

BEACON FEN ENERGY PARK

Planning Inspectorate Reference: EN010151

Written Representation – Deadline 1 Submission

Subject: Misrepresentation of Negotiation Status within Document 4.4 (Land and Rights Negotiations Tracker)

1.1 Paragraphs 1.1 to 1.3 of the Applicant's Land and Rights Negotiations Tracker (Document Ref: 4.4) assert that the Applicant "has already negotiated and completed property agreements with the freehold owners of the land comprising the Solar Array Area" and that "negotiations to enter into voluntary agreements with the remaining freehold owners" are ongoing. These statements are materially misleading.

1.2 For example, Table 1, entry 32 of the same document lists Mandy Karen Goodhand as an Occupier of Plot 3-8. The Tracker claims that the Applicant "has secured an Option Agreement with the freeholder... The Option Agreement specifies that the land will be delivered with vacant possession and as such no direct negotiations or agreement is required," and records the status as "Agreement with freeholder complete."

1.3 This entry is factually inaccurate. Ms Goodhand has not agreed to vacate, has not entered into any form of voluntary agreement, and does not support the proposed solar development. The Applicant's representation that the matter is "complete" therefore constitutes a misstatement of the true status of negotiations.

1.4 The Applicant's approach fails to comply with paragraphs 25–26 of the Department for Communities and Local Government's Guidance related to procedures for the compulsory acquisition of land (2013), which require applicants to take reasonable steps to acquire land interests by agreement and to demonstrate genuine attempts at voluntary negotiation. By asserting completion on the basis of an Option Agreement with a third party (the freeholder) while no engagement has occurred with the occupier, the Applicant has not taken such reasonable steps.

1.5 This misrepresentation also conflicts with the principles of fairness and transparency underpinning the Planning Act 2008 and potentially undermines the Applicant's compliance with Section 55(3)(e), which requires the application to be accompanied by accurate and

