small woodland blocks and scattered hedgerow trees. A small reservoir is located in the south-west of the Solar Array Area. The Solar Array Area is located wholly within the administrative areas of North Kesteven District Council (NKDC) and Lincolnshire County Council (LCC).
- 2.3.3 The Cable Route Corridor is approximately 183 ha in size comprising predominantly agricultural land and extends c. 13km south-east from the Solar Array Area to Bicker Fen substation, where the Proposed Development will connect into the National Grid transmission system. The Cable Route Corridor is located wholly within the administrative area of LCC. The majority of the Cable Route Corridor is located within the administrative area of NKDC, however the southern section is located within Boston Borough Council's (BBC) administrative area.
- 2.3.4 The Bespoke Access Corridor is approximately 45.4 ha in size comprising predominantly agricultural land and extends c. 3km south-west from the Solar Array Area to the A17, located wholly within the administrative areas of LCC and NKDC.
- 2.3.5 The Order Limits include the land shown outlined in red on the **Land Plans (Document Ref: 2.2)** within which the Proposed Development must be carried out and which may be subject to a right to override easements and other rights upon appropriation of the land for the purposes of the Proposed Development, and the extinguishment of private rights of way. The Order Land is the land over which the Applicant is applying for compulsory powers, which is described in the **Book of Reference (Document Ref: 4.3)** and shown on the **Land Plans (Document Ref: 2.2)** and **Crown Land Plan (Document Ref: 2.3)**.
- 2.3.6 Further information about the Site is provided in section 2.2 of **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)** of the Environmental Statement.

2.4 Description of the Proposed Development

2.4.1 The Proposed Development is split into 10 Work Numbers, as follows:

Work No. 1 – a ground mounted solar photovoltaic generating station with a gross electrical output capacity of over 50 megawatts including—

- a) solar panels fitted to mounting structures; and
- b) balance of solar system (BoSS) plant.

Work No. 2 — a battery energy storage system compound and associated works including—

- a) battery energy storage system (BESS) units each comprising an enclosure for BESS electro-chemical components and associated equipment, with the enclosure being of metal façade, joined or close coupled to each other, mounted on a reinforced concrete foundation slab or concrete piles;
- b) transformers and associated bunding;
- c) inverters, switch gear, power conversion systems (PCS) and ancillary equipment;
- d) containers or enclosures housing all or any of Work Nos. 2(b) and (c) and ancillary equipment;
- e) monitoring and control systems housed within the containers or enclosures comprised in Work Nos. 2(a) or (d) or located separately in its own container or enclosure;
- f) heating, ventilation and air conditioning (HVAC) systems either housed on or within each of the containers or enclosures comprised in Work Nos. 2(a), (d) and (e), attached to the side or top of each of the containers or enclosures, or located separate to but near to each of the containers or enclosures;
- g) electrical cables including electrical cables connecting to Work No. 3;
- h) fire safety infrastructure including water storage tanks, lagoons and a shut-off valve for containment of fire water and hard standing to accommodate emergency vehicles;
- i) containers or similar structures to house spare parts and materials required for the day to day operation of the BESS facility; and
- j) office, warehouse and plant storage building comprising—
 - i. offices and welfare facilities;
 - ii. storage facilities;
 - iii. waste storage within a fenced compound;
 - iv. parking areas; and
 - v. a warehouse building for the storage of spare parts, operational plant and vehicles.

Work No. 3 — *development of an onsite substation and associated works including—*

- a) substation, switch room buildings and ancillary equipment including reactive power units;*
- b) monitoring and control systems for this Work No. 3 and Work Nos. 1 and 2 housed within a control building or located separately in their own containers or control rooms;*
- c) water storage tanks; and*
- d) 400 kilovolt harmonic filter compound.*
- e) office, warehouse and plant storage building comprising—*
 - i. offices and welfare facilities;*
 - ii. storage facilities;*
 - iii. waste storage within a fenced compound;*
 - iv. parking areas; and*
 - v. a warehouse building for the storage of spare parts, operational plant and vehicles.*

Work No. 4 — *works in connection with electrical cabling including—*

- a) Work No. 4A— works to lay high voltage electrical cables including—*
 - i. works to lay electrical cables connecting Work No. 3 to Work No. 5 including open cut trenching, tunnelling, boring and drilling works for trenchless crossings;*
 - ii. works to allow electrical cable crossings of non-navigable rivers, other watercourses and drains, permissive paths, public rights of way and other highways;*
 - iii. works to allow installation of bridge crossings over non-navigable rivers and other watercourses and drains;*
 - iv. works to divert and underground existing electrical overhead lines and other services;*
 - v. laying down of internal access tracks, ramps, means of access, footpaths, roads, landscaping and vegetation management, signage and information boards; and*
 - vi. construction laydown areas, including site and welfare offices and areas to store materials and equipment.*
- b) Work No. 4B— construction compounds in connection with Work No. 4A including—*
 - i. areas of hardstanding;*
 - ii. car parking;*
 - iii. site and welfare offices, canteens and workshops;*

- iv. *area to store materials and equipment;*
- v. *storage and waste skips;*
- vi. *areas for offloading and turning;*
- vii. *security infrastructure, including cameras, perimeter fencing and lighting;*
- viii. *site drainage and waste management infrastructure (including sewerage); and*
- ix. *electricity, water, waste water and telecommunications connections.*

Work No. 5 — *works to the existing Bicker Fen National Grid substation including—*

a) *Work No. 5A— creation of a new generation bay and associated works at the existing substation including—*

- i. *an electrical bay ~~to connect into the existing network at Work No. 5B,~~ including associated outdoor air insulated switchgear (AIS) or indoor gas insulated switchgear (GIS) and electrical apparatus, circuit breakers, disconnectors and earth switches;*
- ii. *substation electrical apparatus, including bus-bars, steel supports, insulation posts, cable sealing ends, surge arrestors, instrument transformers;*
- iii. *control building; and*
- iv. *underground and above ground electrical cables and electrical connectors, including cables for power, control and communication with electrical bays and to connect into Work No. 5B, including associated outdoor AIS or indoor GIS and electrical apparatus.*

b) *Work No. 5B— an extension to the existing substation including—*

- i. *outdoor AIS or indoor GIS, including circuit breakers, disconnectors and earth switches;*
- ii. *substation electrical apparatus, including bus-bars, bus-section and a bus-coupler, steel supports, insulation posts, cable sealing ends, surge arrestors, instrument transformers; and*
- iii. *underground and above ground electrical cables and electrical conductors, including cables for power, control and communication with electrical bays and to connect into Work No. 5A and the existing network within the existing substation, including associated outdoor AIS or indoor GIS and electrical apparatus.*

c) *Work No. 5C— cabling works in connection with the extension to the existing substation including—*

- i. a cable sealing end compound and construction of a new circuit bay connecting into the existing substation; and*
 - ii. underground and above ground electrical cables and electrical conductors, connecting the existing 400kV transmission tower and the new feeder bay.*
- d) Work No. 5D— temporary laydown area including—*
 - i. areas of hardstanding, compacted ground or tracking matting;*
 - ii. car parking and access;*
 - iii. area to store materials and equipment, including electrical cables;*
 - iv. site and welfare offices and cabins;*
 - v. security infrastructure, including cameras, perimeter fencing and lighting;*
 - vi. site drainage and waste management infrastructure (including sewerage); and*
 - vii. electricity, water, waste water and telecommunications connections.*
- e) Work No. 5E— further works in connection with the extension to the existing substation including—*
 - i. landscaping and biodiversity mitigation and enhancement measures including planting; and*
 - ii. the laying and construction of drainage infrastructure.*

Work No. 6 — works including—

- a) electrical cables, including but not limited to electrical cables connecting Work Nos. 1, 2 and 3 to one another and connecting solar panels to one another and the BoSS;*
- b) fencing, gates, boundary treatment and other means of enclosure;*
- c) works for the provision of security and monitoring measures such as CCTV columns, lighting columns and lighting, cameras, weather stations, communication infrastructure, and perimeter fencing;*
- d) landscaping and biodiversity mitigation and enhancement measures including planting;*
- e) improvement, maintenance and use of existing private tracks;*
- f) laying down of internal access tracks, ramps, means of access, footpaths, crossing of watercourses, including via footbridges, and roads, including the laying and construction of drainage infrastructure, signage and information boards;*
- g) laying down of temporary footpath diversions, permissive paths, signage and information boards;*

- h) earthworks;*
- i) sustainable drainage system ponds, runoff outfalls, general drainage and irrigation infrastructure, systems and improvements or extensions to existing drainage and irrigation systems;*
- j) construction and decommissioning compounds, including site and welfare offices and areas to store materials and equipment;*
- k) works to divert and underground existing electrical overhead lines and other services; and*
- l) works to facilitate connection to an existing water main including laying a new section of pipework and all associated works.*

Work No. 7 — *construction and decommissioning compounds in connection with Work Nos. 1, 2 and 3 including—*

- a) areas of hardstanding;*
- b) car parking;*
- c) site and welfare offices, canteens and workshops;*
- d) area to store materials and equipment;*
- e) storage and waste skips;*
- f) areas for offloading and turning;*
- g) security infrastructure, including cameras, perimeter fencing and lighting;*
- h) site drainage and waste management infrastructure (including sewerage); and*
- i) electricity, water, waste water and telecommunications connections.*

Work No. 8 — *works to create the bespoke access road including—*

- a) creation of accesses from the public highway;*
- b) works to divert and underground existing electrical overhead lines and other services;*
- c) creation of visibility splays;*
- d) works to widen and surface the public highway and private means of access;*
- e) creation of public right of way crossings;*
- f) works to create associated drainage infrastructure, including works to existing drainage infrastructure;*
- g) creation of temporary construction compounds;*
- h) erection of temporary fencing and hording and permanent access gates; and*

- i) works to facilitate connection to an existing water main including laying a new section of pipework and all associated works.*

Work No. 9 — *areas of habitat management including—*

- a) landscape and biodiversity enhancement measures;*
b) habitat creation and management, including earthworks, landscaping, and the laying and construction of drainage infrastructure; and
c) fencing, gates, boundary treatment and other means of enclosure.

Work No. 10 — *works to facilitate access to Work Nos. 1 to 9 including—*

- a) creation of accesses from the public highway;*
b) creation of visibility splays; and
c) works to widen and surface the public highway and private means of access.

- 2.4.2 The associated development for the purposes of section 115 of the PA 2008 comprises Work Nos. 2 to 10, as well as further associated development as set out in the final paragraph of Schedule 1 of the **Draft DCO (Document Ref: 3.1)**.
- 2.4.3 A more detailed description of the Proposed Development is provided in **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)**. The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the **Works Plan (Document Ref: 2.4)**.

2.5 The purpose and structure of this statement

- 2.5.1 The purpose of this Statement is to explain why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition in the Order to acquire land, acquire or create rights over land, to extinguish or suspend rights over land, and to temporarily use land for the purposes of the Proposed Development, and why there is a compelling case in the public interest for the Applicant to be granted these powers.
- 2.5.2 This Statement has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008, regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) (Ref. 1.2) and the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (CA Guidance) (Ref. 1.3).
- 2.5.3 This Statement should be read alongside the other Application documents that relate to the compulsory acquisition powers sought by the Applicant and the need for the Proposed Development, including:
- **Land Plans (Document Ref: 2.2);**
 - **Crown Land Plan (Document Ref: 2.3);**
 - **Works Plan (Document Ref: 2.4);**

- **Draft DCO (Document Ref: 3.1);**

- **Explanatory Memorandum (Document Ref: 3.2);**
- **Other Consents and Licences Statement (Document Ref: 5.4);**
- **Book of Reference (Document Ref: 4.3);**
- **Funding Statement (Document Ref: 4.2);**
- **Land and Rights Negotiations Tracker (Document Ref: 4.4);**
- **Environmental Statement (Document Ref: 6.1-6.4); and**
- **Planning Statement (Document Ref: 5.5).**

3. Description of the Proposed Development

3.1 Overview

- 3.1.1 This section provides further detail on the components of the Proposed Development. The development to which the Proposed applies is set out at Schedule 1 to the **Draft DCO (Document Ref: 3.1)** and is called the "authorised development" in that document. The **Works Plan (Document Ref: 2.4)** shows the areas in which the parts of the Proposed Development may be constructed. Full details of the Proposed Development can be found in sections 2.5 to 2.13 of **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)** of the Environmental Statement.

3.2 Description of the Proposed Development

Solar Arrays

- 3.2.1 Solar PV modules convert sunlight into electrical current (as Direct Current (DC)) by absorbing the sun's energy and generating a flow of electricity.
- 3.2.2 The height of the arrays has been informed through iterative design considering flood modelling data resulting in a height of up to 3.9m above ground level in fields to the east and up to 3.5m above ground level in fields towards the west, south and an isolated field to the north as shown on **Figure 2.4 Panel Heights (Document Ref: 6.4 ES Vol.3, 6.4.4)**.
- 3.2.3 The individual panels are anticipated to be up to 2.5m long and up to 1.5m wide and consist of a series of PV cells beneath a layer of toughened glass. The proposal is for a fixed (i.e., static) panel orientation, facing due south (i.e., 180° azimuth) which is commonly seen on existing UK solar farms, and angled 10° to 45° from horizontal.
- 3.2.4 The exact number of PV panels that would be used in the Proposed Development is not yet known. Various factors will help to inform the number and arrangement, and it is likely that some flexibility will be required to accommodate future technological developments.
- 3.2.5 The modules are to be fixed to a mounting structure in groups, known as 'strings'. Each string of modules will be mounted on a metal framing system, known as 'tables'. The module frame is anticipated to be built from anodised aluminium or steel for durability. The tables are usually supported by galvanized steel poles, driven approximately 1.0m to 2.5m into the ground.

Supporting Infrastructure (Inverters, Transformers, and Switchgear)

Power Conversion Units

- 3.2.6 A Power Conversion Unit (PCU) comprises the inverter, transformer, and switchgear. The different types of inverters and transformers considered for the Proposed Development are outlined below. This supporting infrastructure could be located separately as an "Outdoor Solar Station" or enclosed within a single container, referred to as "Indoor Solar Station".

Inverters

- 3.2.7 Inverters convert the direct current (DC) produced by the solar PV modules into alternating current (AC) which is used by the National Grid. It is anticipated that either a string inverter or central inverters would be used onsite.

Transformers

- 3.2.8 Transformers are required to 'step-up' the voltage of the electricity generated to a higher voltage prior to it reaching the Onsite Substation. The transformer stations would likely be located at regular intervals across the Site. Similarly to the inverters, two options are currently being considered for the transformers; outdoor or indoor.

Switchgear

- 3.2.9 Switchgear are the combination of electrical disconnecter switches, fuses or circuit breakers used to control, protect and isolate electrical equipment. Switchgear is used both to de-energise equipment to allow work to be done and to clear faults downstream. Switchgear can be also located in a cabin together with the transformer and inverter.

Battery Energy Storage System

- 3.2.10 The Proposed Development will include an associated 600MW BESS. The BESS area is located adjacent to the proposed Onsite Substation as shown on the **Works Plan (Document Ref: 2.4)**.
- 3.2.11 BESS is used to store electricity as chemical energy during periods of surplus electricity generation by the solar PV modules and export it to the grid during periods when electricity demand exceeds generation.
- 3.2.12 Batteries will be placed within individual enclosures arranged regularly within a compound with vehicular access available to each unit. The precise number will depend upon the level of power capacity and duration of energy storage that the Proposed Development will require. An element of flexibility in approach is, therefore, adopted at this stage as technology, business models and relevant policy all evolve.

Fire Safety

- 3.2.13 The main potential hazard of BESS failure is thermal runaway and, if not controlled, fire. Consultation with Lincolnshire Fire & Rescue service and relevant legislation has influenced the overall Proposed Development design to ensure adequate siting of BESS and grid infrastructure away from sensitive receptors. Battery manufacturers undertake extensive testing and analysis to assess fire risk, and the Proposed Development will adhere to all manufacturer safety recommendations.
- 3.2.14 An Outline Battery Storage Safety Management Plan (OBSMP) (**Document Ref: 7.2, Outline Battery Safety Management Plan**) is included as part of the DCO application, which incorporates the following safety measures:
- Adequate supplies of water at the Site;
 - Installation of systems to detect and suppress fire;

- Adequate separation and ground covering between battery stations to ensure that an isolated fire would not spread and lead to a major incident;
- Roads of adequate width and construction to allow easy access;
- Two routes to the BESS allowing an alternative access where required;
- Visual warning system; and
- Maintenance of vegetation to prevent wildfire risk.

Onsite Substation

- 3.2.15 A new Onsite Substation will be centrally located and will include transformers, switchgear, metering equipment and all associated equipment required to facilitate the export of electricity to the National Grid.
- 3.2.16 The Onsite Substation will include control and storage buildings that would house office space and welfare facilities, as well as operational monitoring and maintenance equipment. The Onsite Substation will have up to four HV transformers.
- 3.2.17 The Onsite Substation will be connected to the PV modules and BESS via Medium Voltage Distribution Cables in order to collect electricity (at 33kV) from those components of the Site. The Onsite Substation will convert the electricity to 400 kV for onward transmission to Bicker Fen substation via Cable Route within the Cable Route Corridor.

Onsite Cabling

- 3.2.18 Low voltage onsite electrical cabling is required to connect the PV modules and BESS to the inverters (typically via 1.0/1.5kV cables), and the inverters to the onsite transformers (typically via 0.4/1.0kV cables). Higher voltage cables (typically 33kV) are required between the transformers and the switchgear and from switchgear to the Onsite Substation.
- 3.2.19 Onsite cabling between PV modules and inverters is anticipated to be above ground level along the mounting structure to either a combiner box if a central inverter is used or directly to string inverter, if that option is chosen. These cables are typically installed on the tables but may be buried in ducts between the table rows. All other onsite cabling will be underground where possible.
- 3.2.20 Data cables will also be installed to allow operational monitoring.

Fencing and Lighting

- 3.2.21 The perimeter fence would likely comprise a standard post and wire deer fencing up to 3m tall around the Solar Array Area. Security fencing up to 3.4m will be installed around the Onsite Substation compound and, possibly, other infrastructure / compounds. Acoustic fencing, up to 4m tall, may be required around the BESS, subject to the detailed design and layout.
- 3.2.22 Mounted internal-facing closed circuit television (CCTV) systems will likely be deployed around the perimeter of the operational areas of the Site; anticipated

to be 5m high. The CCTV cameras would have fixed view sheds and will be aligned to face along the fence.

- 3.2.23 Motion detection security lighting will be used along with infrared lighting provided by the CCTV security system to provide night vision functionality for CCTV. No visible lighting will be utilised at the site perimeter fence.
- 3.2.24 Lighting at the BESS and Onsite Substation will be passive infrared (PIR) operated, calibrated to detect vehicles and personnel. Lighting at the BESS entrances and adjacent to the access track within the BESS will be operated by PIR calibrated to trigger on vehicle and personnel, with the option of manual control.

Cable Route

- 3.2.25 The Proposed Development will be connected to the National Grid at the Bicker Fen substation.
- 3.2.26 The Cable Route Corridor extends southwards from the Solar Array Area, crossing Head Dike and Littleworth Drove before turning to the east and then continuing south across the A17 towards Great Hale Fen. The route continues in a broadly south-easterly direction crossing Great Hale Eau and South Forty Foot Drain before reaching the Bicker Fen substation located on Vicarage Drove.
- 3.2.27 The use of underground cabling is the adopted standard for the solar industry and is the Applicant's proposed option for the Proposed Development. The underground cabling will be installed predominantly via standard open-cut trenched methods, however, where required, trenchless methods for the crossing of existing infrastructure features will be explored such as Horizontal Directional Drilling (HDD). The working area will include mobile equipment, haul road and soil stores. Further detail regarding the construction of the cable route is available in **Appendix 2.1: Grid Connection Construction Method Statement (Document Ref: 6.3 ES Vol. 2, 6.3.4)**.
- 3.2.28 During construction, temporary construction compounds will be required approximately every 1-3 km, as well as temporary roadways, to enable access to all land. It is anticipated that there will be six main compounds that are distributed at approximately equal distances along the cable route to facilitate proper construction management. Smaller temporary compounds may also be located anywhere within the final working area.
- 3.2.29 Vegetation and hedgerows lost during the construction of the Cable Route will be re-instated where possible in relation to easement restrictions.

Access

Bespoke Access Road

- 3.2.30 The primary means of access to the Site will be via the Bespoke Access Road from the A17 and will facilitate all phases of the Proposed Development (construction, operation/maintenance and decommissioning). This will comprise a priority T-junction from the existing layby to the south-west of Asgarby with a 6.0m wide carriageway. Further details on the Bespoke Access Road are provided in **Chapter 9: Access and Traffic (Document Ref: 6.2 ES Vol.1, 6.2.9)**, and **Appendix 9.1: Transport Assessment (Document Ref: 6.3 ES Vol.2, 6.3.54)**.

- 3.2.31 The Bespoke Access Road will be constructed in advance of material construction commencing on the Solar Array Area and will facilitate construction in that area. Further detail regarding the construction of the Bespoke Access Road is available in **Appendix 2.2: Bespoke Access Road Construction Method Statement (Document Ref: 6.3 ES Vol.2, 6.3.5)**. During construction, temporary construction compounds will be required, as well as temporary roadways, to enable access to all the land within the Solar Array Area boundary.
- 3.2.32 During operation, secondary access to the Site will be provided from Halfpenny Toll Lane near Catchwater Drain along the northern boundary of the Site, approximately 60m east of the junction with Thorpe Road and Howell Fen Drove.
- 3.2.33 The road will likely be the last component of the Proposed Development to be removed as it will be used to facilitate decommissioning of the Solar Array Area.
- 3.2.34 There will be no permanent lighting installed at the access points and access will be controlled through gates at all stages.
- 3.2.35 Vegetation and hedgerows lost during the construction of the Bespoke Access Road will be re-instated following decommissioning subject to the road being removed.

Public Rights of Way (PRoW)

- 3.2.36 PRoW Ewer/12/1 is being extended in a south and westerly direction as a permissive path terminating in the vicinity of Ewerby Thorpe, and will be in place for the operational duration of the Proposed Development, on a route to be determined via the discharge of requirement in the **Draft DCO (Document Ref: 3.1)**, but approximately running in a south easterly direction along Car Dyke then heading south west on the north side of Hodge Dike. An undetermined number of footbridges (unlikely to be more than eight in number) to cross existing watercourses, will be required.

Connection Works

- 3.2.37 To accommodate the proposed connection, works to the existing Bicker Fen National Grid Substation are required (Work Nos. 5 A – E). The substation extension (Work Nos 5 A – E) will be delivered by National. For further details on the substation extension works reference should be made to **Appendix 2.1: Grid Connection Construction Method Statement (Document Ref: 6.3 ES Vol.2, 6.3.4)**.
- 3.2.38 The extension will be to the south-west of the existing substation site, as determined by National Grid Electricity Transmission plc (NGET) and National Energy System Operator (NESO) to take into account the needs of other customers connecting into the National Electricity Transmission System (NETS).
- 3.2.39 NGET have requested that there be optionality within the design of the extension to Bicker Fen substation. The extent of the two design options can be seen in **Land Take Design Options (Bicker Fen Substation) (Document Ref: 2.26)**. The two design options that are under consideration are: Air

Insulated Switchgear (AIS) and Gas Insulated Switchgear (GIS). Further information on these options is set out below.

- 3.2.40 These works have minimal impact to the transmission network outside of Bicker Fen substation. However, the works within the substation will require the delivery of new equipment, groundworks to extend the site (including possible concrete pours for the base) and electrical works.

Interface with Heckington Fen

- 3.2.41 Within the Preliminary Environmental Information Report (PEIR) it was stated that the same works package included in the Heckington Fen DCO will be included in the **Draft DCO (Document Ref: 3.1)**. Following engagement with National Grid, it is now understood that the work package in the Heckington Fen Solar Park Order 2025 excludes the area required for the Beacon Fen generator bay.
- 3.2.42 It is understood that NGET proposes to carry out the substation extension works for the Heckington Fen and Beacon Fen projects simultaneously, as one single construction programme (For further details, reference should be made to **Appendix 2.1: Grid Connection Construction Method Statement (Document Ref: 6.3 ES Vol.2, 6.3.4)**).
- 3.2.43 Accordingly, and in view of this desired 'singular' construction programme, this application includes the extent of the land required, and along with the powers necessary, to enable the construction of generator bays for both Heckington Fen and Beacon Fen. The Heckington Fen Solar Park Order 2025 provides NGET with the necessary powers to carry out the extension works specifically for the additional generator bay to enable that project's grid connection. Notwithstanding this, incorporating the aggregate powers and land required for the construction of both generator bays within this project's **Draft DCO (Document Ref: 3.1)** is considered prudent to ensure the delivery of Beacon Fen is not dependent on a third-party project coming forward. This approach was discussed and agreed with NGET in pre-application consultation. The full extent of the works has been considered in the **Environmental Statement (Document Ref: 6.1-6.4)**.

3.3 Flexibility

- 3.3.1 The technologies proposed as part of the Proposed Development are rapidly evolving. The **Draft DCO (Document Ref: 3.1)**, the **Works Plan (Document Ref: 2.4)** and the Outline Design Principles set out in the **Design and Access Approach Document (Document Ref: 5.6)** therefore maintain appropriate flexibility to ensure that the latest technology can be utilised at the point of construction to maximise the Proposed Development's benefits.
- 3.3.2 This is in accordance with section 4.3 of the Overarching National Policy Statement for Energy EN-1 (NPS EN-1) and paragraphs 2.6 and 2.10 of the National Policy Statement for Renewable Energy Infrastructure EN-3 (NPS EN-3).
- 3.3.3 Given the flexibility applied for and in order to ensure a robust assessment of the likely significant environmental effects of the Proposed Development, the Environmental Impact Assessment (EIA) has been undertaken adopting the principles of the 'Rochdale Envelope' where appropriate, as described in the

Planning Inspectorate's Advice Note Nine: Rochdale Envelope (republished in July 2018, version 3) (Ref. 1.4).

- 3.3.4 This involves assessing the maximum (and where relevant, minimum) parameters for the Proposed Development where flexibility needs to be retained while ensuring all likely significant effects (whether beneficial or adverse) are considered. This approach sets worst case parameters for the purpose of the assessment but does not constrain the Proposed Development from being built in a manner that would lead to lower environmental impacts.
- 3.3.5 The **Draft DCO (Document Ref: 3.1)** defines the parameters of the Proposed Development (secured via the **Outline Design Principles**), thus providing certainty that the impacts of the Proposed Development will be no worse than those assessed as part of the EIA. Further detail is provided in Section 2.3 and 2.4 of **Chapter 2: Proposed Development (Document Ref: 6.2 ES Vol. 1, 6.2.2)** of the Environmental Statement (particularly section 2.3.4).

3.4 Timing of construction

- 3.4.1 Subject to the Application being granted consent in 2026, construction is anticipated to commence in 2027 and last for 2.5 to 5 years. However, the construction programme will be dependent on environmental and market factors. The Bespoke Access Road and Cable Route can commence construction at the same time and are anticipated to last between:
- Bespoke Access Road: 6 to 12 months
 - Cable Route: 12 to 24 months
- 3.4.2 All material construction on the Solar Array Area will follow the completion of the Bespoke Access Road and last between 24 to 36 months. Some limited preparatory works may be carried out on the Solar Array Area simultaneously to the construction of the Bespoke Access Road.
- 3.4.3 Construction of the Bicker Fen substation extension will be undertaken separately by NGET and is anticipated to last 60 weeks. To facilitate this, the **Draft DCO (Document Ref: 3.1)** provides that National Grid is the beneficiary of the powers to carry out the relevant numbered works in the **Draft DCO (Document Ref: 3.1)** (Work No. 5).
- 3.4.4 The construction phase will be supported and regulated by a Construction Environmental Management Plan (CEMP). **Appendix 2.4: Outline CEMP (OCEMP) (Document Ref: 6.3, ES Vol.2, 6.3.7)** has been developed to support this application.

3.5 Operation

- 3.5.1 The overall lifespan of the entire Proposed Development encompassing construction and decommissioning is expected to be approximately 45 years, with 40 years being the expected (and maximum) operational lifespan of the solar arrays and BESS. The Bespoke Access Road will become operational first to facilitate construction (2.5 to 5 years) and is also likely to remain in operation during the decommissioning phase (1 to 3 years).

- 3.5.2 There will be a requirement for periodic replacement of some or all of the elements of the Proposed Development. At this stage, the level of vehicle trips associated with component replacement (e.g. batteries and panels) is expected to be considerably lower than the level of vehicle trips generated during the peak construction phase. For example, even in the instance that full panel replacement is required, this would be programmed in stages over a much longer period than the construction phase (when the panels will be installed more rapidly). This approach would maximise the number of panels which are kept 'live' at any given time and avoid compromising the electricity generating capacity of the Solar Array Area. Otherwise, components would be replaced as and when required throughout the operational lifetime of the Proposed Development.
- 3.5.3 All replaced components will be recycled or disposed of in accordance with good practice and market conditions at that time.

3.6 Decommissioning

- 3.6.1 The decommissioning phase of the Proposed Development is anticipated to last between approximately 12 and 36 months, dependent on landowner requirements regarding the Bespoke Access Road. The Proposed Development will return to an agricultural land use with reinstatement and enhancement planting as required and where practical with consideration of easements. This is discussed further in **Chapter 6: Landscape and Visual (Document Ref: 6.2 ES Vol.1, 6.2.6)**.
- 3.6.2 A Decommissioning Environmental Management Plan (DEMP) will support the Decommissioning phase. **Appendix 2.5: Outline DEMP (ODEMP) (Document Ref: 6.3 ES Vol.2, 6.3.8)** has been prepared to support this application.

Bespoke Access Road

- 3.6.3 The road will likely be the last aspect to be removed as it will be used to facilitate decommissioning of the Solar Array Area. Whilst it is assumed that the road will be removed, it is possible that engagement with the landowners at that time will establish a preference for it to be retained. Optionality has been deliberately retained in the Application to facilitate such a scenario. For the purposes of the **Environmental Statement (Document Ref: 6.1-6.4)**, each topic has assumed the removal of the road on the basis that this will, at the time of decommissioning, have a greater potential impact than retention, so allowing for a conservative assessment of the potential significant effects.

Solar Array Area

- 3.6.4 As part of the decommissioning phase, all PV modules, mounting structure, inverters, transformers, switchgear, the Onsite Substation, BESS, fencing and ancillary infrastructure would be removed from Site and recycled or disposed of in accordance with good practice and market conditions at that time. Foundations and other below ground infrastructure, which are not practicable to remove, will be cut below the surface to enable future ploughing. Any piles would be removed.
- 3.6.5 Buried medium voltage cables would either be removed and land restored or remain in situ. For the purposes of the **Environmental Statement (Document**

Ref: 6.1-6.4), each topic has considered the option of removal or remaining in-situ that represents the worst-case scenario, relevant to the topic under consideration.

Cable Route

- 3.6.6 The 400kV cable will not be removed as part of the decommissioning phase and instead remain in situ.

Bicker Fen Substation

- 3.6.7 It is anticipated that the works undertaken as part of the extension at the Bicker Fen substation will also remain in situ. This would remain under National Grid's control.

3.7 Summary

- 3.7.1 The Proposed Development comprises the construction, operation, maintenance and decommissioning of solar PV arrays and energy storage, together with associated infrastructure (including the Bespoke Access Road), an underground cable connection to the existing National Grid Bicker Fen substation, and an extension to that substation.
- 3.7.2 It is currently anticipated that the construction of the Proposed Development will commence in 2027. The construction phase is anticipated to start with the construction of the Bespoke Access Road which will last for 6 to 12 months. This will be followed by construction of the Solar Array Area and Cable Route, which will take 24 to 48 months. The proposed operational period for the Proposed Development is 40 years. Decommissioning anticipated to last between approximately 12 and 36 months.
- 3.7.3 The technologies proposed as part of the Proposed Development are rapidly evolving and therefore flexibility has been built into the Proposed Development to allow the latest technology to be utilised at the time of construction.

4. Compulsory acquisition powers

4.1 Introduction

- 4.1.1 Section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Section 120(4) states that this includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5 to the PA 2008. Schedule 5 includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement.
- 4.1.2 There are conditions that must be met before a DCO may include provision authorising the compulsory acquisition of land, as set out below.

4.2 The conditions to be met

- 4.2.1 Under section 122 of the PA 2008, a DCO may only include provision authorising the compulsory acquisition of land if the conditions in sections 122(2) and 122(3) of the PA 2008 are met. The conditions to be met are:
- 4.2.2 Section 122(2): the land is required for the development to which the consent relates, is required to facilitate or is incidental to that development or is replacement land which is to be given in exchange for the Order Land under section 131 or section 132 of the PA 2008 (open spaces, common land etc). See Section 5 and Section 6.2 of this Statement.
- 4.2.3 Section 122(3): there is a compelling case in the public interest for the land to be acquired compulsorily. See Section 6.1 of this Statement.
- 4.2.4 In respect of the section 122(2) condition, the CA Guidance (at paragraph 11) states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land to be acquired is no more than is reasonably required for the purposes of the development. See Section 6 of this Statement.
- 4.2.5 In respect of the section 122(3) condition, the CA Guidance (at paragraph 13) states that the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. At paragraph 14, the CA Guidance states that, in determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition. See Section 6.1 and Section 9.5 of this Statement.
- 4.2.6 As part of this exercise, paragraphs 8 to 10 of the CA Guidance also set out a number of general considerations that the applicant must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition. These are as follows:
- that all reasonable alternatives to compulsory acquisition (including modifications to the Proposed Development) have been explored - see Section 5.4 of this Statement;

- that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate - see the rest of this Section 4, Section 5 and Section 9 of this Statement;
- that the Applicant has a clear idea of how it intends to use the land which it is proposed to acquire - see Section 3 as well as the rest of this Section 4 of this Statement, together with the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**;
- that there is a reasonable prospect of the requisite funds for the acquisition becoming available - see the **Funding Statement (Document Ref: 4.2)**; and
- that the purposes for which compulsory acquisition of land powers are included in the consent are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected - see and Section 9 of this Statement.

4.2.7 This Statement sets out the factors that the Applicant considers demonstrate that the conditions in section 122 of the PA 2008, having regard to the CA Guidance, are satisfied.

4.3 Scope of the powers sought

4.3.1 The following categories of land powers are included in the **Draft DCO (Document Ref: 3.1)**:

- All interests in land, including freehold (Article 22 in the **Draft DCO (Document Ref: 3.1)**) – shown edged red and shaded pink on the **Land Plans (Document Ref: 2.2)**;
- Statutory authority to override easements and other rights (Article 24 in the **Draft DCO (Document Ref: 3.1)**). This permits the carrying out or use of the authorised development notwithstanding that it involves an interference with easements or rights;
- Permanent acquisition of new rights and imposition of restrictive covenants (Article 26 in the **Draft DCO (Document Ref: 3.1)**) - shown edged red and shaded blue on **Land Plans (Document Ref: 2.2)**. This permits the creation of new rights (including imposing restrictive covenants);
- Extinguishment of private rights (Article 27 in the **Draft DCO (Document Ref: 3.1)**). The Applicant has included powers to ensure that easements and other private rights identified as affecting the land are extinguished, so as to facilitate the construction, operation (including maintenance) and decommissioning of the Proposed Development without hindrance. In addition, there may be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished in order to facilitate the Proposed Development.
- All interests in land, including freehold, in respect of subsoil and airspace only (Article 29 in the **Draft DCO (Document Ref: 3.1)**). This allows the Applicant to acquire rights in the subsoil of, and the airspace over, land only.

- Temporary use of land (Articles 31 and 33 in the **Draft DCO (Document Ref: 3.1)**). This permits the Applicant to take temporary possession of any part of the Order Land where it has not yet exercised powers of compulsory acquisition, and to seek temporary possession only over specified plots, shown edged red and shaded green on the **Land Plans (Document Ref: 2.2)**. The DCO also includes provision for use of airspace within the Order Land (Article 36 in the **Draft DCO (Document Ref: 3.1)**).
- 4.3.2 The **Land Plans (Document Ref: 2.2)** also show three plots shaded grey. These comprise land which is included within the Order Limits but which does not form part of the Order Land, as no powers of acquisition or temporary possession are sought over those plots. Whilst the Applicant is not anticipating carrying out any works related to the Proposed Development within these plots, they have been retained within the Order Limits because as detailed design progresses it may be desirable to carry out minor works within these areas, and so they require the benefit of the works powers within the **Draft DCO (Document Ref: 3.1)**. If the Applicant is required to use this land, it is considered that permission to do so can be reached under private agreement with the existing landowners. As such, the non-inclusion powers of acquisition or temporary possession over these plots is not considered to be an impediment to the delivery of the Proposed Development.
- 4.3.3 The grey plots are shown on the **Land Plans (Document Ref: 2.2)** because the plots are retained within the Order Limits, as they are required for and will be affected by the Proposed Development (Regulation 5(2)(i)(i) of the APFP Regulations). The ~~details of the relevant owners in the~~ grey plots have also been included in the **Book of Reference (Document Ref: 4.3)** because the plots fall within the Order Limits, and it is intended that part of the works may be carried out in that land (Regulation of the 7 APFP Regulations). Although these grey plots are within the Order Limits, they do not form part of the Order Land as they are not subject to any powers of compulsory acquisition or temporary possession, and as such, details of the ownership and interests over these plots are not included in the **Book of Reference (Document Ref: 4.3)**.
- 4.3.4 The **Land Plans (Document Ref: 2.2)** and **Crown Land Plan (Document Ref: 2.3)** also show areas of land shaded yellow. These are labelled 'Land outside Order limits and Order land' as they are not required for the Proposed Development. The **Draft DCO (Document Ref: 3.1)** does not apply to this land and so it is not included in the **Book of Reference (Document Ref: 4.3)**.

5. Need for compulsory acquisition of land and rights

5.1 Purpose of the compulsory acquisition powers and status of negotiations

- 5.1.1 The intended purpose of the land which is subject to the proposed powers of compulsory acquisition is shown on the **Works Plan (Document Ref: 2.4)** and described in Schedule 1 to the **Draft DCO (Document Ref: 3.1)**.
- 5.1.2 The **Land and Rights Negotiations Tracker (Document Ref: 4.4)** includes plots in the **Book of Reference (Document Ref: 4.3)** and land interests where the Applicant has been involved in negotiations to reach voluntary agreement with landowners, save for where no negotiations to reach voluntary agreement are considered necessary (discussed further in Section 5.2 below). For each third party the Applicant is negotiating with, the **Land and Rights Negotiations Tracker (Document Ref: 4.4)** describes the party's interest in the land and by plot number as referenced in the **Book of Reference (Document Ref: 4.3)** and **Land Plans (Document Ref: 2.2)** and **Crown Land Plan (Document Ref: 2.3)**, with plots grouped together for each interested party.
- 5.1.3 As shown in the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**, the Applicant has already negotiated and completed property agreements with the freehold owners of the land comprising the Solar Array Area, which represents the significant majority of the Order Land. The Applicant is in negotiations to enter into voluntary agreements with the remaining freehold owners of the land comprising the Bespoke Access Corridor, Cable Route Corridor and access to the Solar Array Area. As is shown in the tables in the **Land and Rights Negotiations Tracker (Document Ref: 4.4)** agreement is expected to be reached before or during Examination with all of the remaining parties. This means that should the **Draft DCO (Document Ref: 3.1)** be granted by the Secretary of State for the Proposed Development, the Applicant anticipates that it will be able to exercise option agreements over the majority of the relevant interests in the Site for the lifetime of the Proposed Development.
- 5.1.4 Details of how the Applicant identified persons with an interest in the affected land are set out in the **Consultation Report (Document Ref: 5.1)**.

5.2 Highway subsoil and unregistered drains

- 5.2.1 As is explained in the introduction to the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**, where rights over the subsoil beneath the highway or an unregistered drain are required from owners of that land in connection with the Proposed Development, that interest is proposed to be acquired through exercising the compulsory acquisition powers sought in the **Draft DCO (Document Ref: 3.1)** without negotiation or the payment of compensation.

Highway subsoil

- 5.2.2 The surface of a highway and the first metre or so required to maintain it are deemed to be owned by a highway authority where the road is maintainable at the public expense, as most highways are. Usually, utility companies installing cables and pipes for water, gas, electricity and telecommunications install them within this upper strata forming the highway under statutory licence from the highway authority.
- 5.2.3 The cables required for the Proposed Development are to be buried in land which is highway or may otherwise need to be installed in subsoil beneath and not forming part of the highway, depending on the final confirmed burial depth of the cables. The precise extent of the highway authority's vested ownership is not defined by law, and in order to ensure that the Applicant is able to lawfully install and operate the Proposed Development at the necessary depth without impediment, including beneath the top strata of land forming the highway (and therefore not part of the highway), the **Draft DCO (Document Ref: 3.1)** provides for the Applicant to acquire rights over the subsoil beneath the highway.
- 5.2.4 In most cases, the owner of the subsoil below the vertical plane of land forming the highway and deemed to be vested in the highway authority is not formally registered. However, there is a legal presumption that in such cases the owners of the subsoil beneath the highway (and therefore not forming part of the top strata of land, which forms the highway) are the owners of the land or houses on either side of the highway up to the middle of the road (known as the ad medium filum rule).
- 5.2.5 Where rights over the subsoil beneath the highway from owners of that land are required in connection with the Proposed Development, that interest is proposed to be acquired through exercising the compulsory acquisition powers sought in the **Draft DCO (Document Ref: 3.1)** without negotiation or the payment of compensation. This is because the relevant owner has no use or enjoyment of that subsoil land, is not prejudiced by the rights to be granted over that land that are necessary for the Proposed Development, and because the subsoil of a highway is not recognised to have any market value. It would therefore not be a proportionate approach to require the negotiation for the acquisition of such land by agreement from all of the presumed owners of it along the Cable Route Corridor.

Unregistered drains

- 5.2.6 The cables required for the Proposed Development are to be buried in land which is subsoil beneath a number of unregistered drains. There is a legal presumption that the owners of unregistered drains are the owners of the land or houses on either side of the drain up to the middle of the drain (known as the ad medium filum aquae rule).
- 5.2.7 Where rights over an unregistered drain from owners of that land are required in connection with the Proposed Development, that interest is proposed to be acquired through exercising the compulsory acquisition powers sought in the **Draft DCO (Document Ref: 3.1)** without negotiation or the payment of compensation. This is because the relevant owner has no use or enjoyment of that land, is not prejudiced by the rights to be granted over that land that are necessary for the Proposed Development, and because the unregistered

drain is not recognised to have any market value. It would therefore not be a proportionate approach to require the negotiation for the acquisition of such land by agreement from all of the presumed owners of it along the Cable Route Corridor.

5.3 Need for compulsory acquisition powers

- 5.3.1 The Applicant requires compulsory acquisition powers to ensure that it is able to acquire all of the land and interests required for the Proposed Development, including the land and interests for which a private agreement has not yet been reached.
- 5.3.2 Notwithstanding the position reached in respect of the Solar Array Area, it is necessary for the Applicant to be granted the compulsory acquisition powers included in the **Draft DCO (Document Ref: 3.1)** to protect against a scenario whereby the freehold owners of the Solar Array Area do not grant a lease of their land in accordance with the terms of the completed option agreements. The Applicant also needs powers to extinguish private rights in the Solar Array Area to the extent that they would conflict with the Proposed Development.
- 5.3.3 As noted in Section 5.1 above, the Applicant is seeking to negotiate voluntary agreements with affected landowners along the Bespoke Access Corridor and Cable Route Corridor. Heads of Terms have been issued to the affected landowners but to date no option agreements have been secured. As such the Applicant will require powers of compulsory acquisition to acquire the easement that it requires to install, maintain and operate the Cable Route, and to construct, maintain and use the Bespoke Access Road.
- 5.3.4 To ensure that the Proposed Development can be constructed, operated, maintained and decommissioned and so that the Government's policies are met in relation to the timely provision of new generating capacity and meeting net zero carbon emissions targets for 2050, the Applicant also requires the acquisition of property interests in third party ownership within the Order Land. The Applicant has therefore applied for the grant of powers to facilitate acquisition and/or creation of new rights and interests, and to extinguish rights over land.
- 5.3.5 Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to acquire the land and rights and other interests in, on and over the land by agreement. This approach of making the application for powers of compulsory acquisition in the Application for the **Draft DCO (Document Ref: 3.1)** and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.
- 5.3.6 The Applicant's justification for seeking compulsory acquisition powers, in accordance with the provisions of the PA 2008, is to secure land, the rights and other interests in, on and over the land and the temporary use of land required to enable them to construct, operate, maintain and decommission the Proposed Development within a reasonable commercial timeframe.
- 5.3.7 The inclusion of powers of compulsory acquisition in the **Draft DCO (Document Ref: 3.1)** is to ensure that this can be achieved. The relevant powers and the land and interests sought are no more than is required to

facilitate the Proposed Development, its construction, operation, maintenance and decommissioning.

5.4 Alternatives to compulsory acquisition

- 5.4.1 The Applicant has considered all reasonable alternatives to compulsory acquisition. Throughout the pre-application stage, the Applicant took into account land ownership when designing and siting the Proposed Development. It has sought to minimise the need for compulsory acquisition and has attempted to agree private voluntary agreements with the relevant owners.
- 5.4.2 As described in Section 5.1 above, the Applicant has reached agreement with all of the freehold owners of the Solar Array Area for a lease of the land for the lifetime of the Proposed Development. Negotiations with all other owners of land over which voluntary agreements are considered necessary within the Order Land are ongoing. The Applicant aims to have all agreements in place by the end of Examination, minimising the amount of land over which powers of compulsory acquisition will need to be exercised. Whilst the Applicant will continue to seek to acquire the remaining land and rights by voluntary agreement, it requires the powers of compulsory acquisition sought in order to provide certainty that it will have all the land required to construct, operate, maintain and decommission the Proposed Development in order to realise the significant public benefits of the development.
- 5.4.3 Powers of compulsory acquisition are sought in respect of the Order Land for the reasons that are further described in Section 5.1 above.
- 5.4.4 It is considered that the 'Do Nothing' alternative or a reduced scale of development are not appropriate given the need for the Proposed Development. This is described in Section 6.2 below and expanded upon in the **Planning Statement (Document Ref: 5.5)**. The 'Do Nothing' scenario would result in the lack of additional investment in the local economy and the lost opportunity to contribute to meeting the country's net zero targets, commitment to energy security and decarbonisation of the national grid. That would be contrary to NPS EN-1. Paragraph 3.1.1 of NPS EN-1 explains that the UK Government sees a need for significant amounts of new large scale energy infrastructure to meet its energy objectives and why the UK Government considers that the need for such infrastructure is urgent. Paragraph 3.1.2 goes on to state *"it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts"*, which will be minimised by policies later in the document as well as the technology specific NPSs.
- 5.4.5 Paragraphs 3.2.6 – 3.2.8 of EN-1 clearly expresses how the need and urgency for energy nationally significant infrastructure projects ('**NSIPs**') will be considered by the Secretary of State:

"The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part.

In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.

The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS."

5.4.6 NPS EN-1 goes on to explain at Paragraph 3.3.62 that the *"Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure"*.

5.4.7 The alternatives to the location of the Proposed Development on the Site are considered in **Chapter 3: Alternatives and Design Evolution (Document Ref: 6.2 ES Vol. 1, 6.2.3)** of the Environmental Statement. In summary the Site was selected for the following reasons:

- It would contribute to meeting the UK's urgent need for clean, renewable energy generation;
- It is within viable proximity to an available connection to the national grid;
- It avoids impacts on local communities and local environments as far as practicable;
- It can be made accessible from the strategic road network to facilitate construction access;
- It can accommodate on-site energy storage (BESS) to allow the electricity generated by the panels to be stored on site at times when grid demand is low, then exported at times of higher demand and to provide important balancing services for the national grid; and
- It has willing landowners so that land could be acquired voluntarily thereby avoiding the need for large scale compulsory acquisition.

5.4.8 The Applicant has undertaken a clear process to identify an appropriate Site and has considered alternatives within the Site Selection Report (which can be found at Appendix 2 of the **Planning Statement (Document Ref: 5.5)**). None of the alternatives would provide the substantial benefits that the Proposed Development would provide, or would involve additional impacts or disadvantages in terms of land take, environmental, technical and other considerations, and therefore it is considered that there are no more suitable locations to make use of the available capacity at Bicker Fen Substation than the Site.

5.5 Availability of funds for compensation

5.5.1 The **Funding Statement (Document Ref: 4.2)** confirms that the Applicant has the ability to procure the financial resources required for the Proposed Development, including the cost of acquiring any land and rights and the payment of compensation, as applicable. Should any claims for blight arise because of the Proposed Development, the Applicant has sufficient funds to meet the cost of acquiring these interests at whatever stage they are served.

However, the Applicant has not identified any interests which it considers would be eligible to serve a blight notice at this stage and none are anticipated.

- 5.5.2 The Applicant therefore considers that the Secretary of State can be satisfied that the requisite funds for payment of compensation will be available at the appropriate time.

6. Justification for the use of powers of compulsory acquisition

6.1 The compelling case

6.1.1 A **Planning Statement (Document Ref: 5.5)** has been submitted to support the Application. It explains how the Proposed Development will deliver the following benefits:

- Generation of approximately 400MW of electricity – providing valuable clean energy that is deliverable swiftly, being capable of connecting to the grid before 2030;
- Provision of a BESS capacity of up to 600MW, primarily to store energy from the solar panels but also to provide balancing services to the National Grid;
- Commitment to delivering at least 30% biodiversity net gain for habitat units; at least 10% biodiversity net gain for hedgerow units; and at least 10% biodiversity net gain for watercourse units, calculated using the Statutory Biodiversity Metric published by the Department for Environment, Food and Rural Affairs in July 2024. The delivery of these measures will be monitored for no less than 30 years as part of a wider package of landscaping and habitat proposals described in the **Outline Landscape and Ecological Management Plan (Document Ref: 6.3 ES Vol.2, 6.3.19)**. A **Biodiversity Net Gain Strategy (Document Ref: 7.3)** has also been prepared for the Application and reports the BNG figures that the Proposed Development is presently expected to deliver; and
- Provision of a substantial new permissive path across the Solar Array Area during the operational period linking to existing Public Rights of Way to the east and west providing additional walking and recreation opportunities. No Public Rights of Way currently exist on the ground in the Solar Array Area.

6.1.2 The **Planning Statement (Document Ref: 5.5)** provides a detailed consideration of these matters.

6.1.3 On this basis, the Applicant considers that there is a compelling case in the public interest for compulsory acquisition powers to be granted for the Proposed Development.

6.2 The need for the Proposed Development

6.2.1 The need case for the Proposed Development is explained fully in the **Planning Statement (Document Ref: 5.5)**. A summary is provided below.

6.2.2 The Climate Change Act 2008 (Ref. 1.5) set out the first national target for reducing greenhouse gas emissions, committing to a reduction of at least 80%, when compared to 1990 levels, by 2050. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 (Ref. 1.6) later set a more ambitious reduction target of 100%.

- 6.2.3 Subsequent governments published the Net Zero Strategy (Ref. 1.7), established the interim date of 2035 for a net zero electricity system, and latterly the Solar Taskforce and a 70GW target for delivery by 2035 as part of 'Powering Up Britain' (Ref. 1.8).
- 6.2.4 In January 2024, the then Government designated the revised Energy NPSs, including NPS EN-1, NPS EN-3 and National Policy Statement for electricity networks infrastructure (NPS EN-5). NPS EN-1 explains that the Government has concluded that there is an urgent need for new large-scale energy infrastructure, which need attracts substantial weight (paragraphs 3.1.1, 3.2.6 – 3.2.7). In addition, the Government has concluded that there is a Critical National Priority (CNP) for the provision of nationally significant low carbon infrastructure. Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure. In particular, paragraph 4.2.5 of NPS EN-1 explains that low carbon infrastructure for the purposes of the policy include (amongst other things): *"for electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation..."* The Proposed Development falls within this definition of low carbon infrastructure and therefore, on the basis of NPS EN- 1, there is a CNP for the provision of the Proposed Development.
- 6.2.5 NPS EN-3 also sets out that battery storage can be considered associated development within a solar farm, and there a great deal of benefits associated with their co-location, for example making use of a single point of connection and allowing the batteries to charge more efficiently direct from the intermittent, renewable energy source.
- 6.2.6 Section 104 of the PA 2008 requires the Secretary of State to determine applications for NSIPs in accordance with the relevant NPSs (where these are in place) and appropriate marine policy documents, having regard to any local impact report produced by the relevant local planning authority; any matters prescribed in relation to development of the description to which the application relates; and any other matters which the Secretary of State thinks are both *"important and relevant"* to their decision.
- 6.2.7 Of further relevance is Section 106 of the PA 2008 which provides that the Secretary of State may disregard representations if they relate to the merits of policy set out in a national policy statement (among other things). Similar provisions are made in relation to the Examining Authority as set out in Sections 87(3), 94(8) and 102(4).
- 6.2.8 As 2050 approaches, the need for new nationally significant sources of low carbon energy and supporting infrastructure have become more urgent. The current Government has recently established (in the Clean Power 2030 Action Plan (Ref. 1.9)) a sooner interim target of delivering at least 95% of the country's electricity generation via clean sources of power by 2030 along with an action plan. The Clean Power 2030 Action Plan includes targets for 45 – 47 GW of solar capacity and 23 -27 GW of battery capacity by 2030.
- 6.2.9 The Plan also re-affirms the need to decarbonise the wider economy by 2050, with annual electricity demand expected to at least double in this time due to the electrification of electrification of heat in buildings, transport, and industry (including data centres), meaning capacity will need to continue increasing even if the 2030 target is met.

- 6.2.10 The overwhelming need for solar power and battery storage is also supported by the latest policy and guidance from the Government and other relevant bodies
- 6.2.11 As shown in NESO's Future Energy Scenarios (Ref. 1.10), there will be a doubling of electricity demand due to the electrification of heating and transport. NESO's latest Future Energy Scenarios document identifies a maximum potential for 108 GW of solar capacity by 2050. This is toward the upper end of the 56 – 121 GW of solar power by 2050 recommended by National Infrastructure Commission in 2020 to achieve net zero, demonstrating the increased ambition and urgency of national targets. NESO also identified a maximum potential for 65 GWh of battery electrical storage capacity by 2030.
- 6.2.12 It can therefore be seen that the aim of current Government policy on net zero is to both accelerate the decarbonisation of current electricity demand for the interim date of 2030, and to deliver high levels of renewable generation and electricity storage to support the doubling of electricity demand to 2050 necessary for the electrification of transportation and heating.
- 6.2.13 In addition to net zero considerations, electricity supplies must be affordable and secure (sometimes referred to as the 'energy trilemma'). The British Energy Security Strategy (Ref. 1.11) identifies the important role of solar generation and co-located electricity storage to diversifying away from volatile fossil fuel markets and recognises that solar costs have come down significantly in recent years benefitting consumers.
- 6.2.14 While the Proposed Development is intended to connect into the grid by 2030 and contribute significantly to meeting the Clean Power 2030 targets, in the event that it connects after 2030 it will still make a significant contribution to achieving net zero as electricity demand is set to double over the period that the Proposed Development would be operational.
- 6.2.15 This well-established need is consistent with and amplifies that set out in NPS EN-1 and NPS EN-3. There is a need for significant amounts of new large scale energy infrastructure in particular low carbon infrastructure for which there is both urgency and a critical national priority.
- 6.2.16 In summary, urgent and unprecedented actions are required on a global scale to halt climate change. A rapid increase in the supply of low carbon electricity is needed for the UK to meet its legally binding climate change targets. Solar generation and battery storage are a critical part of the UK's strategy to achieve net zero by 2050, a key step towards which is the Government's national mission for 'Clean Power by 2030'.
- 6.2.17 For the above reasons, there is a compelling need for the Proposed Development, as established in up to date national policy.

7. Special Considerations

7.1 Crown land

7.1.1 There are Crown interests within the Order Land in the following plots:

- Plot 1-4 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 3438.22 square metres of private road (Black Drove), verge and unnamed drains; leading to Gashes Barn, Ewerby Waithe, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of restrictive covenants and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
- Plot 2-2 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of 3679642.99 square metres of public right of way (Ewerby and Evedon Footpath/12/1), agricultural land, unnamed tracks, woodland, hedges, trees, drain and overhead electricity cables; south of Waithe Lane Ewerby Thorpe, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of rights and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
- Plot 3-5 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 26770.29 square metres of unnamed track, hedges, trees and drain; north of Howell Fen Drove, Howell, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
- Plot 3-7 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 25207.53 square metres of unnamed track and agricultural land; north of Howell Fen Drove, Howell, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
- Plot 6-1 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 696.70 square metres of drain (Hodge Dike) and hedges; north of Howell Fen Drove, Howell, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.

- Plot 7-2 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 67546.89 square metres of unnamed track, agricultural land, hedges and drain; south of Howell Fen Drove, Ewerby Thorpe, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
 - Plot 7-3 is described in the **Book of Reference (Document Ref: 4.3)** as 'Temporary possession of 24232.05 square metres of agricultural land and drain; south of Howell Fen Drove, Ewerby Thorpe, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
 - Plot 8-1 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 1059.54 square metres of grassland; north of Star Fen Road, Heckington, Sleaford (Excluding those interests held by The Crown Estate Commissioners)'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
 - Plot 8-3 is described in the **Book of Reference (Document Ref: 4.3)** as 'Permanent acquisition of new rights over 1407.57 square metres of public right of way (Heckington Footpath 12/1), drain and hedges; north of Star Fen Road, Heckington, Sleaford'. The Crown Estate Commissioners have a Category 2 interest in this land in the form of a restrictive covenant and this plot is therefore 'Crown Land'. The plot is shown shaded green and edged red on the **Crown Land Plan (Document Ref: 2.3)**.
- 7.1.2 The **Draft DCO (Document Ref: 3.1)** includes the standard article providing that the Order does not prejudicially affect any estate (etc.) of the Crown, and that the undertaker may not enter on or take any Crown land other than with the consent of the appropriate authority (Article 40). Articles permitting powers of compulsory acquisition (22 and 26) specifically provide that they are subject to Article 40.
- 7.1.3 The Applicant is engaged in discussions with The Crown Estate in order to secure the rights and access necessary to carry out the relevant parts of the authorised development and to obtain the consent of the Crown to the inclusion of provisions applying in relation to Crown land (as required by section 135 of the PA 2008).
- 7.1.4 Further detail is provided in the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**, which explains that the Applicant has been in correspondence in relation to this land since June 2022. The Applicant will continue to seek the Crown's consent following submission of the Application.

7.2 Special category land

- 7.2.1 There is no open space, common land or fuel or field garden allotments included or affected by the Order Limits.

7.3 Statutory Undertakers' Land and Apparatus – Powers Conferred by the Order

- 7.3.1 Article 34 of the **Draft DCO (Document Ref: 3.1)** gives the Applicant the power within the Order Land to: (a) acquire compulsorily land belonging to statutory undertakers; (b) acquire compulsorily existing rights, create and acquire new rights and impose restrictive covenants over the land belonging to statutory undertakers; (c) extinguish or suspend the rights of, remove, alter, renew, relocate or reposition the apparatus belonging to statutory undertakers; and (d) construct the authorised development in such a way as to interfere with any highway or cross underneath or over apparatus belonging to statutory undertakers and other like bodies.
- 7.3.2 That Article is subject to the protective provisions included at Schedule 11 of the **Draft DCO (Document Ref: 3.1)**.

7.4 Section 127 PA 2008

- 7.4.1 Section 127(1) of the PA 2008 states that this section applies in relation to statutory undertakers' land if: (a) the land has been acquired by statutory undertakers for the purposes of their undertaking; (b) a representation has been made about a DCO application before the end of the Examination and that representation has not been withdrawn; and (c) as a result of the representation the Secretary of State is satisfied that the land is used for the purposes of carrying on the statutory undertakers' undertaking or an interest in the land is held for those purposes.
- 7.4.2 If this applies:
- Sections 127(2) and (3) of the PA 2008 state that a DCO may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied that: (a) the land can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or (b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the applicant without serious detriment to the carrying on of the undertaking.
 - Sections 127(5) and (6) of the PA 2008 state that a DCO may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied that: (a) the right can be purchased without serious detriment to the carrying on of the undertaking; or (b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the applicant by the use of other land belonging to or available for acquisition by them.
- 7.4.3 The statutory undertakers with land or apparatus within the Order Land are listed in Table 2 of the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**. This table includes information relating to the status of negotiations on protective provisions, as at the time of submission of the Application. The

Land and Rights Negotiations Tracker (Document Ref: 4.4) will be kept updated during the pre-Examination and Examination phases and submitted to the Examining Authority at regular intervals (and as requested).

- 7.4.4 As set out in Table 2 of the **Land and Rights Negotiations Tracker (Document Ref: 4.4)**, the protective provisions are in the process of being agreed with the relevant statutory undertakers, and will accordingly set out constraints on the exercise of the powers in the **Draft DCO (Document Ref: 3.1)**, with a view to safeguarding the statutory undertakers' interests, whilst enabling the Proposed Development to proceed.
- 7.4.5 Accordingly, the Applicant considers that the statutory undertakers' land or right over statutory undertakers' land can be purchased without serious detriment to the carrying on of the undertaking. The tests set out in sections 127(2) and 127(5) of the PA 2008 are therefore satisfied.

7.5 Section 138 PA 2008

- 7.5.1 Section 138(1) of the PA 2008 states that this section applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and:
- there subsists over the land a 'relevant right' - meaning a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land, which: (i) is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking; or (ii) is conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network; or
 - there is on, under or over the land 'relevant apparatus' – meaning: (i) apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking; or (ii) electronic communications apparatus kept installed for the purposes of an electronic communications code network.
- 7.5.2 If this applies, section 138(4) of the PA 2008 states that the Order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the Order relates.
- 7.5.3 As set out in the **Land and Rights Negotiations Tracker (Document Ref: 4.4)** and the **Book of Reference (Document Ref: 4.3)**, the extinguishment of any relevant right or the removal of any relevant apparatus is necessary for the purpose of carrying out the Proposed Development to which the **Draft DCO (Document Ref: 3.1)** will relate. The test set out in section 138(4) of the PA 2008 is therefore satisfied.
- 7.5.4 There are no other relevant special considerations in respect of the Order Land.

8. No impediments

8.1 Other permissions, consents and licences

8.1.1 The Applicant requires various other consents, as well as a DCO, in order to build, operate and maintain the Proposed Development. The **Other Consents and Licences Statement (Document Ref: 5.4)** sets out the additional consents required and when they will be applied for. The key consents that are or may be required are:

- Electricity Generation Licence, which is required at the operational stage of the Proposed Development in relation to generating activities;
- Bilateral Connection Agreement with National Grid to connect the Proposed Development to the National Electricity Transmission System;
- Water abstraction or impoundment licences;
- Ordinary watercourse consents and environmental permits for works affecting watercourses;
- Permit for transport of abnormal loads;
- Section 61 consent (control of noise on construction sites);
- Health and safety related consents;
- Protected species licences;
- Hazardous substance consent; and
- Permits for street works under Lincolnshire County Council's permit scheme and highways agreement with the County.

8.1.2 As stated in section 1.6 of the **Other Consents and Licences Statement (Document Ref: 5.4)**, the Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider them to be impediment to the Proposed Development proceeding.

9. Human rights

9.1 Introduction

- 9.1.1 The CA Guidance states that the Secretary of State must be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected (paragraph 10).
- 9.1.2 The Human Rights Act 1998 (Ref. 1.12) incorporated into domestic law the European Convention on Human Rights (the Convention) (Ref. 1.13). The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.
- 9.1.3 The following Articles of the Convention are relevant to the Secretary of State's decision.

9.2 Article 1 of the First Protocol to the Convention

- 9.2.1 This protects the right of everyone to peaceful enjoyment of possessions and provides that no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws and principles or to secure the payment of taxes or other contributions or penalties.
- 9.2.2 The **Draft DCO (Document Ref: 3.1)** has the potential to affect the Article 1 rights of those whose property is to be compulsorily acquired or temporarily possessed, and whose peaceful enjoyment of their property is proposed to be interfered with.
- 9.2.3 In pursuing the Application, the Applicant has carefully considered the balance to be struck between individual rights and the wider public interest. The Applicant considers that there would be significant public benefits arising from the Proposed Development as set out in previous sections of this Statement and in the **Planning Statement (Document Ref: 5.5)**. Those benefits can only be realised if the **Draft DCO (Document Ref: 3.1)** includes compulsory acquisition powers.
- 9.2.4 The Applicant considers that the significant public benefits of the Proposed Development demonstrably outweigh the effects on persons whose peaceful enjoyment of their property is proposed to be interfered with as a result of the Proposed Development.

9.3 Article 6

- 9.3.1 Article 6 entitles those affected by powers sought for a project to a fair and public hearing of any relevant objection they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the consultation process.
- 9.3.2 Prior to submission of the Application, the Applicant undertook extensive consultation on the Proposed Development, including with those persons who would be affected by the powers sought for the Proposed Development. As set out in the **Consultation Report (Document Ref: 5.1)**, in accordance with

Part 5 of the PA 2008 Act, the Applicant consulted persons who fell within one or more of the categories listed in section 44 of the PA 2008. This includes any: persons with an interest in the Order Land; persons who have the power to sell and convey or release the Order Land; and those who would or might be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965 (Ref. 1.14) in respect of injurious affection, under Part 1 of the Land Compensation Act 1973 (Ref. 1.15) in respect of depreciation of land value by physical factors or under section 152(3) of the PA 2008 in respect of compensation where there is no right to claim in nuisance. These persons were given a fair opportunity to submit responses to the consultation, and the Applicant had regard to all relevant responses.

- 9.3.3 In addition to the consultation described above, all the known owners and occupiers of land within the Order Land have been contacted regarding the proposals for the Proposed Development by the Applicant.
- 9.3.4 Furthermore, following acceptance of the Application, representations can be made by way of relevant representations in respect of the Application in response to the notice that the Applicant is obliged to give under section 56 of the PA 2008 and any written representations procedure that the Examining Authority decides to adopt in connection with the Application. Section 92 of the PA 2008 provides that, where a DCO application includes a compulsory acquisition request, affected persons have an opportunity to request that a compulsory acquisition hearing be held and to make oral representations about the compulsory acquisition request at such hearing.
- 9.3.5 Should the Secretary of State decide to make the **Draft DCO (Document Ref: 3.1)**, any person aggrieved by that decision may challenge it in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the PA 2008.
- 9.3.6 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.

9.4 Article 8

- 9.4.1 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.
- 9.4.2 In relation to Article 8, the Order Land does not include, and the Proposed Development does not require, the acquisition of any residential dwellinghouses. Consequently, as dwellinghouses will not be directly affected, it is not anticipated that the Convention rights protected by Article 8 will be engaged. In the event that such rights were to be engaged, such interference would be justifiable on the basis that it would be lawful and in the public interest, as set out below.

9.5 Overview

- 9.5.1 The inclusion of compulsory acquisition powers within the **Draft DCO (Document Ref: 3.1)** is in accordance with law. As explained in Section 4.1 of

this Statement, section 120(3) of the PA 2008 provides that a DCO may make provision relating to, or to matters ancillary to, the development for which consent is granted. Section 120(4) states that this includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5 to the PA 2008. Schedule 5 to the PA 2008 includes the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land, compulsorily or by agreement. There are conditions that must be met before a DCO may include provision authorising the compulsory acquisition of land. As set out in the preceding sections of this Statement, those conditions are all satisfied.

- 9.5.2 The inclusion of compulsory acquisition powers within the **Draft DCO (Document Ref: 3.1)** is proportionate. The proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary. As set out in the **Land and Rights Negotiations Tracker (Document Ref: 4.4)** and the **Book of Reference (Document Ref: 4.3)**, the Applicant has a clear idea of how it intends to use the land which it is proposed to acquire and that land is no more than is reasonably required for the purposes of the development.
- 9.5.3 The inclusion of compulsory acquisition powers within the **Draft DCO (Document Ref: 3.1)** is justified in the public interest. The Applicant considers that there is a compelling case in the public interest for the exercise of the powers of compulsory acquisition, see Section 6.1 of this Statement.
- 9.5.4 Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the national Compensation Code. All of those whose Convention rights would be affected by the **Draft DCO (Document Ref: 3.1)** will have an opportunity to object to the grant of compulsory acquisition powers in the **Draft DCO (Document Ref: 3.1)**, and to have their objection considered at a fair and public hearing.
- 9.5.5 For the above reasons, any interference with the Convention rights of those whose interests are affected by the inclusion in the **Draft DCO (Document Ref: 3.1)** of powers of compulsory acquisition is proportionate and legitimate and is in accordance with national and European law. For the reasons set out in this Statement, the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition.

10. Conclusion

- 10.1.1 The Applicant submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the **Draft DCO (Document Ref: 3.1)** for the purposes of the Proposed Development meets the conditions of section 122 of the PA 2008, as well as the considerations in the CA Guidance.
- 10.1.2 The acquisition of land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is required to facilitate or is incidental to the Proposed Development. Furthermore, the land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is proportionate, as is shown in the **Draft DCO (Document Ref: 3.1)**, the **Works Plan (Document Ref: 2.4)**, this Statement and in other documents accompanying the Application.
- 10.1.3 The need for the Proposed Development, suitability of the Site and the support for such projects is clearly set out in this Statement. It is demonstrated that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 10.1.4 Powers of compulsory acquisition are required to ensure that the Applicant is able to acquire the land and interests required to deliver the Proposed Development. The Applicant has already negotiated and completed property agreements with many of the freehold owners of land within the Site (including over all of the land comprising the Solar Array Area). The Applicant is in negotiations to enter into voluntary agreements with the remaining freehold owners of the land comprising the Bespoke Access Corridor and Cable Route Corridor. Where agreement has been reached, powers of compulsory acquisition are retained in case the owners (where agreement has been reached) do not grant a lease in accordance with the completed option agreements and to ensure that third party private rights across the Site can be extinguished to the extent that it is necessary to do so.
- 10.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights, is justified.
- 10.1.6 The proposed interference with the rights of those with an interest in the **Draft DCO (Document Ref: 3.1)** land is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. The Applicant considers that the substantial public benefits to be derived from the proposed compulsory acquisition would demonstrably outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 10.1.7 The Applicant has set out clear and specific proposals for how the Site will be used.

- 10.1.8 The requisite funds are available to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition.

11. Further information

11.1 Negotiations

- 1.1.1 Owners and occupiers of property affected by the **Draft DCO (Document Ref: 3.1)** who wish to negotiate a sale or discuss matters of compensation should contact the Applicant by email at info@beaconfenenergypark.co.uk.

11.2 Compensation

- 11.2.1 Provision is made by statute for compensation for the compulsory acquisition of land.
- 11.2.2 Information about compulsory purchase and compensation may be downloaded free of charge, from: Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land

References

- 1.1 Parliament of the United Kingdom, Planning Act 2008 c.29 (2008)
- 1.2 Parliament of the United Kingdom, Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (S.I. 2009/2264)
- 1.3 Department for Communities and Local Government, Planning Act 2008: guidance related to procedures for compulsory acquisition (2013). Accessed online on 13 March 2025. Available at: <https://www.gov.uk/government/publications/planning-act-2008-procedures-for-the-compulsory-acquisition-of-land>
- 1.4 Planning Inspectorate's Advice Note Nine: Rochdale Envelope (republished in July 2018, version 3). Accessed online on 13 March 2025. Available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-nine-rochdale-envelope/>
- 1.5 Parliament of the United Kingdom, Climate Change Act 2008 c.27 (2008)
- 1.6 Parliament of the United Kingdom, Climate Change Act 2008 (2050 Target Amendment) Order 2019 (S.I. 2019/1056)
- 1.7 Department for Business, Energy and Industrial Strategy: Net Zero Strategy: Build Back Greener (October 2021). Accessed online on 14 March 2025. Available at: Net Zero Strategy: Build Back Greener - GOV.UK
- 1.8 Department for Energy Security and Net Zero: Powering up Britain (March 2023). Accessed online on 14 March 2025. Available at: Powering up Britain - GOV.UK
- 1.9 Department for Energy Security and Net Zero, Clean Power 2030 Action Plan (December 2024). Accessed online on 14 March 2025. Available at: Clean Power 2030 Action Plan - GOV.UK
- 1.10 National Energy System Operator, Future Energy Scenarios: NESO Pathways to Net Zero (January 2025). Accessed online on 19 March 2025. Available at: Future Energy Scenarios (FES) | National Energy System Operator
- 1.11 Department for Energy Security and Net Zero, Prime Minister's Office, 10 Downing Street and Department for Business, Energy & Industrial Strategy, British Energy Security Strategy (April 2022). Accessed online on 14 March 2025. Available at: British energy security strategy - GOV.UK
- 1.12 Parliament of the United Kingdom, Human Rights Act 1998 c.42 (1998)
- 1.13 Council of Europe, European Convention on Human Rights (1950)
- 1.14 Parliament of the United Kingdom, Compulsory Purchase Act 1965 c.56 (1965)
- 1.15 Parliament of the United Kingdom, Land Compensation Act 1973 c.26 (1973)