



BEACON FEN

ENERGY PARK

Planning Inspectorate Reference: EN010151

Applicant's Comments on Written Representations

Document Reference: 9.9

October 2025



Glossary

| Abbreviation | Description |
|----------------------|---|
| 2008 Act | The Planning Act 2008 |
| Applicant | Beacon Fen Energy Park Ltd |
| BBC | Boston Borough Council |
| BSMP | Battery Safety Management Plan |
| DCO | Development Consent Order |
| ha | hectares |
| LFR | Lincolnshire Fire and Rescue Service |
| Network Rail | Network Rail Infrastructure Limited |
| NFCC | National Fire Chiefs Council |
| NGET | National Grid Electricity Transmission |
| NGVL | National Grid Viking Link |
| NKDC | North Kesteven District Council |
| NSIP | Nationally Significant Infrastructure Project |
| OBSMP | Outline Battery Safety Management Plan |
| Proposed Development | Beacon Fen Energy Park |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State |
| VDEC | Vicarage Drove Energy Centre Limited |

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1. Introduction

- 1.1.1 This **Applicant's Comments on Written Representations (Document Ref. 9.9)** document has been prepared on behalf of Beacon Fen Energy Park Ltd (the 'Applicant') in support of an application for a Development Consent Order ('DCO'), that has been submitted to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 This document summarises the Applicant's Comments on the Written Representations made by stakeholders which were submitted at Deadline 1 and uploaded to the PINS website from 10 October 2025 in relation to the application for development consent (Application) for the Beacon Fen Energy Park (the 'Proposed Development').
- 1.1.3 The structure of this document follows the order in which the Written Representations are referenced in the Examination Library.
- 1.1.4 This document is structured as follows:
- Section 2 provides the Applicant's Comments on **Brian Hammond's Written Representation (REP1-034)**;
 - Section 3 provides the Applicant's Comments on **Cadent Gas Limited's Written Representation (REP1-035)**;
 - Section 4 provides the Applicant's Comments on **Cllr Paul Lock's Written Representation (REP1-036)**;
 - Section 5 provides the Applicant's Comments on **Defence Infrastructure Organisation Written Representation (REP1-037)**;
 - Section 6 provides the Applicant's Comments on **Dr Caroline Johnson MP's Written Representation (REP1-038)**;
 - Section 7 provides the Applicant's Comments on **Environment Agency's Written Representation (REP1-039)**;
 - Section 8 provides the Applicant's Comments on **Fidra Energy Limited's Written Representation (REP1-040)**;
 - Section 9 provides the Applicant's Comments on **LCJ Mountain Farms Limited Written Representation (REP1-043)**;
 - Section 10 provides the Applicant's Comments on **Lincolnshire County Council's Written Representation (REP1-046)**;
 - Section 11 provides the Applicant's Comments on **Lincolnshire Wildlife Trust's Written Representation (REP1-047)**;
 - Section 12 provides the Applicant's Comments on **Mandy Karen Goodhand's Written Representation (REP1-048)**;

- Section 13 provides the Applicant's Comments on **National Grid Electricity Transmission Plc's Written Representation (REP1-049)**;
- Section 14 provides the Applicant's Comments on **National Grid Viking Link Limited's Written Representation (REP1-050)**;
- Section 15 provides the Applicant's Comments on **Natural England's Written Representation (REP1-052)**;
- Section 16 provides the Applicant's Comments on **Network Rail infrastructure Limited's Written Representation (REP1-053)**;
- Section 17 provides the Applicant's Comments on **North Kesteven District Council's Written Representation (REP1-056)**;
- Section 18 provides the Applicant's Comments on **Philip V Humberstone's Written Representation (REP1-057)**;
- Section 19 provides the Applicant's Comments on **SGN's Written Representation (REP1-058)**;
- Section 20 provides the Applicant's Comments on **South and East Lincolnshire Councils Partnership – Boston Borough Council's Written Representation (REP1-060)**; and
- Section 21 provides the Applicant's Comments on **Vicarage Drove Energy Centre Limited's Written Representation (REP1-061)**.

2. Applicant's Comments on Brian Hammond's Written Representation (REP1-034)

Table 2.1 – Applicant's Comments on Brian Hammond's Written Representation (REP1-034)

| TEXT | RESPONSE |
|--|--|
| <p>1. Introduction</p> <p>I am Brian Hammond; a resident located at [REDACTED] parish. I submit this objection as a relevant representation to ensure that the Examining Authority and Secretary of State give full consideration to the project's cumulative, environmental, and social impacts.</p> | <p>The Applicant notes this comment.</p> |
| <p>Beacon Fen represents an unprecedented scale of solar industrialisation in this part of Lincolnshire, and its impacts will be extensive, long-lasting, and inadequately mitigated.</p> | <p>Whilst it is acknowledged that the site is large, this location offers an opportunity to deliver renewable energy at scale, making a significant contribution to reductions in CO2 whilst also delivering one of the cheapest forms of energy available. A range of different energy solutions are required in order to meet the government's net zero target – including nuclear as well as solar and battery storage.</p> <p>The impacts of the Proposed Development are considered within the ES (APP-052 – APP-070) and its appendices, along with mitigation.</p> |
| <p>2. Summary of Objection Grounds</p> <ul style="list-style-type: none"> • Unacceptable landscape and visual impact, eroding the rural character and tranquillity of the Fens. • Significant and unjustified loss of Best and Most Versatile (BMV) agricultural land. • Inadequate assessment of biodiversity, protected species, and habitat connectivity. | <p>See below for answers to the points raised.</p> |

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| <ul style="list-style-type: none"> • Unacceptable cumulative impact with other regional NSIPs (e.g., Heckington Fen, Springwell, Fosse Green, Cottam, Gate Burton, West Burton, Mallard Pass). • Potential harm to heritage assets, archaeological remains, and historic landscape character. • Insufficient detail on drainage, flood risk, and soil hydrology, given local fenland sensitivities. • Adverse construction traffic and highway safety impacts on rural lanes unsuited to HGV volumes. • Lack of robust glint and glare assessment for nearby dwellings, roads, and aircraft flight paths. • Omission of clear, enforceable battery safety and emergency response protocols (if BESS is included). • Absence of any transparent Community Benefit Scheme, contrary to precedent set by other solar NSIPs. | |
| <p>3. Detailed Grounds</p> <p>Landscape and Visual Impact</p> <p>The proposed 2,000+ hectare site would fundamentally alter the open, expansive fenland landscape, undermining its visual simplicity and horizon character. The applicant's LVIA underestimates residual harm, especially from [insert village / PRow]. Mitigation planting cannot screen such a large industrial-scale scheme within the lifetime of the development.</p> | <p>Landscape and Visual Impact is considered within ES Chapter 6 Landscape and Visual (APP-057).</p> <p>The existing field pattern and associated perimeter vegetation, consisting of hedgerows with trees alongside hedgerows forming the field boundaries, will largely be retained. As set out in ES Chapter 6 Landscape and Visual (APP-057), proposed native hedge plants will be between 0.6m and 0.8m in height, with tree planting between 1m and 3.5m in height on completion (year 0), and all proposed planting will be implemented and managed in accordance with the Outline Landscape and Ecological Management Plan (oLEMP) (APP-089). By year 15, the tree planting will have grown by an assumed 3m in height (equating to 20 centimetres per year) and will, therefore, range between 4m and 6.5m in height. New and existing hedgerows will be allowed to</p> |

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| | <p>grow up to a height of up to 3.5m. This includes during the construction phase to contribute to visual screening of the works. The oLEMP is secured pursuant to Requirement 7 of Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2.</p> <p>Section 6.6 of ES Chapter 6 Landscape and Visual (APP-057) sets out the mitigation measures proposed to reduce landscape and visual impacts during construction, operation and decommissioning of the project.</p> |
| <p>Loss of Best and Most Versatile (BMV) Agricultural Land Evidence suggests much of the site is Grade 2 or 3a. National Policy Statement EN-3 and the NPPF (para. 174) require avoidance of BMV land unless wholly unavoidable. The applicant has failed to demonstrate that alternative lower-grade land was considered, contrary to sustainable land-use policy.</p> | <p>ES Chapter 14 Soils and Agricultural Land (APP-065) sets out how the Applicant has sought to avoid and reduce the amount of BMV agricultural land used for hard infrastructure associated with the Proposed Development, and Appendix 14.4 Outline Soil Management Plan (oSMP) (APP-176) details the measures to mitigate impacts to the soil. However, given the context of the quality of land locally and within the Order Limits, it has not been practicable to avoid all BMV. Preparation of detailed Soil Management Plans is secured via a requirement in the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2, implementing best practice guidance on soil handling.</p> <p>The Site Selection Report at Appendix 2 of the Planning Statement (APP-277) sets out there are no more suitable locations on brownfield or lower grade agricultural land to make use of the available capacity at Bicker Fen substation than the proposed Site for the Beacon Fen Energy Park.</p> |

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| <p>Ecology and Biodiversity The Environmental Statement underplays risks to nesting birds, invertebrates, and wetland habitats. Insufficient information is given on long-term habitat management, species corridors, and monitoring.</p> | <p>Impacts on ecology are considered within ES Chapter 7 Ecology (APP-058) and its Appendices, including Appendix 7.6 Breeding Bird Report (APP-095) and Appendix 7.14 Invertebrate Report (APP-103).</p> <p>The surveys outlined in ES Chapter 7 Ecology (APP-058) have identified ecological constraints and opportunities for enhancement. Appendix 6.7 Outline Landscape and Ecological Management Plan (OLEMP) (APP-089), which includes monitoring, and Biodiversity Net Gain Strategy (APP-280) set out how the enhancements can be created and managed in the long term. As set out in Chapter 7 Ecology (APP-058), there are protected and notable species on and around the site. Chapter 7 Ecology (APP-058) and Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (REP1-009) include mitigation measures which include a commitment to update surveys closer to the construction date.</p> |
| <p>Cumulative Impacts Beacon Fen should not be assessed in isolation. Its combined footprint with Cottam, Gate Burton, West Burton, and Mallard Pass results in region-wide industrialisation. A cumulative assessment limited to grid connections is inadequate.</p> | <p>In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017), consideration of potential cumulative impacts associated with the Proposed Development has been undertaken. Consideration of potential cumulative impacts is considered within the technical chapters (i.e. 6 to 16) of the ES and summarised within ES Chapter 18 Cumulative Effects (APP-069).</p> <p>Appendix 4.1 Cumulative Assessment Long List (APP-081) and Appendix 4.2 Cumulative Assessment Short List (APP-082) examine the cumulative impact in terms of other projects in the local area.</p> |

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| <p>Heritage and Archaeology The proposal risks substantial harm to the setting of listed buildings and scheduled monuments. The applicant's heritage baseline is limited and should be revisited with Historic England and LCC archaeologists.</p> | <p>The setting of designated assets has been assessed in detail and is presented in Appendix 8.2 Heritage Statement (APP-118) and ES Chapter 8 Cultural Heritage (APP-059). The embedded mitigation measures pertaining to minimising or preventing harm to designated assets are outlined within Appendix 2.3 Embedded Mitigation (APP-076). Table 8.1 ES Chapter 8 also sets out consultation undertaken with Historic England and LCC.</p> |
| <p>Drainage and Flood Risk Fenland hydrology is highly sensitive. The scheme risks altering water tables and increasing surface runoff. Detailed SuDS design and maintenance arrangements are absent, contrary to NPS EN-1 (5.7.7) and NPPF (167–169).</p> | <p>Drainage and Flood Risk is considered within ES Chapter 11 Water Resources and Flood Risk (APP-062).</p> <p>Appendix 11.1 Flood Risk Assessment (APP-162) includes an Outline Drainage Strategy and concludes that the management of surface water runoff will ensure that flood risk from the Site is not increased as a result of the Proposed Development.</p> |
| <p>Construction Traffic and Amenity Local roads (A153, B1189, and rural byways) are unsuitable for HGVs. No enforceable CTMP is secured. Noise, dust, and vibration will harm amenity and safety.</p> | <p>ES Chapter 9 Access and Traffic (APP-060) notes that construction access to the Site will be from the A17, using the proposed new Bespoke Access Road to minimise impacts on local road users.</p> <p>Section 4.2 of Appendix 9.3 Outline Construction Traffic Management Plan (oCTMP) (APP-159) outlines that all contractor and delivery traffic will be required to follow the prescribed construction traffic routes. Haulage contractors and contractor staff will be informed of the relevant routes by the site manager(s) or delegated representative(s) as part of delivery and joining instructions. The oCTMP states <i>"Before construction commences the Site Manager(s) will engage with local town and parish councils and will write to neighbouring properties with information about the</i></p> |

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| | <p><i>construction programme and activities, also providing the CTMP Coordinator contact details."</i></p> <p>The oCTMP is secured pursuant to Requirement 13 of Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. Requirement 13 states that the CTMP must be submitted to and approved by the relevant planning authority, such approval to be in consultation with the relevant highway authority. This allows for detailed measures to ensure construction traffic uses the prescribed routes.</p> |
| <p>Glint and Glare The glint and glare assessment lacks data for key receptors (roads, PRowS, farmhouses). The assessment should be independently reviewed.</p> | <p>The glint and glare assessment within ES Chapter 13 Glint and Glare (APP-064) has been prepared in accordance with recognised standards (as detailed within Appendix 13.1 Legislation, Policy and Guidance (APP-167)) and best practice. As an independent consultant, Wardell Armstrong (a part of SLR), has undertaken and prepared hundreds of glint and glare assessments over the last 14 years.</p> <p>The receptors have been filtered based on visibility (whether they fall within the Zone of Theoretical Visibility (ZTV) (see Figure 13.4 Zone of Theoretical Visibility (APP-266)) and whether they benefit from existing screening in the form of vegetation or other surface features, such as buildings, as well as proposed new planting.</p> <p>It is recognised that, where receptors have been excluded based on lack of visibility to the Solar Array Areas, these receptors have not been carried through to detailed modelling. This is because if there is no visibility, there can be no potential for glare to occur.</p> |

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| | <p>In some cases, where several receptors are in close proximity, a representative receptor has been selected for modelling to provide information that will be broadly relevant to all of the receptors in the immediate area.</p> |
| <p>Battery Energy Storage Safety If BESS facilities are included, the DCO must secure a Battery Safety Management Plan and emergency response protocol, as required at Cleve Hill (Req. 7) and Sunnica (Sch. 2).</p> | <p>The Applicant can confirm that the existing published (and emerging draft, but non finalised) National Fire Chiefs Council ('NFCC') guidance was taken into account in preparing the Outline Battery Safety Management Plan ('OBSMP') (APP-279). The guidance was also used as an input to develop the project design. As confirmed in the OBSMP (APP-279), the Applicant intends to have regard to the NFCC guidance in the preparation of the detailed Battery Safety Management Plan ('BSMP'), which must be submitted to and, in consultation with North Kesteven District Council ('NKDC') and Lincolnshire Fire and Rescue Service ('LFR'), and approved by the relevant planning authority in accordance with Requirement 6 in Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. This OBSMP (APP-279) outlines the key fire safety provisions for the BESS proposed to be installed at Beacon Fen Energy Park, including fire risk reduction and fire protection measures.</p> |
| <p>Absence of a Community Benefit Scheme Unlike Cleve Hill (£500k), Longfield (£5.72m), and Byers Gill (£1.5m), Beacon Fen offers no tangible community benefits. The ExA should require a proportionate Community Benefit Fund (£200/MW/yr for 40 years) administered locally.</p> | <p>A Community Benefit Scheme does not form part of the DCO Application, and this funding is not required to mitigate the effects of the project, and this is not a planning consideration that the Secretary of State would as a matter of law take into account when deciding whether to grant development consent. Notwithstanding this, a community benefit fund will be provided alongside the development.</p> |

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| <p>4. Conclusion and Request For the reasons set out above, I respectfully request that the Examining Authority: - Finds the Beacon Fen Energy Park proposal contrary to national and local planning policy; - Requires substantial revision and enhanced mitigation; or - Recommends refusal of the DCO in its current form.</p> | <p>The Applicant notes this comment.</p> |
| <p>If approval is considered, enforceable requirements should cover: - Landscape and ecological management; - Independent hydrological monitoring; - Robust CTMP and noise controls; - A comprehensive Battery Safety Management Plan; and - A Community Benefit Fund proportionate to the project's scale.</p> | <p>Schedule 2 of the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2, includes the following requirements:</p> <ul style="list-style-type: none"> i. requirement 7 (landscape and ecological management plan); ii. requirement 10 (surface and foul water drainage); iii. requirement 13 (construction traffic management plan); iv. requirement 14 (operational noise); v. requirement 6 (battery safety management); <p>A Community Benefit Scheme does not form part of the DCO Application as this is not a planning consideration that the Secretary of State would take into account when deciding whether to grant development consent.</p> |

3. Applicant's Comments on Cadent Gas Limited's Written Representation (REP1-035)

Table 3.1 – Applicant's Comments on Cadent Gas Limited's Written Representation (REP1-035)

| TEXT | RESPONSE |
|---|---|
| <p>1. Introduction Please refer to Written Representation for full introduction text.</p> | <p>The Applicant has reviewed Cadent's written representation and had regard to its content.</p> |
| <p>2. Regulatory Protection Framework Cadent require all Applicants carrying out development in the vicinity of their Apparatus to comply with:</p> <ul style="list-style-type: none"> a) CD/SP/SSW/22 Cadent's policies for safe working in the vicinity of Cadent's Assets; b) ICE (institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working c) Practices to Ensure the Integrity of Gas Pipelines and Associated Installations, and the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services. | <p>The Applicant will adhere to such policies when carrying out development in the vicinity of Cadent's apparatus and this will be confirmed in the form of protective provisions to be agreed with Cadent and placed on the face of the Draft DCO (AS-008).</p> |
| <p>The industry standards referred to above have the specific intention of protecting:</p> <ul style="list-style-type: none"> a) the integrity of the pipelines and thus the distribution of gas; b) the safety of the area surrounding gas pipelines; c) the safety of personnel involved in working with gas pipelines. | <p>This is noted by the Applicant and, as above, the Applicant agrees to adhere to such standards.</p> |

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| <p>Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus.</p> | <p>The Applicant agrees to the principle of protective provisions being provided for Cadent's benefit.</p> |
| <p>3. Protective Provisions Cadent seeks to protect its statutory undertaking, and insists that in respect of works in close proximity to its Apparatus as part of the authorised development the following procedures are complied with by the Applicant:</p> <ul style="list-style-type: none"> a) Cadent has had the opportunity to review and consent to the plans, methodology and specification for works within 15 metres of any Apparatus, works which will adversely affect their Apparatus or otherwise breach distances/guidance set out in paragraph 2 above. b) DCO works in the vicinity of Cadent's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of Cadent's land or rights or overriding or interference with the same. c) DCO works in the vicinity of Cadent's apparatus are not commenced unless there is third party liability insurance effected and maintained for the construction period of the relevant authorised works and that the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth to enable it to meet any liability arising from damage to Cadent's apparatus (acknowledging the potential significant consequences of damaging a gas pipeline) or there is appropriate security in place through a bond or guarantee. | <p>Protective provisions are presently being negotiated between the Applicant and Cadent. The Applicant is confident that a satisfactory solution to protect Cadent's interests in this respect will be agreed and secured through the protective provisions.</p> |

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| <p>Cadent maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or works in the vicinity of its Apparatus the following consequences will arise:</p> <ul style="list-style-type: none"> a) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk. b) Any damage to Apparatus has potentially serious hazardous consequences for individuals/property located in the vicinity of the pipeline/apparatus if it were to fail. c) Potentially significant consequences arising from lack of continuity of supply; | <p>The Applicant is in active negotiations with Cadent on the form of protective provisions to be agreed and placed on the face of the Draft DCO (AS-008). The latest draft of protective provisions was returned to Cadent by the Applicant on 16 October 2025 and the Applicant awaits a response whilst this is being considered by Cadent.</p> |
| <p>Insufficient property rights have the following safety implications:</p> <ul style="list-style-type: none"> a) Inability for qualified personnel to access apparatus for its maintenance, repair and inspection. b) Risk of strike to pipeline if development occurs within the easement zone in respect of which an easement/restrictive covenant is required to protect the pipeline from development. c) Risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above. | |
| <p>The dDCO [AS-009] does not contains specific protective provisions for the protection of Cadent. For the purposes of the Planning Act 2008 and section 127, Cadent is a statutory undertaker. Cadent require its own protective provisions in a form which is consistent with its template protective provisions to ensure that there is no serious detriment to the carrying on of Cadent's undertaking.</p> | <p>Whilst the current Draft DCO (AS-008) does not contain bespoke protections for the benefit of Cadent, the Applicant agrees to the principle of such protections being secured and will include these provisions once a more progressed and final draft has been agreed with Cadent. Until such point, the protective provisions for Electricity, Gas, Water and Sewerage Undertakers would apply to Cadent's benefit. The Applicant is confident that, once placed on the fact of the</p> |

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| <p>The Applicant received a first draft of Cadent Gas Limited's protective provisions on 8th April 2025. Section 3.1.4. of "Advice Note Fifteen 15: drafting Development Consent Orders" ("Advice Note 15") provides:</p> <p><i>"4.1 Applicants are encouraged to agree Protective Provisions with the protected party(ies) prior to submitting the application for development consent. Where agreement on Protective Provisions has not been reached during the Preapplication stage, applicants should, as a minimum, submit with their application the standard Protective Provisions for all relevant protected parties with any amendments that the Applicant is seeking annotated with full justification included within the Explanatory Memorandum."</i></p> | <p>Draft DCO, the form of bespoke protective provisions will be capable of ensuring that there will be no serious detriment to Cadent's undertaking.</p> |
| <p>Notwithstanding Advice Note 15, the draft Development Consent Order has been submitted with no protective provisions for the benefit of Cadent. This is not an acceptable position. It is widely understood and has been rehearsed in numerous Development Consent Order applications that the protective provisions for Electricity, Gas, Water and Sewerage Undertakers are not acceptable to Cadent.</p> | |
| <p>4. Status of Negotiations</p> <p>Cadent has been in discussion with the Applicant regarding the form of the protective provisions to be included in the dDCO. Cadent would hope to be able to reach agreement but there are a several matters that remain to be agreed and which need to be addressed through a side agreement, if the requirements are not to appear on the face of the DCO.</p> | <p>The Applicant is confident that agreement with Cadent on the form of protective provisions should be possible prior to the close of the examination.</p> |

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| <p>Provision needs to be included within the dDCO or in a side agreement that the works in the vicinity of Cadent's apparatus are not commenced unless: (1) there is third party liability insurance effected and maintained for the construction period of the relevant works; and (2) the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth at the time of commencing works to enable it to meet any liability arising from damage to Cadent's apparatus or that there is appropriate security in place through a bond or guarantee.</p> | <p>The Applicant agrees to the principle of acceptable insurance being procured prior to specified works taking place (namely those within 15m of Cadent's apparatus).</p> <p>The Applicant does not agree that acceptable security should be required in addition to the insurance to be procured.</p> <p>Given the minor and discreet nature of the interface between the project and Cadent's gas pipeline (being limited to plot 4-1 within the existing lay-by of the A17), to require security as well as insurance is considered unnecessary and disproportionate.</p> |
| <p>Insurance and appropriate security are required given the nature of the apparatus in the vicinity of the development and the current financial standing of the Applicant. As recorded in the Funding Statement which accompanies the application [APP-043], the Applicant is a special purpose vehicle. The necessary funding support comes from Low Carbon Limited.</p> | |
| <p>The security provisions are required to support the indemnity which needs to be provided to Cadent and to address a situation where the conditions of insurance are not met. In particular, the security measures contained in the Cadent Protective Provisions are required in order to provide certainty that the indemnity afforded to Cadent can be relied upon in the event that damage is caused to the Apparatus and the gas distribution network.</p> | <p>As the Applicant is open to agreeing the 'acceptable insurance' wording that Cadent requires in the protective provisions, this should be capable of covering the eventualities anticipated to be covered by the indemnity benefiting Cadent too, such that there is no gap to be filled by an additional security provision.</p> |
| <p>Cadent also require any indemnity to be uncapped, which is the standard position across all other DCOs affecting Cadent. Cadent derives no benefit from the Project and needs to ensure that it is not be exposed to any costs or losses as a result of the Project. Money</p> | <p>The Applicant is in direct discussions with Cadent on the principle of an uncapped indemnity and is working to a resolved position.</p> |

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| <p>spent and costs incurred by Cadent is ultimately passed on to consumers in their energy bills. This is not appropriate in respect of losses caused by a third party and Cadent requires, therefore, the comfort that works near its apparatus are the subject of protective provisions which include an uncapped indemnity and appropriate insurance and security.</p> | |
| <p>Cadent will keep the ExA updated on negotiations. The form of protective provisions which Cadent require are annexed to this Written Representation.</p> | <p>The Applicant will continue to engage with Cadent on an appropriate form of protective provisions, seeking to facilitate the withdrawal of Cadent's objection to the Proposed Development.</p> |

4. Applicant's Comments on Cllr Paul Lock's Written Representation (REP1-036)

Table 4.1 – Applicant's Comments on Cllr Paul Lock's Written Representation (REP1-036)

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| <p>Please find below my written representation to the above project as the County Council representative for the Boston Rural District.</p> | <p>The Applicant notes this comment.</p> |
| <p>Regarding cumulative effect, it is already apparent to the residents of the Bicker area, that not only is their local road network continually being damaged, inconveniencing journeys whilst repairs are undertaken, but construction dust in the air significantly impacts the environment during parts of the year coating vehicles and properties in dust. Frequent misuse and clear flouting of traffic management plans on marked 'non HGV' routes by a multitude of vehicles, both HGV and smaller, further adds to a level of distrust in developers to adhere to commitments at a basic level. How does this then show a good level of working practice and therefore apply to more serious elements of the construction as a culture of corner cutting.</p> | <p>The Applicant interprets the comments about dust and damage as being reference to other projects in the local area that the Applicant is not involved with or responsible for, but which create perceptions and worries that the Applicant's project will also create dust and damage.</p> <p>The Applicant has engaged extensively with LCC Highways and other host local authorities on its traffic management proposals and understands that practice and learning from other developments in the local area has informed this engagement.</p> <p>Section 4.2 of Appendix 9.3 Outline Construction Traffic Management Plan (oCTMP) (APP-159) outlines that all contractor and delivery traffic will be required to follow the prescribed construction traffic routes, which make use of the A17 and the purpose built Bespoke Access Road, avoiding local roads. Haulage contractors and contractor staff will be informed of the relevant routes by the site manager(s) or delegated representative(s) as part of delivery and joining instructions.</p> <p>The oCTMP states <i>"Before construction commences the Site Manager(s) will engage with local town and parish councils and will write to neighbouring properties with information about the construction</i></p> |

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| | <p><i>programme and activities, also providing the CTMP Coordinator contact details.”</i></p> <p>The oCTMP is secured pursuant to Requirement 13 of Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. Requirement 13 states that the CTMP must be submitted to and approved by the relevant planning authority, such approval to be in consultation with the relevant highway authority. This allows for detailed measures, using reasonably available measures and technologies at that point in time, to ensure construction traffic uses the prescribed routes.</p> <p>Chapter 9: Access and Traffic (APP-060) sets out that access to Bicker Fen Substation is via the Triton Knoll Substation Access Road (a private road) and via very lightly trafficked public highway (Vicarage Drove and Bicker Drove) in the immediate vicinity of the Substation. Left-in, left-out movements only between the Triton Knoll access and the A17 will be permitted during the construction phase. No use of Bicker Drove south of Vicarage Drove or of Cowbridge Road is required for construction traffic (other than in case of emergency). This is in response to community feedback received at Statutory Consultation, and as with all access to the Proposed Development, is designed to minimise impacts on the local community. This access strategy for access to Bicker Fen Substation extension works aligns with that of the Heckington Fen Solar Park.</p> |
| <p>The substation area is already saturated with applications and connections, can the applicant demonstrate they have been granted a connection by National Grid, or would further expansive work be required to the substation.</p> | <p>As set out in the Electricity Grid Connection Statement (APP-285) the Applicant entered into a Grid Connection Agreement with NESO in May 2022. That Agreement specifies an import and export capacity of</p> |

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| | <p>600MW each and for a connection in three 'stages' between June 2029 and October 2033.</p> <p>As noted in ES Chapter 2 Proposed Development (APP-053) there would be no need to develop a new National Grid substation, however, there will be a need to carry out upgrade and extension works to the existing Bicker Fen substation. The extension will be to the south-west of the existing substation site, as determined by National Grid Electricity Transmission (NGET) and National Energy System Operator (NESO) to take into account the needs of other customers connecting into the National Electricity Transmission System (NETS).</p> <p>It is important to note that the principle of the Bicker Fen Substation Works has already been approved in the decision for Heckington Fen Solar Park. The only difference between the Proposed Development and the approved works relate to an additional circa 0.3 hectares of land to be developed to accommodate the Beacon Fen Energy Park generation bay to connect into the Substation and the impacts are considered to be broadly the same.</p> |
| <p>To date, none of the applicants seem to use shared corridors for cable routes for example and so each applicant serves to provide a new set of negative impacts to the community.</p> | <p>The potential to share elements of the Cable Route Corridor with Heckington Fen was considered, via Option 2 as set out in Table 3.2 in ES Chapter 3 Alternatives and Design Evolution (APP-054). However, Option 2 runs close to a Scheduled Monument, which comprises a prehistoric settlement and, therefore, may extend beyond the apparent boundary. As such a buffer would be required to this asset, which could not be accommodated within the corridor for Option 2 due to its proximity to the asset. Option 2 also runs through the edge of a HER monument polygon for a Roman Saltern; close to Romano-British Farmsteads; and close to the Anglo-Saxon trading centre. As such, a Cable Route Corridor which could potentially share elements</p> |

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| | <p>with Heckington Fen (i.e. Option 2) is considered likely to result in significant heritage and archaeological impacts when compared to Option 1, which was refined into the Cable Route Corridor following further options analysis.</p> |
| <p>Currently BESS is still not robustly regulated and therefore a myriad of risks still remains.</p> | <p>The Applicant can confirm that the existing published (and emerging draft, but non finalised) National Fire Chiefs Council ('NFCC') guidance was taken into account in preparing the Outline Battery Safety Management Plan ('OBSMP') (APP-279). The guidance was also used as an input to develop the project design. As confirmed in the OBSMP (APP-279), the Applicant intends to have regard to the NFCC guidance in the preparation of the detailed Battery Safety Management Plan ('BSMP'), which must be submitted to and, in consultation with North Kesteven District Council ('NKDC') and Lincolnshire Fire and Rescue Service ('LFR'), and approved by the relevant planning authority in accordance with Requirement 6 in Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. This OBSMP (APP-279) outlines the key fire safety provisions for the BESS proposed to be installed at Beacon Fen Energy Park, including fire risk reduction and fire protection measures. Part 6 of Schedule 11 of the draft DCO (Document Ref. 3.1), the latest version of which is to be submitted alongside this document at Deadline 3, includes provision for costs related to an annual review of the Site of LFR throughout operation.</p> |
| <p>It is a reality that the UK is under constant cyber security threat, risk to the BESS element specifically give grounds for concern that once this or any similar system is online, it therefore forms part of our UK energy supply network. Should it become remotely</p> | <p>The Applicant has developed a number of solar and BESS projects but is not complacent and will seek appropriate advice on security as part of the detailed design, insurance requirements and specification of the development. This would not normally form part of a planning or DCO</p> |

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| <p>compromised, bad actors could cause malfunction or shut downs of systems during operation. This is totally unacceptable and to approve a BESS application without suitable safeguards in place would be entirely unsafe.</p> | <p>determination and the location is not one that gives rise to any elevated cybersecurity risk. Proportionate physical security measures have been designed in and set out within the DCO application and its associated drawings, in compliance with NPS EN-1 policy 4.16.4.</p> |
| <p>Thermal runaway generates very high temperatures and requires different firefighting methods. It is usually best not to try to put out the fire, but rather to control the spread. Firefighters also have to contend with severely toxic gas emissions, the risk of an explosion, soil contamination and damage to watercourse</p> | <p>See above.</p> <p>As set out in the OBSMP (APP-279), automatic shutoff valves could be used by fire crews to contain and reuse water or to prevent potentially contaminated water from being discharged to the watercourse. After the fire has been managed, such contained firewater will be tested and either released to the watercourse or removed from the Site for treatment and off-site disposal.</p> |
| <p>The location of this site is in a rural area, served primarily by retained firefighters, who are a long way from where specialist firefighting resources would come from, and this does not seem to be taken into account fully in the planning process.</p> | <p>See above. The Applicant has sought to balance setback from receptors with proximity to the road network for access.</p> <p>As set out in the OBSMP (APP-279), the retention of the Bespoke Access Road during the operational phase of the Proposed Development, while intended for the overall purpose of maintenance and renewal of the operational solar and BESS development, could be made available to LFR (e.g., keys or other controls to gates) to allow usage by Sleaford based crews and reduce the distance travelled on rural roads. Even if this is not appropriate for the first attending crew, it could be opened for subsequent crews or larger vehicles. Detailed management and response arrangements would be agreed upon and recorded within the detailed BSMP.</p> |
| <p>The applicant may propose water-based suppression systems, off-gas detection, ventilation systems and thermal runaway mitigation as design conditions. The guidelines for planning approval of BESS are imprecise and vary across the devolved nations.</p> | <p>The OBSMP (APP-279) was developed in consultation with Lincolnshire Fire and Rescue Service and has taken account of legal requirements and relevant guidance, as listed in paragraph 2.6.5 of said document.</p> |

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| <p>Currently, the burden of responsibility falls on individual local authority planning officers who have no specific training or background in lithium-ion technology.</p> | <p>The detailed BSMP, which must be submitted to and, in consultation with North Kesteven District Council NKDC and LFR, and approved by the relevant planning authority in accordance with Requirement 6 in Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2.</p> |
| <p>Suffolk's deputy chief fire officer asked for fire services to be given new powers, saying:</p> <p>"I'd like to see a power that is akin to a regulatory order like those for a commercial property, where we would have the power to enforce safety measures on those sites."</p> <p>He explained that the fire service is currently just a "contributing partner", able to give "direction and professional advice", but not necessarily to require what it might like.</p> <p>The result is inconsistency, which is destructive both of public trust and of the success of the industry.</p> <p>The Grenfell disaster was the end result of many failings by both individuals and companies, but at heart it was a failure of regulation. The rules left things wide open for exploitation by cost-cutting developers, which is exactly what happened. Just as with lithium-ion batteries, a new technology—in that case cladding—was being used at scale for the first time, without proper understanding of the risks.</p> <p>In September 2020, a fire at a BESS site in Liverpool created a significant blast and took 59 hours to extinguish. Merseyside Fire and Rescue Service said that the blaze on Carnegie Road</p> | <p>See above.</p> <p>Part 6 of Schedule 11 of the draft DCO (Document Ref. 3.1), the latest version of which is to be submitted alongside this document at Deadline 2, includes provision for costs related to an annual review of the Site of LFR throughout operation.</p> |

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| <p>“appears to be the first significant fire of its type to occur within the UK”.</p> <p>However, this was only a small BESS, with just four containers and a modest 20 MWh output in total.</p> <p>This project is for 600MWh in comparison and 156 containers.</p> | |
| <p>I note on the 2.6 Illustrative Layout Plan of Battery Energy Storage System and On-Site Substation (PDF, 2MB) A prevailing wind rose is not present to help the fire officers to correctly assess a fire management strategy.</p> | <p>An Assessment of Unplanned Atmospheric Emissions from the BESS Report is included at Appendix 1 of the OBSMP (APP-279), which considers meteorological data in the context of atmospheric emissions from a potential fire.</p> |
| <p>The UK’s regulatory approach to BESS safety relies on performance-based regulations such as the Regulatory Reform (Fire Safety) Order 2005 and the Building Regulations 2010. They place the responsibility on the responsible person—the site owner—to ensure that adequate safety measures are in place, but they lack specific provisions tailored to BESSs. Too much reliance is being placed on individual owners to mark their own homework.</p> | <p>The detailed Battery Safety Management Plan (‘BSMP’), which must be submitted to and, in consultation with North Kesteven District Council (‘NKDC’) and LFR, and approved by the relevant planning authority in accordance with Requirement 6 in Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2.</p> |
| <p>There are also the environmental impacts. The Environmental Protection Act 1990 and the Water Resources Act 1991 provide a general framework for managing environmental impacts but, again, they do not specifically address the challenges posed by BESS fires. Existing regulators do not seem to know whose responsibility this should be. In a recent application for a solar park at Cleve Hill in Kent, which includes battery storage, the Department for Energy Security and Net Zero stated that the Health and Safety Commission should be consulted on safety advice, but the HSC itself said that commenting on battery safety management plans was not in its remit. That confusion is not exactly reassuring.</p> | <p>See above.</p> |

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| <p>It is also disingenuous to use advertising material on websites and printed materials showing sheep grazing under solar panels. This is not evidenced to be the case on any other solar project I've seen in the area. Moreover, to manage the grass and weeds that do grow up under panels, land is treated with weedkiller or other methods to keep the grass down, in a sense of improving the BNG this is doing the exact opposite and likely contaminating the ground in ways the farming community are restricted from doing. This will not be returned to farming in a better condition than it currently is post its 'temporary' change to energy production.</p> | <p>During the operational life of the Proposed Development, the possibility of co-utilising the site for grazing (thereby allowing some agricultural use) is being investigated and the viability of this will be determined at a later stage. The photographs of sheep grazing on solar farms that are on Beacon Fen materials were taken from sites developed, owned or operated by Low Carbon.</p> <p>The Biodiversity Net Gain Strategy (APP-280) will be suitably managed as set out in Appendix 6.7 Outline Landscape and Ecological Management Plan (oLEMP) (APP-089) and secured by a Requirement in Schedule 2 of the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. This would deliver significant beneficial improvements to habitats through BNG during operation, as set out in ES Chapter 7 Ecology (APP-058). ES Chapter 7 concludes that it is likely that as the fields in the Solar Array Area are taken out of production then agricultural inputs (fertilisers, pesticides etc) will decrease and less will run off into the local watercourses improving the water quality and supporting more diverse wildlife.</p> <p>The Applicant is making this commitment in the absence of any existing target for Nationally Significant Infrastructure Projects ('NSIP's) to deliver BNG. 30% is a minimum target; the Applicant will seek to deliver gains above this if feasible, having regard to the purpose of the national infrastructure to generate and store electricity.</p> |
| <p>Lincolnshire, in particular the southern part is known as the breadbasket of England, should a disaster occur, the risk to contamination of the water ways and land is great, it would therefore put at risk key food production in the surrounding area that we depend upon as a nation.</p> | <p>See above.</p> |

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| I do hope these comments are of use to the inspector in forming a safe and reasonable decision for the people of Lincolnshire. | The Applicant notes this comment. |
| In summary, the time to act is now because the number of BESS applications is expanding exponentially and we do not want to be the place or the people that learn from a great mistake | The Applicant notes this comment. |

5. Applicant's Comments on Defence Infrastructure Organisation's Written Representation (REP1-037)

Table 5.1 – Applicant's Comments on Defence Infrastructure Organisation's Written Representation (REP1-037)

| TEXT | RESPONSE |
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| Thank you for consulting the MOD on application reference EN010151, MOD reference DIO 10061527. | The Applicant notes this response. |
| The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. | |
| I can confirm that, following review of the application documents, the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset. The MOD has no objection to the development proposed. | As above. |
| The MOD must emphasise that this email is provided specifically in response to the application documents and supporting information provided on the The Planning Inspectorate website as of the date of this email. | As above. |

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| Amendments to any element of the proposed development (including the location, dimensions, form, and/or finishing materials of any structure) may significantly alter how the development relates to MOD safeguarding requirements and may result in detrimental impact(s) on the operation or capability of defence sites or assets. | As above. |
| In the event that any revised plans, amended plans, additional information or further application(s) are submitted for approval, the MOD, as a statutory consultee, should be consulted and provided with adequate time to carry out assessments and provide a formal response whether the proposed amendments are considered material or not by the determining authority. | As above. |

6. Applicant's Comments on Dr Caroline Johnson's Written Representation (REP1-038)

Table 6.1 - Applicant's Comments on Dr Caroline Johnson's Written Representation (REP1-038)

| TEXT | RESPONSE |
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| <p>Introduction Please refer to the Written Representation for full introduction text.</p> | |
| <p>Agricultural Land The impact of this application on the availability of BMV land in the area will be significant. According to the Beacon Fen Energy Park Environmental Statement Document Reference: 6.2 ES Vol.1, 6.2.14, the majority of the site is Grade 1, Grade 2 or Grade 3a BMV land. Virtually all of the remaining land is Grade 3b, which is still good farmland. Lincolnshire is the breadbasket of the county and produces 30% of the country's vegetables. The land in the county is also more productive than the UK average; the wheat harvest in our county, over the difficult past five years, was 25% above the UK average, and it is much more productive than global averages. This is the land we can least afford to lose.</p> | <p>There will be a temporary loss in agricultural production during the life of the project; however, the agricultural potential will be retained. The land take involved for the Proposed Development is minimal in the context of food production nationally and allows clean energy to be generated much more rapidly and at greater scale and efficiency than rooftop alternatives. In June 2020, 71% of the UK's land, or 17.3 million hectares, was used for agricultural production, according to the UK Food Security Report 2021. In comparison, operational solar farms that occupy approximately four aces of land per MW of installed capacity take up less than 0.1% of the UK's land, as stated in 'Everything Under the Sun: The Facts About Solar Energy' published by Solar Energy UK in March 2022.</p> <p>The temporary and reversible nature of the majority of the Proposed Development will allow for reinstatement of the Site to agricultural production following decommissioning.</p> <p>The UK Food Security Report 2024 analyses land use change and concludes that <i>"food production levels could be maintained or moderately increased alongside the land use change required to meet our Net Zero and Environment Act targets and commitments."</i></p> |

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| | <p>Footnote 62 of the National Planning Policy Framework was amended in December 2024 and now omits the consideration of the availability of land for food production. The Written Ministerial Statement of 15th May 2024 refers to food production and restates the Government's objective of broadly maintaining current levels of production. The potential reduction of food production from the Site would be negligible when viewed in the context of UK food production.</p> |
| <p>Like the NPPF, the updated NPS EN-3 recommends that developers should try using poorer-quality instead of higher-quality agricultural land and avoid the use of BMV land where possible. In a written statement in May 2024, the previous government offered further guidance on the use of BMV land for solar farms instead of food production.</p> | <p>ES Chapter 14 Soils and Agricultural Land (APP-065) explains out how the Applicant has sought to avoid and reduce the amount of BMV agricultural land used for hard infrastructure associated with the Proposed Development, and Appendix 14.4 Outline Soil Management Plan (oSMP) (APP-176) details the measures to mitigate impacts to the soil. However, given the context of the quality of land locally and within the Order Limits, it has not been practicable to avoid all BMV. Preparation of detailed Soil Management Plans is secured via a requirement in the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2, implementing best practice guidance on soil handling.</p> <p>The Site Selection Report at Appendix 2 of the Planning Statement (APP-277) sets out there are no more suitable locations on brownfield or lower grade agricultural land to make use of the available capacity at Bicker Fen substation than the proposed Site for the Beacon Fen Energy Park.</p> |

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| <p>It explained how these “competing priorities” should be balanced, clarifying the policies set out in the NPS:</p> <ul style="list-style-type: none"> • The “starting position” for developers should be to minimise the impact on BMV land and use land in areas of poorer quality. • There is “a greater onus” on developers to show the use of higher-quality land is necessary as land grade increases. • Decision-makers should give “due weight” to the proposed use of BMV land when considering whether consent should be granted. • The government added that decision-makers should not only consider the impacts of individual proposals but also cumulative impacts “where several proposals come forward in the same locality”. | <p>The Site Selection Report at Appendix 2 of the Planning Statement (APP-277) sets out there are no more suitable locations on brownfield or lower grade agricultural land to make use of the available capacity at Bicker Fen substation than the proposed Site for the Beacon Fen Energy Park.</p> <p>In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations (2017), consideration of potential cumulative impacts associated with the Proposed Development has been undertaken. Consideration of potential cumulative impacts is considered within the technical chapters (i.e. 6 to 16) of the ES and summarised within ES Chapter 18 Cumulative Effects (APP-069). This includes BMV.</p> |
| <p>1307 acres of agricultural land could produce 4,705 tonnes of wheat – 3.2 million loaves of bread or 96 million Weetabix.</p> | <p>See above.</p> |
| <p>The application states that the land could be out of agricultural use for up to 40 years. In this time, technology will have significantly advanced, and the soil underneath these outdated panels will have been deprived of light, rendering it much poorer quality for future generations -again creating long-term impacts for food security into the future.</p> | <p>Appendix 14.4 Outline Soil Management Plan (oSMP) (APP-176) details the measures to mitigate impacts to the soil. Preparation of detailed Soil Management Plans is secured via a requirement in the Draft DCO (‘Development Consent Order’) (AS-008), implementing best practice guidance on soil handling.</p> <p>Following decommissioning, the soils will be reinstated to match the baseline soil profile characteristics of soil type, horizon depth and soil structure. The resulting ALC (Agricultural Land Classification) grade is dependent on future climatic conditions. Returning to the previous ALC grade is only possible if the climatic data set for ALC</p> |

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| | <p>grade calculations remains constant, and climatic interactions such as soil water regime and flooding are also the same as the baseline conditions. Both are external factors that cannot be controlled by the Applicant. External management from the local drainage boards is also a key requirement for the soils within the order limits retaining their ALC grade. Returning soils to their previous ALC grade would therefore also require the drainage boards maintaining the required water table levels. For these reasons, it is not possible for the Applicant to take on responsibility for attaining a specific ALC grade some years in the future, but instead can take on responsibility for a particular good practice process of soil management.</p> |
| <p>Due weight must be given to the amount of BMV land which will be taken up by the proposal and, on this basis, the application should not be recommended.</p> | <p>See above.</p> |
| <p>Furthermore, with regards to cumulative impact, we cannot view this application in isolation. Heckington Fen Solar Park (1300 acres) sitting in the Grantham and Bourne Constituency was approved by the Government in January 2025. This sits within the same district as Beacon Fen Energy Park (North Kesteven) and is in fact only 2 miles away from this proposed site. Nearby also sits the NSIP South Lincolnshire Reservoir proposal, plus the thousands of acres of other pending solar farm applications in North Kesteven as previously mentioned. The cumulative impact of so many NSIP projects in one District, and in this particular area of the district, is more than unreasonable for local people to bear.</p> | <p>Appendix 4.1 Cumulative Assessment Long List (APP-081) and Appendix 4.2 Cumulative Assessment Short List (APP-082) examine the cumulative impact in terms of other projects in the local area, including Heckington Fen and the proposed Anglian Water reservoir.</p> <p>The Applicant's assessment of cumulative impacts with other projects, including Heckington Fen, is detailed in ES Chapter 18 Cumulative Effects (APP-069). Table 18.3: Summary of Inter-Cumulative Effects lists the potential impacts that may occur and, of these, only one significant adverse effect is anticipated. As per paragraph 18.5.3, "There is potential for significant adverse inter-cumulative effects in relation to the following: agricultural land in terms of the total agricultural land (and BMV land) lost due to the Proposed Development in combination with the other developments.</p> |

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| | <p>When considering all the considered developments within the administrative boundaries of Lincolnshire County Council boundary, they equate to 2% (11,962.85 ha) of the agricultural land, of which 0.82% (4,927 ha) is BMV land.</p> |
| <p>My constituency is the second most affected constituency by solar proposals – with around 7% of it due to be covered by solar under existing applications alone. There is a risk that at the end of use, these sites are no longer able to be returned to good agricultural land due to the impact they may have on the site. The most affected area of all is the neighbouring Newark constituency at 8.84% and the neighbouring Gainsborough constituency is also severely affected at 5% of land proposed to be turned over to current pending or approved proposals. The cumulative impacts of this infrastructure and their impact on agricultural land in the district and wider area must be considered.</p> | <p>This Comments is noted by the Applicant.</p> |
| <p>Location and Proximity This application would dramatically alter the landscape surrounding the villages located directly nearby including Howell, Ewerby Thorpe, Ewerby, Anwick, South Kyme, North Kyme, Kirkby la Thorpe and Evedon as well as the wider community.</p> | <p>Section 6.6 of ES Chapter 6 Landscape and Visual (APP-057) sets out the mitigation measures proposed to reduce landscape and visual impacts during construction, operation and decommissioning of the project.</p> <p>The existing field pattern and associated perimeter vegetation, consisting of hedgerows with trees alongside hedgerows forming the field boundaries, will largely be retained. As set out in ES Chapter 6 Landscape and Visual (APP-057), proposed native hedge plants will be between 0.6m and 0.8m in height, with tree planting between 1m and 3.5m in height on completion (year 0), and all proposed planting will be implemented and managed in accordance with the Outline Landscape and Ecological Management Plan (oLEMP) (APP-089). By year 15, the tree planting will have grown by an assumed 3m in height (equating to 20 centimetres per year) and will,</p> |

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| | <p>therefore, range between 4m and 6.5m in height. New and existing hedgerows will be managed and maintained at a height of up to 3.5m. This includes during the construction phase to contribute to visual screening of the works. The oLEMP is secured pursuant to Requirement 7 of Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2.</p> |
| <p>There are several statutory historical designations, including Scheduled Monuments and Listed Buildings within the nearby villages. These include St Andrews Church, Asgarby, Asgarby Hall, Boughton House, Howell Hall and Kyme Tower in South Kyme. There are also Historic Farmsteads within the Order Limits and in the locality.</p> | <p>An assessment of the effects of the Proposed Development on Cultural Heritage is provided in ES Chapter 8 Cultural Heritage (APP-059) and its appendices. This includes an assessment of the impact on the named heritage assets.</p> <p>The construction and decommissioning phases would result in moderate adverse significant impact on Church of St Andrew, Asgarby, a Grade I Listed Building (NHLE 1061832). The impact would be to the setting of the asset but would be short term and temporary, as set out in ES Chapter 8: Cultural Heritage (APP-059). Importantly, it is considered that the Proposed Development will not result in substantial harm to the asset. Paragraph 4.2.17 of EN-1 states that CNP infrastructure will meet the test to be considered exceptional to justify substantial harm to a heritage asset. As the Proposed Development would result in less than substantial harm, it is considered that NPS policy is complied with.</p> |
| <p>One isolated rural home in the location of the site may find itself surrounded by solar panels on all sides, like the hole in the centre of a miserable glass doughnut. Many others will live on the edge of the site, and this is causing significant personal stress for affected residents.</p> | <p>The Applicant undertook direct consultation with immediate neighbours of the Site to discuss appropriate mitigation and views from their properties. Changes were subsequently made to the scheme layout, including amendments to the extent and shape of buffers to properties; and the relocation of planting to the far edge of buffers in order to retain an area of openness adjacent to the property. Landscaping and buffers are shown in Landscape Strategy</p> |

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| <p>The impacts of these applications on these assets should be considered, with the loss of nature and biodiversity, impact on house prices and the mental health effects of the industrialisation in this area of open rural countryside.</p> <p>The panel height for this application is between 3.5 to 3.9m. 3.9m is roughly the height of the largest ever recorded elephant (standing at 3.96m tall).</p> <p>There are many local RAF bases within the vicinity of this application, including RAF Digby and RAF Cranwell. This application is causing great concern regarding the glint and glare arising from such a large application. Moreover, RAF Digby is the HQ of the Joint Cyber and Electromagnetic Activities Group. Any interference with these defence estates would cause significant harm.</p> <p>On this basis, the application should not be recommended due to the potential interference with the RAF bases, local heritage, rural communities and sheer scale of such an application.</p> <p>Associated 600MW Battery Energy Storage System (BESS) facility There is significant concern about BESS facilities because of the potential fire risk of lithium-ion batteries. Lithium-ion batteries can catch fire because of thermal runaway. While individual batteries may have to adhere to product safety regulations, this does little to give reassurance in the context that there have been two documented incidents of a BESS fire in the UK in recent years and there are no laws that govern the safety of BESSs specifically. Recent incidents include a fire at a BESS site in Liverpool in September 2020 and a fire at a BESS project under construction in Essex in February</p> | <p>Plan (Document Refs.6.4.42a – 6.4.42b), the latest versions of which are submitted alongside this document at Deadline 3.</p> <p>In terms of mental health, a health screening exercise was undertaken in accordance with the Central Lincolnshire Healthy Planning Checklist and, included within Appendix 1.1 Scoping Report (APP-071), mental health was not scoped in. Chapter 15 Socio-Economics (APP-066) of the Environmental Statement (ES) provides baseline data on community health and wellbeing, and further considers related impacts including restricted access to recreation (including visual effects). Table 15.3 Social Receptor Sensitivity Scale confirms that the potential impact on the wellbeing of people has been considered when defining the magnitude of change. The potential socio-economic effects of the Proposed Development in terms of human health are assessed to be minor and Not Significant, with no adverse impacts on human health or wellbeing (including mental health).</p> <p>In term of potential impacts upon the operations of nearby aviation facilities, Table 13.1 Summary of Consultation Undertaken to Date of Chapter 13 Glint and Glare (APP-064) of the Environmental Statement (ES) details that the Applicant undertook direct consultation with both the National Air Traffic Services (NATS) and the Defence Infrastructure Organisation (DIO) in respect of the Proposed Development. It was confirmed in August 2023 that, as the Solar Array Area of the Proposed Development is located more than 20km from the nearest NATS installation, an assessment was not required on the basis that no impacts are anticipated. Similarly, following consultation with DIO between August 2023 and October 2024 and the completion of the glint and glare assessment (Chapter 13) which considered straight-line final approach paths to all</p> |

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| 2025. | <p>runways, no effects were recorded and DIO confirmed that further assessment was not required. It should be noted that the DIO also undertook an internal assessment that determined that there would be no operational impacts. Paragraph 13.6.49 of Chapter 13 lists the civilian and military airports that were considered, with Table 13.9 Significance of each Aviation Receptor detailing that no significant effects are identified. Within its Relevant Representation, the Ministry of Defence (MOD) (AS-025) states that that the Proposed Development poses 'no detrimental impact on the operation and / or capability of its defence sites and / or asset, and that the MOD has no objection to the development proposed' (see Applicant Responses to Relevant Representations (REP1-029)).</p> <p>The Applicant can confirm that the existing published (and emerging draft, but non finalised) National Fire Chiefs Council ('NFCC') guidance was taken into account in preparing the Outline Battery Safety Management Plan ('OBSMP') (APP-279). The guidance was also used as an input to develop the project design. As confirmed in the OBSMP (APP-279), the Applicant intends to have regard to the NFCC guidance in the preparation of the detailed Battery Safety Management Plan ('BSMP'), which must be submitted to and, in consultation with North Kesteven District Council ('NKDC') and Lincolnshire Fire and Rescue Service ('LFR'), and approved by the relevant planning authority in accordance with Requirement 6 in Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. This OBSMP (APP-279) outlines the key fire safety provisions for the BESS proposed to be installed at Beacon Fen Energy Park, including fire risk reduction and fire protection measures.</p> |

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| <p>Energy Efficiency Most large-scale solar systems (that have a capacity of at least 1 MW) in the UK are ground-mounted (94.5%; 1,145 systems). Only 5.5% (67 solar systems with a capacity of at least 1 MW) are installed on rooftops.</p> <p>Some 90% of respondents to my local Solar Farm Survey, which was sent to thousands of residents, said they would favour solar on industrial roofs.</p> | <p>Whilst it is acknowledged that the site is large, this location offers an opportunity to deliver renewable energy at scale, making a significant contribution to reductions in CO2 whilst also delivering one of the cheapest forms of energy available. A range of different energy solutions are required in order to meet the government's net zero target – including nuclear as well as solar and battery storage.</p> <p>Commercial rooftops have not been considered because:</p> <ul style="list-style-type: none"> i. there are no known rooftops of sufficient size in the area, and ii. it is considered that assessing the potential for development of multiple rooftops is not comparable or realistic when considered relative to a ground-mounted solar farm, particularly of this scale, and therefore not considered a reasonable alternative. iii. |
| <p>It is estimated that there are 600,000 acres of south-facing industrial roof space not currently used for solar in the United Kingdom. A push to prioritise industrial, brownfield and poor-quality land must be prioritised.</p> <p>Furthermore, Hinkley Point C, under construction in Somerset, will produce 26TWh of electricity per year for 60 years.</p> | <p>See above.</p> |
| <p>Hinkley Point C spans 430 acres in total, making it roughly one-third of the size of Beacon Fen, despite producing a significant amount more energy, for much longer.</p> | <p>See above.</p> |
| <p>Currently, 2,000 acres of solar panels are required to power around 50,000 homes, but one small modular reactor, requiring the space of just two football pitches, would power 1 million homes.</p> | <p>See above.</p> |

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| <p>Local Opposition</p> <p>Last year, I conducted a survey in my constituency in the areas most affected by the large-scale NSIP applications in our area, including Beacon Fen Energy Park. Letters were sent directly to thousands of households in Sleaford and North Hykeham, and I received over 2,000 handwritten responses.</p> | <p>The Applicant notes this comment. We are not familiar with the questions posed which would be needed to fully understand the results summarised here. The Applicant conducted consultations for the Proposed Development that go beyond the statutory minimum and have involved preliminary environmental information and drawings, a range of local events, and postal correspondence, resulting in constructive discussions and written feedback on Bespoke Access Road routeing, setbacks, local benefits, and other changes that have informed the Proposed Development. Key aims of consultation for NSIPs are to conduct meaningful, proportionate engagement resulting in informed responses specific to the Proposed Development. The Applicant's response to consultation feedback received throughout the pre-application consultation is described in the Consultation Report (APP-046) and its appendices.</p> <p>Consultation feedback fed into the design of the Proposed Development as evidenced in the Consultation Report (APP-046) and its appendices, Section 5.3 of the Design and Access Approach Document (AS-019), and ES Chapter 3 (APP-054).</p> |
| <p>These were not simple online forms that could be clicked and submitted multiple times; they were thought-out responses, many of which contained pages of heartfelt comments. Of the respondents, 90% were concerned about the enormous scale of the proposals, 68% were extremely concerned about the use of productive farmland, and 55% were extremely concerned about the visual impact.</p> | <p>The Applicant notes this comment. We understand from the preceding text that this 2024 survey was not limited to Beacon Fen Energy Park nor would have related to the final iteration of our designs, and related to a range of proposals at a range of stages.</p> |

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| <p>Lincolnshire is the nation's breadbasket and produces 30% of the UK's vegetables. My constituents understand the importance of backing our farmers. This is why the most common response from my survey was that we must protect our prime agricultural land in the interests of food security.</p> | <p>The Applicant notes this comment.</p> |
| <p>I fear that NSIP applications such as Beacon Fen Energy Park take out a level of local decision making, bypassing local authorities and local people to an extent, however, the responses to my survey and local feeling on this issue speaks volumes.</p> | <p>The Applicant undertook meaningful consultation with local communities and stakeholders from an early stage in the Project development. While not decision-makers, local authorities are statutory consultees and their feedback has been taken into account where possible as the Project proposals developed. Similarly, community feedback has been important in shaping the Project DCO application. The Applicant's response to consultation feedback received throughout the pre-application consultation is described in the Consultation Report (APP-046) and its appendices.</p> <p>Consultation feedback fed into the design of the Proposed Development as evidenced in the Consultation Report (APP-046) and its appendices, Section 5.3 of the Design and Access Approach Document (AS-019), and ES Chapter 3 (APP-054).</p> |
| <p>Our Net Zero transition is important, but, unfortunately, the consequences of these applications signify a shift from small, unobtrusive solar farms on brownfield sites and poor-quality land, to massive industrial installations in completely the wrong places based merely on grid connection.</p> | <p>See above answer regarding the scale of the Project.</p> |

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| I urge you to not recommend this application. | The Applicant notes this comment. |

7. Applicant's Comments on Environment Agency's Written Representation (REP1-039)

Table 7.1 - Applicant's Comments on Environment Agency's Written Representation (REP1-039)

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| Following our Relevant Representation (RR) [RR-006] dated 2 July 2025, we have continued to engage with the Applicant and their consultants on the fluvial flood modelling and the breach modelling for the Proposed Development. At the time of writing, neither the fluvial flood modelling and the breach modelling are ready to be signed off. | The Environment Agency's relevant representations have been responded to within the Applicant Responses to Relevant Representations (REP1-029). |
| Following Issue Specific Hearing 1, which took place on 24 September 2025, the Applicant and their consultants have reached out to the Environment Agency to request meetings to discuss issues raised in our RR. These meetings are set to take place on 7 and 10 October 2025. At the time of writing, all issues raised in our RR remain outstanding. | Following the meetings on 7 and 10 October 2025, the Applicant is working through what was discussed and will provide updates accordingly within future documents/SoCG. |
| Please see Appendix 1 Environment Agency Work Package Tracker below which provides more detail on our progress of overcoming each RR point | The Applicant will continue to work with the Environment Agency in order to come to an agreement on the matters identified within Appendix 1 Environment Agency Work package Tracker of Written Representations from Environment Agency (REP1-039) . Throughout examination, documents will be updated accordingly to reflect matters agreed. |

8. Applicant's Comments on Fidra Energy Limited's Written Representation (REP1-040)

Table 8.1 - Applicant's Comments on Fidra Energy Limited's Written Representation (REP1-040)

| TEXT | RESPONSE |
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| INTRODUCTION Please refer to Written Representation for full text. | The Applicant has reviewed Fidra's written representation and had regard to its content. |
| CONSULTATION AND ENGAGEMENT 9. The Applicant was aware of Fidra's interest prior to making the Application (see section 7.2.21 of the Consultation Report (APP-046)) and is aware of Fidra's proposed development. As the Applicant confirmed, issues like planning application redlines are material to the alternatives analysis. | The Applicant acknowledges this position. The Applicant also notes that it had undergone public consultation prior to Fidra's proposed development being made public and so, equally, Fidra would have been aware of the Proposed Development and the land which it would encompass whilst preparing its own application for planning permission. |
| 10. Fidra's position is that, to date, there has been inadequate engagement with Fidra in order to understand how the two projects can co-exist. Fidra's position is set out in detail in the Relevant Representation. | The Applicant is keen to continue to engage with Fidra to understand how the two projects can co-exist and is also keen to understand how Fidra has sought to account for the Proposed Development in its proposals, which were publicised following the Applicant's statutory consultation of the Proposed Development. |
| 11. As highlighted in the Relevant Representation and at Issue Specific Hearing 1 (ISH1) there is an overlap between the proposed cable route corridor for the Proposed Development and the red line boundary for the planning application currently awaiting determination for the Fidra Project. This is best illustrated through Figure B submitted with Fidra's Relevant Representation. | Following receipt of the Relevant Representation and submissions made in ISH1, and in view of the planning application progress being made by Fidra, the Applicant has considered the points raised by Fidra and has been undertaking specific targeted survey work in the vicinity of the substation to inform cable routing possibilities which would facilitate a practical way forward for both projects. |

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| <p>12. Since the submission of the Relevant Representation, Fidra has sought to engage with the Applicant on several occasions to understand progress and discussions are now underway.</p> | |
| <p>13. At ISH1, the Applicant confirmed its intention to enter into collaborative discussions about this potential interface and that it anticipated that a suitable resolution can be reached and documented by the middle of the examination. Fidra will also work towards resolution by the middle of the examination, and Fidra now understands that the Applicant has been undertaking further survey work in the vicinity of the substation and that this will inform routing decisions in respect of the grid connection.</p> | <p>There are a number of existing utilities and energy assets in close proximity to the Bicker Fen Substation, including cabling by Viking Link as well as wind turbines affecting the possible approach routes. Moreover, NGET has not yet completed its detailed design process, which may also impact the Cable Route required into the substation. Accordingly, the full extent of Order limits set by the Applicant is required to ensure that the Proposed Development can be delivered with certainty amidst these other projects and pending NGET detailed design.</p> <p>Key update meetings held between the parties are as follows:</p> |
| <p>14. Fidra's Relevant Representation and this submission demonstrate why further work is needed by the Applicant in respect of both site selection and alternatives in respect of the Project's grid connection corridor in order to ensure that the Project and the Fidra Project can co-exist and that the Project will not prevent the delivery of the Fidra Project. This will include the refinement of the wide order limits within which the Applicant is seeking powers to construct the grid connection infrastructure.</p> | <p>24th July 2024 – to introduce the respective projects with a view to work to co-exist. Noted Beacon Fen's need for a 30m working width corridor. Also noted submission of Fidra's EIA screening request on 4th July 2024.</p> <p>11th December 2024 – project updates on progress.</p> <p>27th February 2025 – discussion on refinement of Order Limits ahead of Beacon Fen planning submission and potential indicative cable routes. Update on progress of preparation of Fidra application.</p> |
| <p>15. Fidra's position is that there is currently no justification for the excessive width sought in this area, and no justification on taking optionality forward in this area, to be found in the application documents at present.</p> | <p>29th May 2025 – Update following acceptance of Beacon Fen DCO application and submission of Fidra's planning application.</p> <p>15th September 2025 – discussion on additional targeted survey work taking place to help inform cable routing and to try to agree a way forward.</p> |

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| <p>THE CABLE ROUTE AND ALTERNATIVES</p> <p>16. Fidra's position is that the impacts of the Project as currently promoted would be to sterilise the land required for the Fidra Project. This would be a significant adverse effect on the Fidra Project, and is one which necessitates a further consideration of alternatives (including a refinement of the grid connection corridor comprised in Work No. 4A to avoid any such effects).</p> | <p>It is not possible to avoid Fidra's proposed development, regardless of the Cable Route taken.</p> |
| <p>17. Chapter 2 of the Environmental Statement (APP-053) identifies at Table 2.1 (page 10) that the maximum working width during construction for the cable route will be 30m. It also identifies the approximate excavation dimensions for the trenched solution, being open-cut trench excavation with the following dimensions: Approximately 2m wide x 2.5m depth excavated for each cable subject to design and ground conditions.</p> | <p>The Applicant requires a 30 metre working area for the construction of the Cable Route and then can reduce this down to only a 12 metre easement for the operation of the Proposed Development.</p> |
| <p>18. The Applicant's document Plan of Cable Route Working Width (APP-029) shows two cable route options through the area within which Fidra has an interest and also demonstrates that no construction compound for the cable route is required in the area within which Fidra has an interest. This is shown on Sheet 18. However, this document is expressed as being indicative and is not reflected in the documentation to be secured pursuant to the DCO.</p> | <p>The Applicant will engage with Fidra on the specific terms of such protections offered.</p> |
| <p>19. The DCO and associated controls does not currently accord with the proposed description in the Environmental Statement or the Plan of Cable Route Working Width in respect of Work No.4A. In particular the:</p> <ol style="list-style-type: none"> DCO does not include any controls over either the width of the construction corridor (which is assessed as being no more | |

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| <p>than 30m in the Environmental Statement) or the width of any permanent compulsory acquisition;</p> <ul style="list-style-type: none"> b. Works Plans authorise cable construction in a corridor area of more than 100m (see Sheet 18); c. Land Plans authorise the compulsory acquisition of rights over a corridor area of more than 100m; d. Design and Access Approach Document (AS-019) does not include any width limitations in respect of the construction corridor or the permanent easement; e. Outline Design Principles at Appendix 1 of the Design and Access Approach Document (AS-019) does not include any width limitations in respect of the construction corridor or the permanent easement, nor in respect of the excavation dimensions assessed in the ES; and f. purpose for which Plot 18-11 is included in the DCO is too broad, and is for the permanent acquisition of new rights. The Book of Reference does not specify what these new rights are or place any limit on the extent of the acquisition of such new rights. However, the Applicant has confirmed that the permanent easement required would be 12m wide (we assume on the basis of the cable being placed on a centre line and 6m either side of that centre line). This can be picked up in any Compulsory Acquisition Hearing if necessary. | |
| <p>20. Figure B to the Relevant Representation (RR-020) sets out the layout of the Fidra Project, and demonstrates the extent of impact on the Fidra Project of the wide corridor sought in respect of Work No.4.</p> | |

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| <p>21. The Nationally Significant Infrastructure Projects: Advice on Preparing Applications for Linear Projects dated 15 April 2025 (the Linear Advice Note) makes it clear that: <i>“Any options included in an application will result in more examination (and possibly recommendation) time because all options will need to be considered equally against the relevant tests”</i>.</p> | |
| <p>22. The DCO does not include any limits of deviation (LOD) in respect of Work No 4A. The Linear Advice Note also identifies that:</p> <ul style="list-style-type: none"> a. applicants should set out clearly the reasons for required LOD; b. explanations where LOD need to widen along a linear route should be given; c. limits should be narrowed as far as possible; and d. further, location-specific narrowing of LOD to minimise adverse effects and interference with land rights should be explored and is encouraged. These modifications should be clearly set out on a plan and explained. | |
| <p>23. The Applicant has sought to include optionality in its DCO in respect of Work No.4A, but has not identified this in any application documents or justified why such optionality is required.</p> | |
| <p>24. This does not accord with the Design principles identified in the DAAD (AS-019), notably CRC1 and CRC4.</p> | |

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| <p>25. Therefore, the Applicant is seeking more flexibility than it has represented in its Plan of Cable Route Working Width document and assessed in the Environmental Statement and has not structured its DCO application to properly recognise the flexibility that it is seeking. Neither the DCO, the Works Plans or the Land Plans accurately reflect the assessment the Applicant has undertaken.</p> | |
| <p>26. Fidra understands that the Applicant is currently undertaking surveys in order to refine the proposed route and Fidra will continue to engage with the Applicant.</p> | |
| <p>NEED 27. In respect of need, Fidra does not challenge the needs case for the Project.</p> | |
| <p>28. However, in its current guise the need for the Project (and the benefits to be attached to the contribution of the Project to that need) needs to be balanced against the adverse effect that the Project would cause to the Fidra Project were it to lead to the sterilisation of the Fidra Project. This is set out in Fidra's Relevant Representation.</p> | <p>The Applicant has responded to Fidra's Relevant Representation within Applicant Responses to Relevant Representations (REP1-029)).</p> |
| <p>29. Fidra's position is that there should be a workable solution that allows for the Project and the Fidra Project to co-exist.</p> | <p>The Applicant is engaging with Fidra to find a practical solution to the interface between the two projects.</p> |
| <p>30. This land use conflict is material, and in a current DCO examination (H2 Teesside, where there is a conflict between a proposed DCO and an underlying planning permission (in that case for a data centre)) the Secretary of State has delayed his decision</p> | <p>There are a number of differences between the practical circumstances of the H2T interface issues and the current interface between the Proposed Development and Fidra, namely status of the relevant third party project, nature of the incompatibility and manner in which those two projects could co-exist. The key issues between</p> |

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| <p>on the DCO and has undertaken several rounds of consultation to understand the interaction.</p> | <p>the Applicant and Fidra have been clearly set out early in the examination process and the Applicant is working to find a way forward to ensure the two projects can co-exist. There is, therefore, a marked distinction in this land use interface which should not require any delay in decision-making.</p> |
| <p>THE POLICY POSITION</p> <p>31. Para 5.11.8 of EN-1 provides that:</p> <p>a. <i>“The ES (see Section 4.3) should identify existing and proposed252 land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing”.</i></p> <p>32. Footnote 252 within Para 5.11.8 of EN-1 makes clear that a proposed land use includes where a planning application has been submitted.</p> <p>33. Fidra’s position is that Para 5.11.8 of EN-1 has not been complied with to date.</p> | <p>Chapter 18: Cumulative Effects (APP-069) assesses the inter and intra project effects of the Proposed Development known at the time the assessment was prepared. As stated within ES Chapter 4 Scope and Methodology (APP-055) the cut off date for the cumulative search was 31st December 2024. As the planning application was submitted after this date, the full application was not considered within the Applicant’s cumulative assessment. However, the Screening Opinion request for the scheme was submitted in July 2024 (ref. B/24/0266) and this was included within Appendix 4.2 Cumulative Assessment Short List. BBC provided a Screening Opinion which concluded that the BESS scheme is not likely to result in any significant environmental effects and confirmed that an EIA is not required.</p> <p>Accordingly, the Applicant has complied with NPS EN-1, paragraph 5.11.8.</p> |
| <p>34. Para 5.11.23 of EN-1 provides that:</p> <p>a. <i>“Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design</i></p> | <p>The Applicant is engaging with Fidra to find a solution which resolves Fidra's concerns, in compliance with NPS EN-1, paragraph 5.11.23.</p> |

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| <i>principles, including the layout of the project and the protection of soils during construction”.</i> | |
| 35. Fidra’s position is that Para 5.11.23 of EN-1 has not been satisfied to date. | |
| 36. There is a general policy shift towards co-ordination, identified in respect of transmission projects in EN-5 which recognises the benefits. Paragraph 2.13.13 states: <i>“Applicants are expected to be able to indicate how co-ordination including reduction in impacts have been considered drawing on work of others”.</i> | The Applicant is liaising with Fidra to coordinate a way forward based on the solution it has proposed. |
| 37. Fidra considers that this can be addressed through further engagement from the Application and Fidra welcomes the Applicant’s commitment at ISH1 to enter into collaborative discussions about this potential interface and that the Applicant anticipates that a suitable resolution can be reached and documented by the middle of the examination. | |
| COMPULSORY ACQUISITION - EXTENT OF POWERS SOUGHT 38. The extent of the powers sought over Plot 18-11 is too broad and over too wide a corridor without an appropriate justification within the Application materials. | As explained within Applicant Responses to Relevant Representations (REP1-029) , the Applicant has undertaken numerous rounds of review in order to identify the most suitable Cable Route for the Proposed Development. A summary of this process is set out within Table 3.2 of the ES Chapter 3 Alternatives and Design Evolution (APP-054) and discussed further in Appendix 3.1 Cable Route Corridor Appraisal (APP-079) . A plan showing the Alternative Cable Corridors is included at Figure 3.1 Alternative Cable Corridors (APP-197) . This has ensured a proper |

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| | and proportionate approach has been taken regarding the cable route and extent of land required as part of the Proposed Development. |
| 39. Fidra reserves its right so make further submissions in response to the Applicant's submission in respect of Action Point 8 from ISH1. | The Applicant notes its response to Action Point 8 in Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030) . |
| <p>COMPULSORY ACQUISITION - THE LEGAL POSITION</p> <p>40. Section 122 of the 2008 Act confirms that a DCO can only authorise compulsory acquisition of land where the Secretary of State is satisfied that the following have been met:</p> <ul style="list-style-type: none"> a. The land is: <ul style="list-style-type: none"> i. required for the development to which the DCO relates; ii. required to facilitate or is incidental to the development; or iii. replacement land is to be given in exchange for common or open space land to be compulsory acquired; and b. There is a compelling case in the public interest for the land to be acquired compulsorily. | <p>As noted above and within Applicant Responses to Relevant Representations (REP1-029), the Applicant has undergone a thorough options and alternatives process to determine the route and Order limits required for the Proposed Development.</p> <p>As is confirmed in the Statement of Reasons (AS-013), all land over which compulsory acquisition powers are sought satisfies the relevant statutory tests and guidance.</p> |
| 41. The guidance on the pre-application stage for Nationally Significant Infrastructure Projects clearly states that " <i>there are particular occasions in the NSIP consenting process where alternatives to the proposed development must be examined as required by legislation. For example, to meet the requirements of the EIA Regulations 2017, and where compulsory acquisition of land is sought by the applicant it should be able to demonstrate that reasonable alternatives to compulsory acquisition of the precise parcels of land have been explored.</i> " | |

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| <p>42. The Compulsory Acquisition Guidance establishes that the Applicants must show that they have considered 'all reasonable alternatives' to compulsory acquisition, both in the form of voluntary agreements but also in terms of alternative locations for the project which may have less impact on private rights. The Guidance goes on to state that the Applicants will also need to demonstrate that the proposed interference with the right of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.</p> | |
| <p>43. All reasonable alternatives have not been considered; notably there has not been a consideration of alternative locations for the Project (or the routeing of Work No.4A) which may have less impact on the Fidra Project and previously discounted alternatives were not re-assessed when the impact on the Fidra Project was identified.</p> | |
| <p>44. To date, the impact on the Fidra Project has not been considered as part of the application materials. Fidra welcomes Action Point 8 from ISH1 and reserves its right to respond to the Applicant's proposal to resolve the potential issues of the overlap with the Fidra Project.</p> | <p>The Applicant notes its response to Action Point 8 in Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030).</p> |
| <p>COMPULSORY ACQUISITION – THE COMPELLING CASE IN THE PUBLIC INTEREST</p> <p>45. At this stage, the case for the compelling case in the public interest for the grant of powers of compulsory acquisition over the full extent of Plot 18-11 has not been made out.</p> | <p>The Applicant disagrees with Fidra's position in this respect and confirms that there is a compelling case in the public interest for the grant of powers of compulsory acquisition over Plot 18-11 as demonstrated by the Statement of Reasons (AS-013).</p> |

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| <p>46. The Proposed Development includes a BESS facility of 600MW and the Applicant seeks to attach weight to the benefits of this BESS facility. However, this BESS facility is roughly half the size of the Fidra Project (which has a capacity of 1.2GW), would not deliver the same benefits as the Fidra Project and is not as well situated to the grid connection point as the Fidra Project. Therefore, the impact on the Fidra Project is an important consideration in this Application.</p> | <p>The Proposed Development is a nationally significant infrastructure project (NSIP) providing significant generating capacity to the grid. The fundamental importance of projects coming forward under the NSIP regime is why the Planning Act 2008 provides for powers of compulsory acquisition to be granted as part of the DCO.</p> <p>The Fidra project is currently at application stage under the Town and Country Planning regime. The Applicant is working with Fidra to facilitate the interface between the two projects as far as is possible without inhibiting the delivery of this NSIP.</p> |
| <p>47. There is no compelling case in the public interest for the grant of powers of compulsory acquisition over the Fidra Site. The Fidra Site will allow for a greater capacity of energy storage to be provided.</p> | <p>The comparison between the two projects presented by Fidra is flawed and misrepresents the benefits being provided by the Proposed Development as an NSIP and CNP status project that both generates and stores electricity.</p> |
| <p>COMPENSATION AND FUNDING</p> <p>48. At this stage the funding statement does not address the financial consequences in compensation terms of any compulsory acquisition of the site which leads to the sterilisation of the Fidra Project. Fidra reserves its right so make further submissions in response to the Applicant's submission in respect of Action Point 8 from ISH1.</p> | <p>The Funding Statement (APP-043) adequately accounts for all compensation estimated to be required through exercise of the powers of compulsory acquisition sought.</p> |

9. Applicant's Comments on LCJ Mountain Farms Limited's Written Representation (REP1-043)

Table 9.1 - Applicant's Comments on LCJ Mountain Farms Limited's Written Representation (REP1-043)

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| <p>1. Introduction <i>[Please refer to Written Representation for full introduction.]</i></p> | |
| <p>2. Update Since 2 July Submission 2.1 AGR3 consent and expansion potential (13 August 2025) The AGR3 49.9 MW PV + BESS scheme on LCJMF land (LPA Ref: 23/1021/FUL; Appeal Ref: APP/R2520/W/25/3363027) has now received planning consent and forms part of the committed cumulative development baseline in the Little Hale / Great Hale area. The proposed Beacon Fen export cable crosses LCJMF land en route to Bicker Fen Substation. It then intersects with the AGR3 cable corridor further east, outside LCJMF land. LCJMF—as the affected landowner—wishes to ensure that the DCO alignment and cable design do not preclude a future connection from the Applicant's 400 kV export cable. Such a connection could be delivered by LCJMF or in partnership with third parties, including a data centre or transmission-scale BESS developer. Protective provisions are therefore needed to avoid sterilising strategic parcels immediately adjacent to the export corridor, particularly in light of post-Beacon Fen South headroom within the 600 MW import / 600 MW export configuration (Ref F).</p> | <p>The AGR3 project and its EIA screening opinion were included in ES Appendix 4.1 Cumulative Assessment Long List (APP-081) (see refs. 23/1021/FUL and 21/1337/EIASCOR) but the project was not included on the short list because, at the time of shortlisting, its planning application had been refused and its screening opinion had confirmed it to be non-EIA development. The Applicant is aware that planning permission has now been granted for AGR3 on appeal. Given that AGR3 was screened as non-EIA development, the Applicant considers it unlikely that there would be significant cumulative effects with the Proposed Development.</p> <p>As LCJMF's written representation identifies, the interaction between the AGR3 project and the Proposed Development is a potential crossing of their respective cable routes outside of LCJMF land. This interface is for the Applicant and the developer of the AGR3 project ("AGR") to manage. Solicitors instructed by AGR reached out to solicitors instructed by the Applicant regarding this interface on 17 October 2025 and a meeting took place between agents for AGR and the Applicant on 20 October 2025. The Applicant is confident that any necessary interface documentation will be agreed before the end of the examination and the Applicant will keep the ExA updated as to this.</p> |

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| | <p>It is unclear what LCJMF is seeking by way of protective provisions or protection against purported sterilisation of land adjacent to the Cable Route Corridor. The proposals referenced (data centre and transmission-scale BESS) appear to be hypothetical or at least at a very early stage of conception.</p> |
| <p>2.2 FenResilience Food & Technology Hub</p> <p>In parallel, LCJMF is advancing workstreams for additional BESS capacity and final-demand infrastructure, including a proposed 1 GW data-centre campus and a 60-acre glasshouse, under the umbrella of the FenResilience Food & Technology Hub.</p> <p>The Hub is a proposed integrated clean-energy and agri-tech cluster centred on Little Hale and Great Hale Fens, designed to co-locate renewable generation, large-scale storage, digital infrastructure and low-carbon horticulture — creating a strategically important hybrid generation–demand node.</p> <p>A formal offer has been tabled to locate 1 GW of demand capacity on LCJMF land, providing a nationally significant anchor load that is directly proximate to the Applicant's corridor and Bicker Fen Substation. The site is uniquely situated:</p> <ul style="list-style-type: none"> • Immediately adjacent to the 1.4 GW Viking Link Interconnector; • Near the 857 MW Triton Knoll onshore substation; and • Within 2.7 km of National Grid's Bicker Fen 400 kV substation. <p>This nationally significant co-location opportunity would enable private-wire connections, hybrid generation–demand configurations, and more efficient use of transmission-connected assets in line with EN-1 and EN-5 policy objectives (Refs D–F). The proposed 60-acre glasshouse would utilise waste heat from the data centre to support low-carbon food production, with capacity to supply approximately 10</p> | <p>As a renewable energy developer, the Applicant is supportive of renewable energy projects coming forwards. However, it is noted that the proposals referenced by LCJMF appear to be at a nascent stage (<i>"a formal offer has been tabled", "Heads of Terms negotiations are ongoing"</i>) rather than there being any confirmation or evidence from LCJMF of delivery partners having been contracted, land agreements having been signed or any planning application being prepared.</p> <p>Therefore, whilst the Applicant has been, and remains, open to constructive dialogue with LCJMF on ways to mitigate impacts to its land from the Cable Route Corridor, the consenting and delivery of the Proposed Development – an NSIP with critical national priority ("CNP") status – should not be hindered or delayed to ensure that there are no constraints on future hypothetical projects that may, or may not, be applied for within the Cable Route Corridor. Such an approach is not required by law or policy and, indeed, would run counter to the urgent need for CNP infrastructure which the Government intends to be <i>"progressed as quickly as possible"</i> (EN-1 para. 3.3.63).</p> |

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| <p>% of UK cucumber demand, demonstrating the Hub's dual energy–food resilience role.</p> <p>2.3 Heads of Terms and strategic context Heads of Terms negotiations are ongoing for both the data centre (via an iDNO structure) and a glasshouse development. Draft Heads of Terms have been tabled for a 40-acre data centre site at Little Hale Fen. These remain under negotiation but evidence concrete planning for co-located demand and generation immediately adjacent to the Applicant's corridor. Little Hale / Great Hale Fen is therefore emerging as a multi-vector energy and food production hub, strategically positioned between the Bicker Fen substation, Viking Link and Triton Knoll. This evolving strategic context is directly relevant to the ExA's assessment of cumulative effects, co-location opportunities, and the efficient use of strategic grid infrastructure (Refs D–H).</p> | |
| <p>2.4 Sequentially preferable PV-capable land Approximately 9.45 acres of PV-capable land beneath or adjacent to the proposed easement would be sterilised if the DCO is granted in its current form. This land formed part of LCJMF's Nov 2021 and Aug 2023 offers (Refs A–C) and represents sequentially preferable non-BMV land for generation and storage. Given the post-BFS headroom and the Applicant's own 10 km viability radius (Ref E), this sterilisation is material to the ExA's assessment of reasonable alternatives, particularly in the context of avoiding the unnecessary use of higher-value agricultural land.</p> | <p>In the context of the Applicant's proposed Solar Array Area, which is 529 hectares (c. 1,300 acres), it is unclear how LCJMF suggests that 9.45 acres of land would have been usefully incorporated into the Proposed Development.</p> <p>To the extent that such land is "<i>sterilised</i>" in due course, LCJMF would be compensated through a voluntary agreement or, if compulsory acquisition powers are granted and required to be exercised, statutory compensation.</p> |
| <p>Direction sought (Update) LCJMF requests that the AGR3 consent, together with the FenResilience Hub context, be treated as material considerations in the ExA's assessment of reasonable alternatives,</p> | <p>As above, the interface between the Proposed Development's and AGR3's respective cable routes is under discussion and the</p> |

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| <p>cumulative effects, and grid integration opportunities under EN-1, EN-3 and the EIA Regulations.</p> | <p>Applicant is confident that appropriate arrangements will be agreed before the end of the examination.</p> <p>The Applicant does not consider that the very early-stage proposals for a "<i>FenResilience Hub</i>" are relevant to the question of alternatives or cumulative assessment, for the reasons given above. It is not clear what LCJMF seeks by way of "<i>grid integration opportunities</i>" since the Proposed Development would connect into the National Grid 400kV substation.</p> |
| <p>2.5 Applicant's Planning Statement and Appendix 2 references (Refs A–H) The following statements from the Applicant's Planning Statement and Appendix 2 are relevant to this updated context (full citations in the Reference Key below, including Doc 9.1 – NaFRA2 Flood Risk Mapping (Jan 2025)):</p> <p>Ref A – Duty under EIA Regulations to describe reasonable alternatives and reasons for the chosen option.</p> <p>Ref B – EN-1: alternatives information must be proportionate but sufficient.</p> <p>Ref C – "There were no alternative technologies or sites studied... that could deliver the project objectives."</p> <p>Ref D – Minimum PV site area 300 ha; continuous land requirement.</p> <p>Ref E – 10 km connection radius regarded as viable.</p> <p>Ref F – Post-BFS configuration: 600 MW import / 600 MW export retained; 400 MW PV; 600 MW BESS.</p> <p>Ref G – Operational access for large vehicles and first responders.</p> <p>Ref H – AIL construction logistics.</p> <p>These references frame how the Applicant's evidence base should be tested against the new factual baseline:</p> | <p>The Applicant has no further comment on these references to its application materials.</p> |

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| <p>Refs A–C: Whether the Applicant's alternatives assessment remains proportionate and accurate post-BFS. LCJMF submits it does not, given material changes in available land and configuration.</p> <p>Refs D–E: LCJMF's offered sites meet the Applicant's own published criteria (within 2.7 km of PoC and inside the 10 km search radius) but were not reconsidered post-BFS.</p> <p>Ref F: Supports LCJMF's case on connection headroom for additional generation/demand (Section 6).</p> <p>Refs G–H: Underscore the operational and construction efficiencies available if integration measures (e.g. spur nodes, 33 kV ducts, shorter AIL routes) are safeguarded on LCJMF land rather than foreclosed by the current routing.</p> <p>Taken together, the Applicant's own documents acknowledge viable alternatives and integration opportunities which have not been revisited since 2 July. LCJMF invites the ExA to assess these references alongside the AGR3 consent, FenResilience Hub, and sequential land considerations set out in §§2.1–2.4.</p> | |
| <p>3. Reasonable Alternatives (APP-054) (Refs A–F)</p> <p>3.1 Core point Following the withdrawal of Beacon Fen South (BFS) and the retention of a 600 MW import / 600 MW export connection with only ~400 MW of PV (~200 MW headroom; Ref F), the Applicant should have re-tested siting BESS in Flood Zone 1 and PV on ALC 3a/3b land on LCJMF's proximate parcels (~2.7 km to the PoC). LCJMF's Nov 2021 offer (Ex1 — PV+BESS offer; Ex8–Ex9 — proximity and block continuity) and LCJMF's Aug 2023 offer (Ex16 — expanded offer incl. FZ1 BESS; Ex11–Ex12 — Hybrid corridor basis; Ex49–Ex52 — Hybrid vs LWS comparison) were not substantively appraised. This is contrary to EN-1 § 4.3.15 and §§ 4.3.26–4.3.29, which require applicants to describe the reasonable alternatives</p> | <p>The Applicant has explained how it has fully complied with law and policy on the consideration of alternatives in response to Action Point 6 in its Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030), including in respect of LCJMF's offer of land on which to site solar PV panels and LCJMF's alternative cable route proposal. As set out there, EN-1 is clear that, given the <i>"level and urgency of need for new energy infrastructure"</i>, the Secretary of State should be guided by the principles that consideration of alternatives <i>"should be carried out in a proportionate manner"</i> and <i>"only alternatives that can meet the objectives of the proposed development need to be considered"</i> (para. 4.3.22). Para. 4.3.23 continues that the</p> |

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| <p>studied and the main reasons for the choice, taking environmental, social and economic effects into account (Ref A).</p> <p>The Planning Statement (APP-054 § 3; Appendix 2) applies internal site-selection filters (e.g. ≥ 300 ha sieve and Flood Zone criteria) that are not policy thresholds (Ref B). No like-for-like assessment of LCJMF's parcels is presented: there is no alternative RAG scoring, no ALC/BMV or Flood Zone parity tables, and no cumulative comparison. The Applicant's own Potential Alternative Site (PAS) 2 assessment, contained in Appendix 2 of APP-054, considered a 277 ha parcel under the same criteria, demonstrating that the ≥ 300 ha sieve is not determinative (Ref C).</p> <p>The ES (APP-079) likewise contains no substantive evaluation of either offer, and the Cable Route Corridor Appraisal (APP-285) does not test LCJMF's Aug 2023 offer (hybrid alignment). See also Ex62–Ex63 (engagement log) and Ex54 ("no-headroom" assertion without evidence).</p> | <p>Secretary of State <i>"should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity... in the same timescale as the proposed development"</i>.</p> <p>The <i>"internal site-selection filters"</i> referenced have not been represented by the Applicant as policy thresholds (save in relation to flood risk, on which there is relevant policy in EN-1). Factors such as contiguous site size were used in the site selection process to ensure that only viable sites were progressed – see further paras. 3.4.3 – 3.4.4 of the Site Selection Report at Appendix 2 to the Planning Statement (APP-277). This approach represents a proportionate consideration of alternatives and sought to ensure that sites were only progressed that could deliver the targeted infrastructure capacity in an appropriate timescale.</p> <p>LCJMF is wrong in asserting that the Cable Route Corridor Appraisal (APP-079) does not test LCJMF's <i>"Aug 2023 offer (hybrid alignment)"</i>. This is the route discussed at paragraphs 5.1.8 onwards of that document and further discussed in the response to Action Point 6 from ISH1 referenced above and the Applicant's response to LCJMF's relevant representation. This can be seen by comparing the route at Ex16 in the exhibits to LCJMF's written representation with the plans submitted as Appendix 2 to the Applicant's Response to Relevant Representations (REP1-029), the latter showing the constraints identified by the Applicant for LCJMF's proposed route.</p> |
| <p>3.2 November 2021 offer — PV + BESS (Ex1, Ex8–Ex9, Ex10, Ex13, Ex15) LCJMF offered ~516 ac (~209 ha) of land ~2.7 km from the Point of Connection in November 2021. At 4 ac/MW, this could</p> | <p>In relation to its consideration of alternatives to the Solar Array Area, the Applicant refers to its response to Action Point 6 in its Written Summary of Oral Submissions from ISH1 and</p> |

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| <p>host ~129 MW. The offer was not to relocate the whole scheme, but to place part of the PV and/or BESS on lower-grade ALC 3a/3b land closer to the PoC, with Flood Zone 1 potential for BESS within the same block (Ex22).</p> <p>Why this was a reasonable alternative to Option 1</p> <ol style="list-style-type: none"> 1. Proximity & efficiency: ~2.7 km to PoC, shortening trenching and reducing cable losses vs longer east–west haul (Ex8–Ex9). 2. Land quality: Site surveys show predominantly Grade 3a/3b (Ex2; Ex2b), contradicting desktop polygons (Ex3–Ex5). 3. Flood risk: Contains Flood Zone 1 for BESS, avoiding higher-risk siting and mitigation burdens (Ex22; Ex6–Ex7). 4. Deliverability: Offered at project outset, contemporaneous with the Applicant's early proposals, allowing ample time for EN-1 §§ 4.4.1–4.4.3 / EIA testing. 5. Integration: Adjacent to strategic assets; compatible with hybrid corridor (Ex11–Ex12; Ex49–Ex52). <p>LCJMF's Nov 2021 offer sits within a contiguous ~1,331 acre block under LCJMF's farming and strategic control (Ex10), providing the spatial context for cable routing and infrastructure integration. The Applicant rejected this offer on size and cumulative grounds (Ex13), citing "the acreage available and the proximity to numerous other solar schemes (and therefore project risk through cumulative impact)" in correspondence dated 27 November 2021. That rationale predates BFS withdrawal and subsequent TEC escalation (Ex14), materially changing the project context.</p> <p>At the same time that the Applicant rejected LCJMF's offer on cumulative grounds (Ex13), it was actively pursuing land agreements with other landowners. This demonstrates that LCJMF's offer was made at the same strategic stage as the Applicant's own land acquisition activities.</p> | <p>Responses to Action Points (REP1-030) and the above comments by way of emphasis of EN-1 paras. 4.3.22 – 4.3.23. The exercise undertaken by the Applicant is fully compliant with law and policy.</p> <p>LCJMF cites exhibit Ex22 to its written representation in support of its position. However, this exhibit only serves to demonstrate the non-continuous nature of the land parcels offered by LCJMF and the fact that the vast majority of those parcels are within Flood Zone 3, with only small areas in Flood Zone 2 and 1.</p> <p>LCJMF appears to have erroneously cited paragraphs from the now-withdrawn 2011 version of EN-1 (in which paras. 4.4.1 – 4.4.3 related to alternatives). That policy is obsolete and irrelevant and the policy that has effect under section 104 of the Planning Act 2008 for the Secretary of State's decision on the Application is the November 2023 version of EN-1 which came into force in early 2024. The Applicant has set out the parts of EN-1 (2023) relating to alternatives, and how the Applicant has satisfied these, in its response to Action Point 6 in its Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030), supplemented above by way of further emphasis of EN-1 paras. 4.3.22 – 4.3.23.</p> |

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| <p>Under EN-1 §§ 4.4.1–4.4.3 and the EIA Regulations (Ref A), a like-for-like appraisal (RAG, Flood Zone parity, ALC comparison) was warranted but is absent from APP-054 § 3, ES Ch. 3 (APP-079), and cable routing materials.</p> | |
| <p>3.2A Flood Zone comparison – inconsistent application of Sequential Test The Applicant's Planning Statement repeatedly refers to the main site being "less than 50 % Flood Zone 2 and 3 combined." This headline masks that the solar array area lies predominantly in Flood Zone 3 (≈ 49.7 % of the red-line area), with only ≈ 4.5 % in Flood Zone 2 (Ex6). The BESS compound is located in Flood Zone 1, but the overall site selection relied on a blended flood-zone percentage, without differentiating between Flood Zones 2 and 3. By contrast, LCJMF's proposed BESS parcel is wholly in Flood Zone 1 (Ex22), and the associated PV land lies on ALC 3a/3b approximately 2.7 km from the POC. Under EN-1 §§ 5.8.21–5.8.23 (Ref E), a like-for-like Sequential Test comparison between these mixed-zone options would have been expected. No such analysis appears in APP-054, APP-079 or the Cable Route Corridor Appraisal (APP-285).</p> | <p>The Applicant notes that LCJMF is careful not to assert anything more than that its "<i>proposed BESS parcel</i>" is in Flood Zone 1. As can be clearly seen from LCJMF's exhibit Ex22, the vast majority of LCJMF's proposed site (split across four parcels) lies in Flood Zone 3, with small amounts in Flood Zone 2 and Flood Zone 1. This is less favourable than the Applicant's Solar Array Area (see Figure 7 in Annex D to the Site Selection Report at Appendix 2 to the Planning Statement (APP-277)) and would not have satisfied the objective identified in para. 3.5.3 of the Site Selection Report for the site to have a minimum of 25% Flood Zone 1 to accommodate the BESS and Onsite Substation.</p> <p>In this part of the written representation LCJMF correctly cites the 2023 version of EN-1. However, paragraphs 5.8.21 – 5.8.23 do not require a like-for-like comparison of all potential land parcels, as argued by LCJMF, and instead refer to comparing "<i>reasonably available sites</i>". Due to EN-1 para. 5.8.21's footnote cross-reference to the Government's Planning Practice Guidance (PPG) on flood risk and the sequential test, this NPS policy must also be interpreted in light of the recent updates to the PPG. These updates emphasise that a proportionate approach be adopted and incorporated mitigation and design measures be considered. Reasonably available sites must be those that are available and in line with the needs and objectives of the development. The revised PPG is further discussed in response to WFR.1.1 in the Applicant's Responses to ExQ1 (Doc Ref. 9.6).</p> |

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| <p>3.3 ALC/BMV evidence — why the Applicant's mapping is wrong</p> <p>Agricultural Land Classification (ALC) grades land from 1 to 5; Best and Most Versatile (BMV) land comprises Grades 1, 2 and 3a. EN-1 §§ 5.11.12 and 5.11.34 require applicants to use site-specific ALC surveys and to avoid or minimise BMV land take where reasonable. LCJMF repeatedly informed the Applicant between 2021 and 2023 that its land is predominantly Grade 3 (Ex17–Ex18). Independent surveys confirm this:</p> <ul style="list-style-type: none"> • Soil Environmental Services (SES) 2021 survey: 96.1 % Grade 3a / 3.9 % Grade 2 on AGR3 (Ex2). • Land Research Associates (LRA) 2024 survey: 72 % Grade 3a / 28 % Grade 3b on contiguous parcels (Ex2b). • Viking Link surveys (pre- and post-construction): mostly Grade 3a with some Grade 2 pockets (Ex4). <p>The Applicant instead relied on 1:250,000 provisional mapping (Ex3–Ex5), which shaded LCJMF's Far 52 field as Grade 1 when it is Grade 3a. This small-scale dataset is not reliable at field scale where site-specific ALC data exist.</p> <p>If LCJMF's parcels are mostly 3a/3b, using them would better protect BMV land than the Applicant's assumed baseline. Under EN-1 §§ 4.4.1–4.4.3 and the EIA Regulations (Ref A), a like-for-like ALC/BMV comparison should have been undertaken; none is provided.</p> | <p>The Planning Statement (APP-257) (e.g. the policy compliance table at e-page 300) explains how minimising BMV land use was a key consideration in the Applicant's site selection exercise and the preparation of the Application.</p> <p>The Applicant acknowledges the field-specific soil survey information in Ex2, Ex2b and Ex4. However, neither the 2024 survey nor the Viking Link post-construction survey had been carried out at the time of the Applicant's site selection process. In any event, for this process and the refinement of the Cable Route Corridor, the Applicant had to evaluate a much broader area and therefore utilised the provisional ALC information obtained from Natural England. As the Applicant notes in its response to Action Point 6 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030), it is proportionate and preceded to utilise existing mapping data in site selection. Nothing in paras. 5.11.12 or 5.11.34 of EN-1 <i>"require applicants to use site-specific ALC surveys"</i> as asserted by LCJMF. Doing so in the present case would have delayed the delivery of the whole scheme, contrary to the urgent need for CNP infrastructure clearly expressed in EN-1.</p> |
| <p>3.4 Regional BMV and Flood Zone 3 Baseline Comparison Nearby solar/BESS schemes already draw heavily on BMV (Grades 1/2/3a) (Ex53; Ex7). Against that baseline, LCJMF's mixed 3a/3b, FZ1 BESS, 2.7 km proximity parcels are a more efficient alternative: reduced BMV take, shorter cable runs, less trenching, and avoiding longitudinal LWS 4722 occupation (Ex49–Ex52).</p> | <p>As above, paras. 5.11.12 and 5.11.34 of EN-1 (2023) do not require (or refer to) site-specific data.</p> <p>The references to paras. 4.4.1 – 4.4.3 and 4.5.1 – 4.5.2 appear to be to the now-obsolete 2011 version of EN-1 which, as explained above, is irrelevant to the examination of the Application.</p> |

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| <p>EN-1 §§ 5.11.12, 5.11.34 and §§ 4.4.1–4.4.3 (Ref A) require site-specific data and proportionate testing of alternatives; EN-1 §§ 4.5.1–4.5.2 (good design; Ref D) require minimising adverse impacts and inefficient routing. No such quantified BMV/ALC or cumulative comparison is presented.</p> <p>The Applicant's own 'All Constraints' mapping illustrates that the 565.8 MW of other external PV/BESS capacity in the study area is sited predominantly within Flood Zone 3 (APP-277, Appendix 2, Annex D; see Ex7). This provides the cumulative baseline against which LCJMF's mixed ALC 3a/3b, FZ1 parcels should have been comparatively tested under EN-1 §§ 4.4.1–4.4.3 and §§ 5.8.21–5.8.23</p> | <p>The mixing of references to different versions of the NPS (one extant, 2023; one withdrawn, 2011) across the written representation is misleading and should be avoided going forwards in the interests of an efficient examination.</p> <p>The Applicant refers to its above comments regarding the large proportion of LCJMF's proposed land parcels in Flood Zones 3 and 2.</p> |
| <p>3.5 Cumulative rationale and duty to revisit</p> <p>The 2021 offer was rejected on “cumulative” grounds when local Transmission Entry Capacity (TEC) — the maximum export/import capacity allocated at the transmission network connection point — was approximately 99 MW (Ex13). By August 2024, local TEC had exceeded 2.1 GW (Ex14). With BFS withdrawn and the 600 MW import / 600 MW export headroom retained (Ref F), that original rationale no longer holds.</p> <p>Under EN-1 § 4.3.15 and §§ 4.3.26–4.3.29 (Ref A) and APP-054 § 3, the Applicant should have re-appraised LCJMF's offers in light of this materially changed cumulative grid context. It did not.</p> | <p>The Applicant refers to its response to Action Point 6 in its Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030) as regards how it has considered alternatives in accordance with law and policy, including at the time of the removal of Beacon Fen South. The Applicant also refers to its comments on EN-1 paras. 4.3.22 – 4.3.23 above.</p> |
| <p>3.6 Applicant filters (≥ 300 ha / 10 km) The ≥ 300 ha and 10 km filters (Ref B) are not policy tests. EN-1 § 4.3.15 and §§ 4.3.26–4.3.29 (Ref A) require proportionate information on alternatives, not their exclusion by internal sieves. Appendix 2 itself assessed a 277 ha parcel (Ref C), proving the 300 ha threshold is not determinative. LCJMF's smaller proximate parcels should have been appraised like-</p> | |

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| <p>for-like. Applicant's Option 3 also uses Little Hale Drove (Ex50), overlapping LCJMF land.</p> | |
| <p>3.7 Flood Zone treatment is not a bar EN-1 §§ 5.8.21–5.8.23 (Ref E) require applying Sequential/Exception Tests, not excluding mixed-zone sites. LCJMF's FZ1 BESS / ALC 3a/3b PV parcels (~2.7 km to PoC) should have been tested as lower-risk, shorter-cable alternatives. They were not.</p> | |
| <p>3.8 Apply the sieve consistently Beacon Fen North narrowly meets Stage 1 sieve (~52.6 % non-BMV; Ref B). LCJMF's smaller but closer mixed-grade offers would enable shorter trenching, fewer LWS interactions, and operational benefits. Under EN-1 § 4.3.15 & §§ 4.3.26–4.3.29 (Ref A), the ExA should require a like-for-like RAG comparing Beacon Fen North vs LCJMF offers on ALC/BMV, Flood Zones, cable length, LWS crossings, operational access, and AIL logistics — not exclusion at Stage 1 by a non-policy screen.</p> | |
| <p>3.9 System sizing & headroom Post-BFS, the Applicant retains 600 MW import / 600 MW export while proposing ~400 MW PV (~200 MW headroom; Ref F). LCJMF's August 2023 offer sought BESS siting on proximate land (Ex16–Ex22). The Applicant replied that BESS was "already allocated" (Ex21). This position was confirmed through LCJMF's agent on 31 August 2023, following a targeted BESS-only offer that sought to align with the Applicant's retained 200 MW headroom; the Applicant reiterated that BESS had already been allocated elsewhere and declined to engage further (Ex21) Given available headroom and FZ1 potential, EN-1 § 4.3.15, §§ 4.3.26–4.3.29 and §§ 5.8.21–5.8.23 (Refs A, E) required a proportionate like-for-like appraisal. None was provided.</p> | |

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| <p>3.10–3.14 (Parallel projects, LCJMF Aug 2023 offer, hybrid corridor, co-location) Across Ex42–Ex54, Ex11–Ex22, Ex49 and Ex61, LCJMF repeatedly offered an FZ1 BESS location, a hybrid corridor routing option, and strategic co-location opportunities (e.g. data centre, glasshouse, private wire) aligned with the ~200 MW headroom (Ref F).</p> <p>In August 2023, LCJMF formally submitted a renewed PV + BESS land offer (~618 acres) to Low Carbon and Ardent, supported by mapping and technical context (Ex17). The Applicant declined or deferred without any quantified comparison in APP-054 / APP-079 / APP-285. The Applicant acknowledged receipt of LCJMF’s Aug 2023 offer (hybrid cable routing and land-inclusion proposals) and referred them internally for review (Ex19), but no subsequent comparative appraisal was provided in APP-054, APP-079 or APP-285, contrary to EN-1 §§ 4.4.1–4.4.3 and §§ 5.8.21–5.8.23. Shortly thereafter, the Applicant’s agent confirmed they were “not looking for any more land at this stage” (Ex20), indicating a closed stance toward further PV/BESS integration despite LCJMF’s continued engagement.</p> <p>Following the withdrawal of Beacon Fen South, LCJMF’s agent repeated the request for LCJMF land to be included in the scheme (Ex23). The Applicant did not revisit site selection or alternatives in response. On 17 November 2023, LCJMF’s agent again pressed the Applicant to consider siting BESS on LCJMF land and to provide a full explanation of routing choice prior to serving survey notices (Ex24).</p> | |
| <p>3.15 Flood risk baseline materially worsened (NaFRA2 2025) NaFRA2 mapping (Jan–Mar 2025) significantly increased surface-water extents in the Solar Array and BESS areas (Ref E; Doc 9.1), triggering additional mitigation. No like-for-like Sequential Test or resilience analysis has been undertaken between this revised</p> | <p>As LCJMF notes, the NaFRA2 mapping was only available from mid-2025, after the Applicant’s site selection process had taken place. The implications for the Proposed Development have been considered by the Applicant in the document cited by LCJMF - Climate Change Allowances and Revised NaFRA2 Mapping Review (AS-022).</p> |

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| <p>baseline and LCJMF's FZ1 BESS alternative (Ex22). The Applicant relies on engineering mitigation rather than site selection re-testing. Following the August–November 2023 correspondence, LCJMF's legal representatives issued a formal letter to the Applicant on 21 December 2023 setting out seven specific technical and procedural queries relating to routing, capacity, BESS siting and consistency with the Applicant's earlier cumulative impact rationale (Ex25). The Applicant's agent responded on 23 January 2024, largely deferring to generic material contained within the PEIR and providing no site-specific or quantified appraisal of the issues raised (Ex26). This exchange underscores the absence of any substantive comparative assessment of LCJMF's proposals during the statutory consultation process, contrary to EN-1 §§ 4.4.1–4.4.3 and §§ 5.8.21–5.8.23.</p> | <p>The Applicant has explained how the Proposed Development is in line with the most recent guidance on flood risk in response to WFR.1.1 in its Responses to ExQ1 (Doc Ref. 9.6).</p> |
| <p>Summary of LCJMF alternatives offered</p> <ul style="list-style-type: none"> • Nov 2021 — ~516 ac PV+BESS, proximate (~2.7 km), mixed 3a/3b, FZ1 BESS (Ex1; Ex8–Ex9). • Aug 2023 — ~618 ac expanded offer: FZ1 BESS (Ex22), hybrid corridor (Ex11–Ex12; Ex49–Ex52), lodged during statutory consultation (Ex16; Ex18). | |
| <p>Directions sought (Alternatives)</p> <p>A1. Require a quantified alternatives matrix comparing the Applicant's design with the November 2021 and August 2023 LCJMF offers (Refs A–C; F).</p> <p>A2. Direct production of Flood Zone and ALC/BMV parity tables comparing Applicant parcels vs LCJMF parcels (Refs A–E).</p> <p>A3. Confirm the ≥ 300 ha sieve is not policy and non-contiguity is not a bar (EN-1 § 4.3.22; Refs A–C).</p> | <p>Nothing in law or policy requires the Applicant to produce the comparative documents requested by LCJMF, nor would they be of benefit given that the location of the Solar Array Area for the Application is settled, with land rights secured and EIA undertaken. As above, the Applicant has explained how its site selection complied with law and policy, particularly in light of the clear guidance in EN-1 paras. 4.3.22 – 4.3.23.</p> |

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| <p>A4. Require site selection reconsideration in light of NaFRA2 2025 and Doc 9.1 (Ref E), with explicit comparison to LCJMF's FZ1 BESS element.</p> | |
| <p>4. Environmental Matters (APP-079) (Ref E) 4.1 LWS 4722 (Option 1 only) Option 1 enters Local Wildlife Site (LWS) 4722, places Construction Compound 4 (CC4) within its boundary, and entails approximately 1.19 km of in-LWS HGV movements during construction (Ex35–Ex38 — LWS 4722 occupation & CC4). By contrast, Option 3 and the LCJMF Aug 2023 offer avoid longitudinal occupation of LWS 4722, crossing Old Forty Foot Drain (LWS 4490) at right angles only (Ex49–Ex52 — LWS comparison; Ex50 — Option 3 alignment). The Environmental Statement does not provide a quantified comparative analysis of LWS length or area affected under these alternatives. Satellite imagery confirms the spatial contiguity between the Viking Link corridor and the Applicant's proposed CC4 compound, illustrating cumulative occupation within the same LWS 4722 footprint (Ex36–Ex37 — spatial overlap and LWS 4722/726 overlay)</p> | <p>The Applicant responded to LCJMF's points with respect to LWS 4722 in its Response to Relevant Representations (REP1-029).</p> |
| <p>4.2 Repeat-corridor cumulatives — Viking Link The Viking Link interconnector scheme used the same corridor approximately three years earlier, importing around 4,800 tonnes of stone for haul roads and compounds that were subsequently removed (Ex34 — stone import records). Re-use of this corridor would double HGV movements and associated disturbance, compounding soil and hydrological impacts. CC4 directly overlaps the Viking Link route and CC5 lies across the South Forty Foot Drain, immediately adjacent to the previous compound footprint (Ex35–Ex38 — CC4/CC5 overlap mapping). The Environmental Statement does not assess the cumulative effects of repeated occupation of the same corridor,</p> | <p>As per the PINS guidance note <i>Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment</i>, existing development completed before construction of proposed development should be considered as part of the baseline. The Applicant responded to LCJMF with respect to its assessment of potential impacts on soil in its Response to Relevant Representations (REP1-029).</p> |

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| including compounded soil structure degradation and LWS disturbance. | |
| <p>4.3 Regional cumulatives</p> <p>The Applicant provides limited assessment of the Heckington Fen Solar NSIP (consented January 2025; approximately 1,000 acres) in relation to landscape, agricultural land loss, traffic, or community resilience impacts. This neighbouring NSIP should inform cumulative impact assessments given its proximity and scale, particularly with respect to agricultural land use, access corridors, and ecological networks.</p> | <p>As the Applicant noted in its Response to Relevant Representations (REP1-029), Chapter 18 Cumulative Effects (APP-069) sets out how the Applicant has assessed cumulative impacts, including with Heckington Fen. Table 18.3 summarises the inter-cumulative effects with Heckington Fen across relevant EIA topics.</p> |
| <p>4.4 Soils</p> <p>Pre- and post-Viking Link soil surveys (Ex4 — soil condition), NDVI satellite imagery (3 October 2023) showing persistent vegetation stress along the reinstated corridor (Ex27 — NDVI), and field photographs taken on 21 October 2023 contrasting flooded corridor sections with unaffected control areas (Ex28–Ex33 — reinstated corridor) collectively indicate medium-term compaction and impaired drainage. Re-use of this corridor risks compounding these effects, engaging the precautionary principle. LCJMF's ecology evidence, supported by Rachel Hacking Ecology (RHE), includes independent walkover surveys and desk studies undertaken to ground-truth habitat, hedgerow, and watercourse conditions and to identify additional survey needs (Ex55–Ex60 — RHE walkovers). The ES baseline has not been reconciled with these independent findings.</p> | <p>As set out in the Response to Relevant Representations (REP1-029), the Applicant's assessment of potential impacts on soil in the Cable Route Corridor is based on desk-based information. However, as per para. 14.3.15 of ES Chapter 14: Soils and Agricultural Land (APP-065), and as secured by Requirement 16 of the Draft DCO (Doc Ref. 3.1 v3) and Appendix 14.4 Outline Soil Management Plan 2024 (APP-176), the Applicant will carry out a soil survey of the Cable Route prior to its construction to inform a detailed Soil Management Plan which will set out measures to mitigate construction impacts on soil resource and agricultural land.</p> <p>The Applicant notes LCJMF's table of alleged "<i>discrepancies</i>" between the Applicant's ES and surveys carried out by Rachel Hacking Ecology on behalf of LCJMF. To the extent that LCJMF relies upon these surveys, the full reports should be submitted into the examination so that they can be reviewed.</p> |

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| <p>Directions sought (Environment)</p> <ul style="list-style-type: none"> E1. Require a quantified cumulative analysis for Option 1 vs Option 3 vs LCJMF's Aug 2023 offer, including hybrid alignment, HGV movements, stone import tonnage, reinstatement passes, soil structure metrics, hydrological effects, and LWS length/area impacted (Ex49–Ex52 — hybrid alignment basis). E2. Reconcile ES baselines with independent Rachel Hacking Ecology (RHE) surveys (Ex55–Ex60 — RHE walkovers) applying the precautionary principle, and require seasonally appropriate re-survey where indicated. | <p>The Applicant's Cable Route Corridor Appraisal (APP-079) has already set out why LCJMF's alternative cable route was not considered preferable to the Applicant's selected Cable Route Corridor, going beyond the requirements of law and policy (as explained in response to Action Point 6 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030) and above).</p> <p>The Applicant is not certain what LCJMF seeks in referring to a "<i>quantified cumulative analysis</i>" for the different cable route options but, in any event, does not accept that any further comparative analysis is necessary, proportionate or appropriate.</p> <p>The Applicant is confident in the robustness of its ES and secured mitigation. Should LCJMF wish to rely upon third party surveys, those surveys should be submitted into the examination in full.</p> |
| <p>5. Consultation (APP-277) (Refs A–E)</p> <p>Legal context and LCJMF's position. Consultation under PA 2008 ss42–44, s47, s48 and EIA Reg 18 is intended to be formative, with enough information and time for responses to influence design. For the avoidance of doubt, LCJMF does not allege a procedural non-compliance under s44. The concern is timing and adequacy: meaningful engagement with the freehold/occupier occurred too late to shape key choices, despite LCJMF putting forward proximate, policy-aligned alternatives from 2021 (Refs A–C).</p> | <p>The Applicant welcomes LCJMF's confirmation that it does not allege any procedural non-compliance under section 44 of the Planning Act 2008. The Applicant's approach to consultation is set out in the Consultation Report and its appendices (APP-046 – APP-048, AS-018).</p> <p>The Applicant has had a range of engagement with LCJMF as part of the preparation of the Application, as is demonstrated by the extensive correspondence log submitted by LCJMF at Ex63 in the exhibits to its written representation and the advice from LCJMF's own land agent dated 17 November 2023 in Ex24 in those exhibits who says: "<i>I appreciate that the fact the dialogue is now happening is somewhat unhelpful to your 'they are not fully engaging with me' stance</i>".</p> |
| <p>Chronology (documentary trail).</p> <ul style="list-style-type: none"> *Nov 2021 — LCJMF tables a 516-acre proximate offer and notifies corridor rights context (Ex1 — Nov-2021 offer; Ex44 — AGR3 Clause 3.19 co-location). | |

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| <ul style="list-style-type: none"> • Aug 2023 — LCJMF re-offers ~618 acres post-BFS with illustrated FZ1 BESS and a hybrid collection corridor (Ex16–Ex20 — LCJMF Aug-2023 offer). • Nov–Dec 2023 — Brown & Co and Mishcon request site-specific engagement on BESS siting / cable routing before notices; the reply points to generic PEIR text (Ex24 — Brown & Co request; Ex25 — Mishcon request; Ex26 — generic PEIR reply). • Aug 2023 → early 2024 — Land Interest Questionnaire issued and targeted consultation limited to Jan–Mar 2024; Heads of Terms discussions commence only in 2025 (AS-095 — Land Interest Engagement Schedule). • May 2025 — Engagement is directed at ib vogt (no secured rights) and ends with withdrawal the same day the Applicant approached them (Ex42 — LIQ extract; Ex43 — ib vogt emails). • Throughout — LCJMF maintains a contemporaneous timeline/log evidencing repeated attempts to engage (Ex62 — timeline; Ex63 — engagement log). <p>*2021 — AGR/Low Carbon NSIP carve-out drafting and planning coordination. Prior to the Beacon Fen scheme, LCJMF, AGR and Low Carbon discussed NSIP carve-out provisions, cable crossing rights and planning deferrals to coordinate potential overlapping infrastructure, as evidenced in contemporaneous correspondence and lease drafting (Ex45–Ex46). This demonstrates that proactive landowner-led integration measures were already in train well before the Applicant's engagement.</p> <p>The Applicant's own Land Interest Engagement Schedule (AS-095) confirms this sequencing. Formal engagement with LCJMF</p> | <p>Negotiations on necessary land rights cannot be usefully progressed until the extent of the Order limits are known. In that context, the Applicant does not consider it abnormal or improper to have engaged with LCJMF on obtaining land rights 1.5 years before submission of the Application.</p> <p>The Applicant reiterates its comments above regarding the adequacy of its consideration of reasonable alternatives.</p> |

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| <p>commenced only in August 2023 with the issuance of the Land Interest Questionnaire, followed by targeted consultation between January and March 2024, and Heads of Terms in January 2025, with substantive discussions occurring in September 2025. This timeline, set out in Ex62, demonstrates a significant lag between LCJMF's alternative land offers in November 2021, August 2023 and November 2023 and the Applicant's engagement milestones. It supports LCJMF's position that reasonable alternatives were not tested at the appropriate formative stage required under PA 2008 ss42–44 and EN-1 § 4.4.3, but only after key routing and siting decisions had been effectively fixed.</p> | |
| <p>Effect on LCJMF. By the time focused engagement began with the freehold/occupier, routing and siting choices were already advanced. Reasonable alternatives capable of reducing flood risk, BMV take and LWS occupation — namely the November 2021 and August 2023 offers — were not tested at a formative stage, limiting the ability of consultation to influence the scheme (Refs A–C).</p> | |
| <p>Evidence base (Applicant and LCJMF). The Applicant's Land Interest Engagement Schedule indicates the first substantive engagement with LCJMF was in late 2023, with Heads of Terms discussions only initiated in 2025 (AS-095). LCJMF's timeline and log show sustained attempts to engage across 2023–2025 (Ex62; Ex63). Together, these documents evidence late landowner engagement, not a s44 procedural non-compliance.</p> | |
| <p>Directions sought (Consultation) — within Rule 17 remit</p> <ul style="list-style-type: none"> • C1. Invite a short "Consultation Addendum" explaining, with dates, how LCJMF's Nov 2021 and LCJMF Aug 2023 offers | <p>For the reasons set out above, the additional documents sought are not justified nor proportionate.</p> |

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| <p>(proximate PV+BESS; FZ1 BESS; hybrid corridor) were considered, what like-for-like testing (if any) was undertaken, and why they were not taken forward (Ex1; Ex16–Ex22; Ex11–Ex12; Ex49–Ex52; Refs A–C).</p> <ul style="list-style-type: none"> • C2. Request a consolidated engagement chronology cross-referencing AS-095 with Ex62–Ex63, identifying when design-shaping consultation with the freehold/occupier actually occurred and summarising the Applicant's responses to the specific alternatives raised (AS-095; Ex62–Ex63). • C3. Ask the Applicant to confirm whether any third-party engagement (e.g., with ib vogt) was relied upon as a proxy for ss42/44 engagement with LCJMF and, if so, to set out how that ensured the landowner's alternatives could still influence design (Ex42–Ex43). <p><i>(Any scheme safeguards LCJMF seeks—e.g., spur-ready nodes, LWS working widths, soils/hydrology protections—are addressed separately under Protective Provisions / Integration, not under Consultation.)</i></p> | |
| <p>6. Integration and Grid Efficiency (APP-285) (Refs D, F–H) Policy context. EN-1 §§ 4.2–4.4 and APP-285 § 4.5 require good design and the efficient use of the electricity network, encouraging developers to consider integration opportunities and future-proofing at an early stage (Ref. D). LCJMF's site lies within 2.7 km of the Bicker Fen PoC and is directly adjacent to Viking Link, Triton Knoll and AGR3, presenting clear opportunities for co-location, spur-ready nodes and parallel 33 kV ducting, which the Applicant has not tested.</p> | <p>The Applicant acknowledges the importance of good design and has had regard to that as set out in the Design and Access Approach Document (APP-278).</p> <p>If LCJMF's reference to EN-1 sections 4.2 – 4.4 is to the 2023 version, the Applicant does not agree that these sections require it to install "<i>spur-ready nodes and parallel 33 kV ducting</i>" to benefit, as the Applicant understands it, future hypothetical projects to be brought forward by LCJMF rather than being to the general benefit of the wider transmission network. If LCJMF's reference is to the 2011 version of EN-1, this is obsolete and irrelevant to the Application as explained above.</p> |

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| | <p>The Applicant does not understand the reference to APP-285, which is the Applicant's own Electricity Grid Connection Statement and does not contain a section 4.5.</p> |
| <p>6.1 Headroom under 600 MW / 600 MW configuration</p> <p>LCJMF is not asking the Applicant to fund or deliver a 400 kV interlock spur at this stage. Independent engineering advice indicates that such a solution would require dedicated substations, complex multilateral arrangements with NGET, and capital expenditure in the tens of millions of pounds.</p> <p>The Applicant's Planning Statement confirms a 600 MW import / 600 MW export configuration with only ~400 MW of PV following the withdrawal of BFS, implying ~200 MW of spare headroom (Ref. F). LCJMF has repeatedly asked how this surplus capacity could be transparently allocated to proximate demand (e.g. BESS, data centre, glasshouse with heat reuse) rather than assumed to be fully sealed for export, in line with EN-1 §§ 4.5.1–4.5.3, which emphasise good design, efficient use of infrastructure, and co-location.</p> <p>LCJMF's position is that this headroom, combined with the corridor's immediate proximity to nationally significant demand opportunities, should be objectively appraised to ensure the DCO does not pre-emptively sterilise integration options (Ex49; Ex61).</p> <p>Direction sought: LCJMF invites the ExA to require the Applicant to (i) provide evidence of any claimed lack of headroom under the 600 MW / 600 MW configuration, and (ii) assess the safeguarding of spur-ready nodes on LCJMF land as a proportionate future-proofing measure (Ref. F; Ex54).</p> | <p>Again, LCJMF's references here appear to be to the obsolete and irrelevant 2011 version of E-1 (as paras. 4.5.1 – 4.5.3 of the extant 2023 EN-1 relate to marine plans and are not relevant to the present Application).</p> <p>The Applicant has provided a detailed explanation of the 600 MW grid connection, 600 MW BESS capacity and 400 MW generating capacity in response to Action Point 7 in its Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030).</p> <p>The Applicant refers to its above comments in relation to being required to install "<i>spur-ready nodes</i>" for the benefit of LCJMF's land.</p> |
| <p>6.2 Operational access and efficiency</p> | <p>The Applicant's assessment of likely significant effects from access and traffic is described in Chapter 9 Access and Traffic (APP-</p> |

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| <p>The Planning Statement provides for one primary and one secondary operational access for large vehicles, including first-responder access to BESS and substation (Ref. G). Siting BESS or other infrastructure on LCJMF land ~2.7 km from Bicker Fen — adjacent to AGR3 and the Viking Link corridor — would enable a spur-ready node without immediately requiring a 400 kV interlock, while shortening operational mileages and export cable runs against the current design, consistent with EN-1 good-design principles (EN-1 §§ 4.5.1–4.5.3) (Ex44).</p> | <p>060). At para. 9.8.1 this concludes that residual effects are negligible and not significant.</p> <p>As above, the Applicant's approach to good design is set out in the Design and Access Approach Document (APP-278).</p> |
| <p>6.3 Abnormal Indivisible Load (AIL) logistics A small number of AIL transformer movements are anticipated (Ref. H). Locating BESS and associated plant nearer the PoC on LCJMF land (~2.7 km) could reduce AIL route mileage, potentially avoid new A17 access construction, and minimise corridor occupation (including within/near LWS 4722), delivering quantifiable construction efficiencies relevant under EN-1 § 4.5.3.</p> | <p>Para. 4.5.3 of EN-1 (2023) relates to marine plans and is not relevant to "<i>construction efficiencies</i>". If this is again a reference to the 2011 EN-1, as above that policy is obsolete and irrelevant.</p> <p>The Proposed Development has a fully considered access strategy, including the construction of the Bespoke Access Road to the Solar Array Area to alleviate traffic impacts on the existing local highway network. There is no basis for LCJMF's assertion that an alternative site would be preferable from a construction or access perspective.</p> |
| <p>6.4 Documented integration opportunities LCJMF has supplied the Applicant with documentary evidence supporting practical integration: (i) AGR3 Lease Clause 3.19 confirming co-location capacity on Little Hale Drove, Despite being tabled in November 2021, this evidence is not reflected in routing or integration appraisals in APP-285, nor has a reasons-for-rejection been provided, which represents a missed opportunity given the adjacency to Viking Link, AGR3 and Triton Knoll (Ref. D; Ex44; Ex49; Ex61).</p> | <p>The Applicant has considered opportunities for integration with the Viking Link and Triton Knoll projects. For each project, there is no possibility of utilising its cable route as they are both already constructed. Cable crossings between the Proposed Development and these cables are under discussion and the Applicant is confident that appropriate protective provisions will be agreed during the examination.</p> <p>The Applicant is also in discussion with Triton Knoll OFTO Limited to obtain the necessary land rights to use its private access track off of the A17 for the construction of part of the Cable Route and</p> |

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| | <p>the Bicker Fen Substation extension works. The Applicant anticipates that an agreement will be reached before the close of examination.</p> <p>As above, the Applicant is in discussion with AGR regarding the interface between the Proposed Development and AGR3 and is confident that interface arrangements will be agreed before the close of the examination.</p> |
| <p>6.5 Provision of 33 kV duct to an LCJMF spur node</p> <p>The Applicant's 400 kV export route runs ~4.5 km from the PV site to LCJMF land, ~3.2 km across LCJMF, then ~3.5 km north to Bicker Fen. LCJMF requests that a parallel 33 kV duct be installed within the same trench from the PV site to a capped access chamber ("spur node") on LCJMF land, to enable later medium-voltage private-wire connection without reopening the 400 kV corridor once operational. This proportionate measure aligns with EN-1 good-design and network-efficiency principles (Ref. D) and with EN-5 objectives on coordinated, future-proofed network development. LCJMF is already working with a licensed iDNO on an adjacent consented 49.9 MW PV+BESS with a 2026 grid date, demonstrating an appropriate delivery vehicle is in place; installation could be by the Applicant or by LCJMF/third parties at cost under a protective provision/side agreement (Ex44; Ex49; Ex61).</p> <p>Heat transfer loop crossing. LCJMF also intends to install a closed-loop heat main between the proposed data-centre site and a 60-acre glasshouse to utilise waste heat. Appropriate protective provisions and crossing rights are sought so the 400 kV corridor does not sterilise this integrated energy-heat system (Ex49; Ex61).</p> | <p>The Applicant does not anticipate supplying electricity to LCJMF via a private-wire arrangement and thus the provision of a separate 33kV duct has not been assessed for technical feasibility (e.g. the minimum safe separation distance for a parallel duct) or regulatory feasibility (e.g. how such an arrangement would interact with the Applicant's existing revenue agreements). As above, there is no basis for LCJMF to require that the Applicant install apparatus for LCJMF's benefit as part of the Proposed Development.</p> <p>Also as above, the projects which LCJMF is seeking to safeguard are at such an early stage of conception that it would not be appropriate to implement protective provisions or crossing agreements that could hinder or delay the delivery of the CNP infrastructure comprised in the Proposed Development for their benefit.</p> |
| <p>6.6 Behind-the-meter opportunity</p> | |

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| <p>A 33 kV private-wire from the PV site to an LCJMF spur node would enable behind-the-meter supply to a proximate anchor load (e.g. data centre), bypassing Transmission Network Use of System (TNUoS), Distribution Use of System (DUoS), and Balancing Services Use of System (BSUoS) charges. These are network and system-operation charges levied by National Grid and distribution operators to recover transmission, distribution and balancing costs. For large consumers, these charges can represent 30–50 % of the delivered cost of electricity — often exceeding the wholesale energy price itself. Avoiding these charges materially improves delivered cost for large anchor loads. For the Applicant, this enables monetisation of spare or merchant capacity at a premium alongside grid export, implemented via a licensed iDNO or equivalent. This approach is fully consistent with EN-1 and EN-5 policy on efficient network use and with Government strategy on strategic digital load co-location (Ref. D; Ex49; Ex61).</p> | <p>Such a proposal does not form part of the Proposed Development and is not in line with its objectives. The Applicant does not anticipate supplying electricity to LCJMF via a private-wire arrangement. EN-1 para. 4.3.22 states that only alternatives that can meet the objectives of the Proposed Development need to be considered.</p> <p>It is not clear from LCJMF's representation what parts of EN-1 it relies upon in support of its position.</p> |
| <p>6.7 Commercial optionality LCJMF recognises the Applicant may have Purchase Power Agreements / Contracts for Difference commitments and does not seek to mandate offtake. The proposed duct simply preserves optionality to negotiate future commercial supply or third-party connections when contracts and regulation allow, consistent with EN-1's emphasis on co-location and efficient use of existing infrastructure (Ref. D; Ex49; Ex61).</p> | |
| <p>6.8 Failure to evidence the claimed “lack of headroom” Prior to ISH1, the Applicant's agents stated that all headroom within the 600 MW import / 600 MW export configuration had been fully allocated to the BESS and could not be novated to third parties. However, no supporting technical evidence (e.g. load-flow analysis,</p> | <p>Please see the Applicant's reference above to the response to Action Point 7 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030).</p> |

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| <p>capacity allocation schedules, or curtailment modelling) has been provided to substantiate this assertion (Ex54).</p> <p>At ISH1, the Applicant maintained the same position without offering any analytical justification. Given the post-BFS configuration, LCJMF considers it essential for the Examining Authority to test these claims against the documented ~200 MW of spare headroom (Ref. F) and the proximity (~2.7 km) of suitable integration opportunities (BESS, data centre, glasshouse).</p> <p>LCJMF therefore invites the ExA to request the Applicant's utilisation case for the 600 MW / 600 MW connection under the post-BFS design and to explain why proportionate integration with proximate demand or BESS is said to be technically or economically infeasible (Refs F–H; Ex49; Ex54; Ex61).</p> | |
| <p>6.9 Directions sought (Integration)</p> <p>To address the evidential gaps identified above, LCJMF invites the ExA to issue targeted Rule 17 requests requiring the Applicant to:</p> <ol style="list-style-type: none"> Headroom evidence Disclose utilisation of the 600 MW / 600 MW connection (post-BFS), including BESS allocation, curtailment assumptions, and any spare capacity, supported by relevant network data (Ref. F; Ex54). Integration appraisal Provide a proportionate options appraisal of spur-ready integration measures (e.g. 33 kV duct and crossing safeguards) versus a do-nothing scenario, setting out reasons with reference to EN-1 good-design and network-efficiency objectives (Ref. D; Ex44; Ex49; Ex61). Protective provisions Submit draft Requirement and/or protective-provision wording to safeguard space and rights for a spur node and heat-main crossing on LCJMF land. If such wording is considered impracticable, provide a reasoned explanation (Ref. D; Ex44; Ex49; Ex61). | <p>The Applicant has addressed (1) through its response to Action Point 7 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030) and its Responses to ExQ1 (Doc Ref. 9.6) (see the NED section). The Applicant is happy to provide further explanation to the ExA as required.</p> <p>Requests (2) and (4) proceed on the assumption that the Applicant should be required to install apparatus on LCJMF's land for the benefit of LCJMF that is not otherwise part of the Proposed Development. The Applicant rejects that proposition.</p> <p>Request (3) is addressed above – it is not appropriate to hinder the delivery of CNP infrastructure in this way.</p> |

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| <p>4. Duct refusal justification If declining to install a parallel 33 kV duct to an LCJMF spur node, set out evidence-based reasons (technical, safety, legal, or economic) and identify any alternative future-proofing measures the Applicant considers acceptable to avoid reopening the 400 kV corridor once operational (Ref. D; Ex49; Ex61).</p> | |
| <p>7. Cable Route: Like-for-Like Comparison (Option 1 vs Option 3 vs LCJMF's Aug 2023 offer (Refs D, G–H)) Intro. This section focuses on route geometry and measurable effects, with policy rationale addressed in Section 3. LCJMF's Aug 2023 offer included a hybrid alignment comprising a branch from Option 1 to Car Dyke, a short field link, then along Little Hale Drove, mirroring the Option 3 geometry (Ex11–Ex12; Ex49–Ex52). Under EN-1 §§ 4.2–4.4 and APP-285 § 4.5 (Ref. D), good design requires efficient infrastructure layouts, minimisation of unnecessary land-take, and consideration of alternative alignments that could reduce environmental effects and improve constructability. The hybrid alignment provides such a proportionate alternative, offering reduced LWS interaction, shorter trench lengths, and improved logistics.</p> | <p>The Applicant's consideration of LCJMF's proposed alternative cable route was addressed in its Response to Relevant Representations (REP1-029) and in response to Action Point 6 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030). As discussed in both and demonstrated by the plans at Appendix 2 to the former, LCJMF's proposal was considered to introduce additional potential impacts on LWSs, non-designated heritage assets and public rights of way compared to the Applicant's Cable Route Corridor, as well as impacting a greater number of land interests.</p> <p>The Applicant notes that LCJMF does not mention non-designated heritage assets nor public rights of way in its written representation. The Applicant disagrees that LCJMF's route would minimise land-take or reduce environmental effects, and does not consider that LCJMF has substantiated such a position.</p> |
| <p>7.1 Designation geometry</p> <ul style="list-style-type: none"> • Option 1: Enters LWS 4722; Construction Compound 4 lies within it; involves approximately 1.19 km of in-LWS HGV activity (Ex35–Ex38; Ex50–Ex52). • Option 3: Runs north–south then west along Little Hale Drove (~2,408 m), crossing LWS 4490 (Old Forty Foot) at right angles only (Ex50–Ex52). • Nearby designations (context): LWS 4489 (Mill Drain) lies ~274 m to the south, and LWS 4520 (Willow Farm Drain) lies ~177 m to the north of the Little Hale Drove section (Ex50–Ex52). | <p>The Applicant notes another reference by LCJMF to paras. 4.5.1 – 4.5.3 of what is presumed to be the 2011 version of EN-1. Again, this is obsolete and irrelevant to the present Application.</p> |

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| <p>By contrast, EN-1 good-design principles (Ref. D) encourage avoiding longitudinal occupation of LWS where feasible. The LCJMF Aug 2023 offer hybrid alignment mirrors Option 3's right-angle crossing geometry, thereby avoiding extended trenching through LWS 4722.</p> | |
| <p>7.2 LCJMF Aug 2023 offer hybrid alignment (Option 1 → Car Dyke → Little Hale Drove) • From Option 1, south on Car Dyke ~732 m, ~233 m east across a single field, then ~2,733 m along Little Hale Drove towards the PoC (Ex11–Ex12; Ex49–Ex52). • Effects: avoids longitudinal occupation of LWS 4722; mirrors Option 3's right-angle crossing of LWS 4490; reduces ~3.2 km of E–W trenching across core arable blocks; and runs ~274 m north of LWS 4489 (Mill Drain) and ~177 m south of LWS 4520 (Willow Farm Drain) without intersecting either (Ex50–Ex52). This geometry directly responds to EN-1 §§ 4.5.1–4.5.3's emphasis on minimising impacts through layout choices (Ref. D).</p> | |
| <p>7.3 Integration with offered parcels (collection corridor) The hybrid corridor collects ~418 acres (Great Hale) + ~200 acres (Little Hale) (~618 acres total; predominantly ALC 3a/3b) en route to the PoC, consistent with LCJMF's August 2023 offer (Ex6; Ex8–Ex9; Ex16–Ex18; Ex49–Ex52). This integration supports co-location and network efficiency objectives in EN-1 / APP-285 (Ref. D), allowing generation parcels to be connected efficiently without reopening the 400 kV corridor later.</p> | <p>The Applicant has responded to these points above.</p> |
| <p>7.4 Prior rights and engineering feasibility (crossings / spurs) AGR3 Lease Clause 3.19 provides a cable crossing carve-out along Little Hale Drove, requiring the tenant to lay its infrastructure so as to allow the landlord to install additional infrastructure in the future, with</p> | |

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| <p>any necessary crossing agreements to be governed by clause 10.3 (Ex44). This was notified to the Applicant in November 2021.</p> <p>This demonstrates that hybrid routing is not only geometrically preferable but also technically feasible, consistent with EN-1's early design and integration expectations (Ref. D).</p> <p>The LCJMF Aug 2023 offer hybrid alignment's interaction with Public Rights of Way (PRoW) is illustrated in Ex11, showing approximately 267 m of parallel/adjacent alignment and a single crossing, which should be captured in the Applicant's comparative matrix.</p> | |
| <p>7.5 Direction sought (Cable Route)</p> <p>LCJMF invites the ExA to require a tabulated, quantified matrix comparing Option 1 / Option 3 / LCJMF Aug 2023 offer hybrid approach across the following like-for-like metrics, with sources and assumptions stated (Refs D, G–H):</p> <ul style="list-style-type: none"> • Ecology: LWS length and area within working width; type of interaction (Ex50–Ex52). • PRoW closures: Number/duration and diversion lengths. • Heritage: Standoffs and HDD feasibility/lengths at sensitive assets. • Watercourses: Crossing count; right-angle vs longitudinal; method statements. • Utilities: Constraints and working-width requirements. • ALC and Flood Zone exposure: By chainage segment. • Trench length: By land class; total E–W vs N–S haul. • Compounds and AIL: Number/size/location of compounds; AIL mileage and access strategy (Ref. H). • Operational access: Land-interest count by option; peak/total construction traffic profiles, including alignment with primary/secondary access strategy for large vehicles (Ref. G). | <p>Much of this information is already included within the Applicant's Cable Route Corridor Appraisal (APP-079) as supplemented by the Response to Relevant Representations (REP1-029) (including the plans at Appendix 2 thereto) and the response to Action Point 6 in the Written Summary of Oral Submissions from ISH1 and Responses to Action Points (REP1-030). To the extent that further information is sought, this is disproportionate and goes far beyond any requirements of law or policy. Again, the Applicant emphasises the clear statement of policy in EN-1 paras. 4.3.22 – 4.3.23 regarding the alternatives that need to be considered and the proportionality of that exercise.</p> |

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| <p>This comparison would implement EN-1 §§ 4.2–4.4 and APP-285 § 4.5's requirements (Ref. D) for good design, efficient use of infrastructure, and transparent alternatives appraisal, while also testing operational logistics (Ref. G) and AIL transformer movement implications (Ref. H) in a structured, evidence-based way.</p> | |
| <p>8. Summary of Requests to the Examining Authority (ExA) (Refs A–H)</p> <p>LCJMF invites the Examining Authority to issue targeted Rule 17 directions to address key evidential gaps in the Applicant's case. These requests are grounded in the requirements of EN-1, EN-3, the EIA Regulations, and the Applicant's own evidence base (APP-054, APP-079, APP-285).</p> <ul style="list-style-type: none"> • Alternatives (like-for-like): Require a quantified alternatives matrix testing the LCJMF Nov 2021 offer and the LCJMF Aug 2023 offer (including the hybrid corridor) against the Applicant's preferred design within the 10 km screen and post-BFS 600 MW import / 600 MW export configuration (EN-1 § 4.3.15; §§ 4.3.26–4.3.29; Ref. A–C, F; APP-054 § 3; APP-079 Ch. 3; APP-285; Ex1; Ex16; Ex11–Ex12; Ex49–Ex52). • Weight of sieves: Confirm that the ≥ 300 ha / contiguity screen is not a policy test and should be given limited weight; confirm non-contiguity is not a bar where project objectives and delivery timescales can be met (EN-1 § 4.3.22; APP-054 Appendix 2; Refs B–E). • Flood risk & BESS siting parity: Direct production of Flood Zone and ALC/BMV parity tables comparing the Applicant's proposed BESS parcel at/near Ewerby Thorpe with LCJMF's FZ1 BESS option at Little Hale Fen, using the updated NaFRA2 2025 baseline (EN-1 §§ 5.8.21–5.8.23; ES Vol. 2, Appendix 11.1 — 6.3.81; Doc 9.1; Ex22; Ref. E). | |

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| <ul style="list-style-type: none"> • LWS & repeat-corridor cumulatives: Quantify LWS 4722 occupation and the cumulative effects of repeat use of the Viking Link corridor, including HGV passes, stone tonnage, reinstatement, and soils/hydrology impacts (APP-285; Ex35–Ex38; Ex34; Ex4; Ex27–Ex33; Ex52; Ref. D). • Baseline reconciliation (precaution): Reconcile the ES ecological baselines with Rachel Hacking Ecology (RHE) survey evidence and apply the precautionary principle; require seasonally appropriate re-survey where indicated (Ex55–Ex60; APP-079; Ref. D). • Network utilisation & integration safeguards: Evidence utilisation of the 600 MW import / 600 MW export configuration and the basis for any claimed “no headroom”, and consider protective provisions for a spur-ready node and parallel 33 kV duct on LCJMF land to avoid reopening the 400 kV corridor once operational (EN-1 §§ 4.2–4.5; EN-5; Ref. F–H; Ex44; Ex49; Ex61; Ex54). | |
| <p>9. Conclusion (Refs A–H)</p> <p>LCJMF supports well-designed renewable infrastructure. Its land lies immediately adjacent to nationally significant assets — Viking Link, Triton Knoll and AGR3 — and LCJMF has tabled proximate, policy-aligned alternatives that would reduce BMV take, shorten trenching, avoid longitudinal occupation of LWS 4722, and improve grid efficiency (Ex1; Ex16; Ex11–Ex12; Ex49–Ex52; Ex2; Ex2b; Ex4–Ex5; Refs A–D, F–H).</p> <p>The case LCJMF advances is not to block Beacon Fen, but to ensure compliance with EN-1, EN-3 and the EIA Regulations by:</p> <ol style="list-style-type: none"> 1. Fairly testing the November 2021 and August 2023 offers against the Applicant’s chosen scheme, in accordance with | <p>LCJMF states that its intention is not to block the Proposed Development, which is welcomed. However, the information requested by LCJMF is not proportionate, necessary or required by law or policy, and runs contrary to the clear guidance on the consideration of alternatives in EN-1 paras. 4.3.22 – 4.3.23. This information would not assist the proper examination of the Proposed Development.</p> <p>The Applicant invites LCJMF to resume meaningful engagement on heads of terms for a voluntary land agreement, which is where both parties' efforts are more usefully deployed in relation to LCJMF's land. To this end, the Applicant welcomes LCJMF's recent proposal</p> |

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| <p>EN-1 § 4.3.15 and §§ 4.3.26–4.3.29 (Refs A–C; APP-054 § 3; APP-079 Ch. 3; APP-285).</p> <ol style="list-style-type: none"> 2. Accurately quantifying environmental and cumulative effects, including the NaFRA2 2025 flood-risk updates and repeat use of the Viking Link corridor, as required under EN-1 §§ 5.8.21–5.8.23 and §§ 5.11.12, 5.11.34, and reflected in ES Vol. 2, App. 11.1 — 6.3.81 and Doc 9.1 (Ref. E; Ex4; Ex27–Ex38). 3. Demonstrating meaningful consultation, consistent with the formative purpose of PA 2008 ss42–44 and s47, and ensuring that landowner alternatives were considered at the appropriate stage (Refs A–E; Ex62–Ex63). 4. Preserving integration options (e.g. spur-ready nodes, 33 kV ducting, heat-main crossing) to enhance network efficiency and national resilience, in line with EN-1 §§ 4.2–4.5, EN-5, and the Applicant's own operational and AIL logistics evidence (Refs D, F–H; APP-285; Ex44; Ex49; Ex54; Ex61). <p>The targeted Rule 17 directions sought in Section 8 would move the Examination from assertion to evidence, enabling the ExA to test — on a like-for-like basis — whether the Applicant's route and siting choices remain the most proportionate in light of the post-BFS configuration, updated flood baseline, and documented LCJMF alternatives.</p> | <p>for a meeting to be held between the parties prior to the next round of hearings and notes that this is presently being arranged.</p> |

10. Applicant's Comments on Lincolnshire County Council's Written Representation (REP1-046)

Table 10.1 - Applicant's Comments on Lincolnshire County Council's Written Representation (REP1-046)

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| Following the Planning Inspectorates Rule 8 letter dated 01 October 2025 the County Council submits its written representation in respect of this application. The Council provided initial comments in relation to this application in its Relevant Representation response earlier this year and full details on the impacts of the development in our Local Impact Report (LIR) submitted 07 October 2025 at deadline 1. | <p>The Council's initial comments in relation to the application as outlined within the Lincolnshire County Council Relevant Representations (RR-002) were addressed within the Applicant Responses to Relevant Representations (REP1-029) which was included at Deadline 1.</p> <p>The Local Impact Report (LIR) from Lincolnshire County Council (REP1-044) which was submitted on 07 October 2025 at deadline 1, has been addressed at Deadline 2 within the Applicant's Comments on Local Impact Reports (Document Ref. 9.7).</p> |
| This written representation provides the Council's updated position following consideration of the application by the Council's Planning and Regulation Committee on 29 September 2025. | The Applicant responds to each point in the remainder of this document. |
| This written representation has been prepared in accordance with PINS advice note 8.4 and should be read in conjunction with the Council's LIR submitted by the Council at deadline 1. The LIR was brought to the Council's September Planning Committee when it was resolved to approve the Impact Report for submission. Based on the findings of this impact report the Council resolve to submit a formal objection to the application on the following grounds: | The Applicant responds to each point in the remainder of this document. |

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| <p>The Beacon Fen Energy Park aims to contribute to renewable energy generation, with a capacity of 400MW. The Council acknowledges that this aligns with the objectives of National Policy Statements and key national government commitments. Positive impacts in terms of the potential to deliver significant biodiversity net gain through the creation of mitigation and enhancements and some enhancement to the Public Right of Way (PRoW) network are proposed as part of the development. There are also some limited socio-economic benefits, the potential creation of employment opportunities and increased spend on local services during the construction phase however these would be time-limited and therefore need to be balanced against any negative impacts identified.</p> | <p>The impacts outlined here have been addressed and mitigated throughout the ES Chapter 6 to 16 (APP-057 to APP-067) which outlines how the Proposed Development provides positive impacts in relation matters addressed these matters.</p> |
| <p>At this time these positive benefits are not considered to outweigh the negative impacts, that arise given the overall size and scale of the development both on its own and in combination with the other NSIP scale infrastructure projects proposed in this geographical area as follows:</p> | <p>The outlined negative impacts have been assessed and responded to below in this document (Applicant's Comments on Written Representations (Document Ref. 9.9)).</p> <p>Section 6.2 of the Planning Statement (APP-277) outlines that any residual impacts are outweighed by material considerations in the form of the benefits and need for the Proposed Development.</p> |
| <p>A significant negative impact upon the landscape character and visually both individually and cumulatively with other projects which results in the conclusion that the scheme would be contrary to Central Lincolnshire Local Plan policies S5 (Development in the Countryside), S14 (Renewable Energy) and S53 (Design and Amenity). By reason of its mass and scale, the development would lead to significant adverse effects on landscape character and visual amenity at all main phases of the scheme. The development has the potential to transform the local landscape by altering its character on</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to Landscape and Visual Impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>a large scale and consequently affect a wider regional scale landscape character, through significant land use change. The replacement of large areas of agricultural or rural land with solar development, will affect the current openness, tranquillity and agricultural character that are identified as defining characteristics of the area. The alteration of views within an agricultural or rural landscape to that of a landscape with large scale solar development would also result in significant adverse effects on views from receptors.</p> | |
| <p>The development would result in adverse impacts on the setting of designated and non-designated heritage assets. The significance and special interest of the identified assets would be eroded by the change in landscape character arising from the solar farm and associated infrastructure. The applicant's assessment underestimates the scale of harm to several designated and non-designated receptors, particularly where the contribution of setting and group value has been overlooked. Based on the information submitted at this stage the proposal would result in harm to built heritage assets that has not been convincingly justified and further assessment and mitigation will be required to demonstrate compliance with planning policies. The potential for slight adverse impacts on archaeology has also be identified. As such it is considered the proposed development would have a negative impact on heritage assets and would be contrary to CLLP policy S57 (The Historic Environment), and South East Lincolnshire Local Plan (SELLP) policies 2 (Development Management), 3 (Design of New Development) and 29 (The Historic Environment).</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to above and below ground heritage within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>A significant and permanent negative impact as a consequence of the loss of Best and Most versatile (BMV) agricultural land is identified. The proposal involves the loss of 277.3ha BMV land (56%). This can be broken down to 20.37ha permanent loss due to sealing over (e.g. from access roads, compounds and other built infrastructure) and 256.93ha temporary loss of BMV land (47%) for 40+ years, which is a substantial period. This loss is not only at a local level but significant when considered in-combination with the loss of land from other NSIP scale solar developments that are also being promoted and considered across Lincolnshire, contrary to CLLP policy S67 (Best and Most Versatile Agricultural Land) and SELLP Policy 31 (Climate Change and Renewable and Low Carbon Energy).</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to Agricultural Land within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7). This includes considering the Proposed Development against CLLP policy S67 and SELLP Policy in paragraphs 12.3 and 7.14 respectively.</p> |
| <p>The potential for several negative socio-economic impacts have been identified. These include significant pressure on local services, particularly accommodation, due to the temporary construction workforce, with cumulative impacts acknowledged as major. The development's location within two valued National Character Areas raises potential risks to the visitor economy, which are not fully addressed.</p> <p>Additionally, the ES does not assess the economic impact of reduced agricultural output, nor the broader effects on the food supply chain. The combined socio-economic effects of this and other NSIPs are considered substantial and insufficiently analysed or mitigated within the application.</p> <p>Furthermore, the temporary closure of multiple footpaths during the construction phase is likely to result in a detrimental impact on the accessibility and functionality of the wider PRow network.</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to Socio-Economics within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>Additional information is needed to demonstrate how waste arising from solar infrastructure would be sustainably managed. Currently there are no facilities to process and recycle solar panels and associated equipment. When combined with the other solar projects in the County that have either had DCOs granted or that may be granted in the near future, would present a significant issue as additional facilities would be required to ensure these products are sustainably disposed. As such it is considered to be contrary to Lincolnshire Minerals and Waste Local Plan (LMWLP) policy W1 (Future Requirements for New Waste Facilities).</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to Waste Management and Recycling within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>The nature and scale of current and emerging proposals relating to large scale solar developments and other NSIP scale developments in Lincolnshire is significant. 5 NSIP scale solar schemes have been granted a DCO in Lincolnshire and a further 8 schemes (including Beacon Fen) are either progressing through examination or are at pre application stage. In addition the County is host to a further 10 NSIP proposals including five Great Grid Upgrade proposals and a new Lincolnshire reservoir. The cumulative effects of the Beacon Fen Energy Park, in combination with other major infrastructure developments identified, could be considerable. The cumulative impacts of the Beacon Fen Energy Park, combined with the other developments identified (both TCPA and NSIP) could be significant and include landscape and visual effects, the long-term loss of BMV agricultural land, potential impact on ground nesting birds, socio-economic factors and waste.</p> | <p>The Applicant has considered and responded to the LCC's comments with regards to Cumulative Effects within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>In conclusion, whilst the Council currently objects to the proposed development on a number of grounds, the Council will continue to engage with the applicant and Examining Authority throughout the examination period in an attempt to resolve many of these concerns as possible by the close of examination.</p> | <p>This is acknowledged and the Applicant will continue to engage with Lincolnshire County Council in order to resolve as many of their concerns as possible by the close of examination. Many of these concerns may be addressed through the submission of updated documents at future deadlines and documented via SoCG.</p> |
| <p>Councillor Paul Lock, in his capacity as the County Council representative for the Boston Rural District, has also provided a written representation independently of the formal Council position outlined above. This separate submission is provided in addition to this representation.</p> | <p>The Written Representation from Cllr Paul Lock (REP1-036) has been assessed and responded to within this document (Applicant's Comments on Written Representations (Document Ref. 9.9)).</p> |

11. Applicant's Comments on Lincolnshire Wildlife Trust's Written Representation (REP1-047)

Table 11.1 - Applicant's Comments on Lincolnshire Wildlife Trust's Written Representation (REP1-047)

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| <p>Skylark</p> <p>In our response to the Beacon Fen Energy Park (the Project) Statutory Consultation (22 January – 3 March 2024), we raised key concerns regarding the potential effects of the Project on local populations of ground-nesting birds (GNB), specifically Skylark. In that response, we stated our expectation that all lost Skylark territories should be compensated for on other land under the Applicant's ownership where possible, with offsite contributions discussed with the Trust if required.</p> | <p>The Applicant has reviewed the response from LWT regarding skylark. The original bird survey included land known as Beacon Fen North (the northern site) and Beacon Fen South (the southern site). Beacon Fen South was later removed from the Proposed Development, therefore the number of skylark territories on the Solar Array Area is 71, giving a density of approximately 0.1-0.2 territories per hectares ('ha').</p> |
| <p>We emphasised our position that, while an individual solar farm may not have a measurable negative impact on GNB at a population level, the cumulative scale of solar farm developments being proposed across Greater Lincolnshire presents a genuine risk to county-level populations. As such, we will continue to take a consistent approach in raising this issue.</p> | <p>The Applicant notes that skylark can be negatively affected by solar farms as these developments do not provide good lines of sight. However, the Proposed Development will provide better quality foraging habitats; currently the land is monoculture in character with little or no field margins given the managed ditch boundaries that predominate. Approximately 13 ha of open meadows will remain as optimal habitat. The Solar Array Area will contain a mixture of grassland types over approximately 480 ha which will be managed to provide a more continuous supply of food, and any grassland cuts will be timed to late August/early September to make sure the young have fledged. Timing of grassland cuts are detailed in Sections 2.5 and 2.6 of the oLEMP (APP-089). It is likely that this increased food source will supply skylark using adjacent farms as the surrounding landscape is mostly arable land. Therefore, it is anticipated that whilst there will be less open habitat for skylark, the overall breeding success of birds both on- and off- site will be unchanged and there</p> |
| <p>Appendix 7.6 of the Environmental Statement (ES) (Breeding Bird Survey) records 71 Skylark territories within the "Northern Site" and 58 within the "Southern Site" – a total of 129 territories. These are significant numbers, particularly given Skylark conservation status; they are Red-listed Birds of Conservation Concern (BoCC), a Priority Species in England under the Natural Environment and Rural Communities (NERC) Act 2006, and also a Priority Species under the Lincolnshire Biodiversity Action Plan (BAP). We therefore</p> | |

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| <p>maintain that our request for the Applicant to properly mitigate and compensate for losses of Skylark territories is both justified and reasonable.</p> | <p>will be no significant impact on the conservation status of these birds.</p> |
| <p>Having examined the Preliminary Ecological Appraisal (PEA), Chapter 7: Ecology (ES), and Appendix 6.7 (Outline Landscape and Ecological Management Plan – OLEMP), we are disappointed to see that the issue of Skylark territory loss has been largely neglected, and that compensation remains insufficient.</p> | <p>For the reasons summarised above, the Applicant does not consider the Proposed Development will have any likely significant adverse effects on skylark in isolation or in combination with other proposed projects. However, the Applicant is open to engagement with LWT on the matter to seek to further understand the justification for the mitigation and/or enhancement proposals they discuss in their representation for skylark.</p> |
| <p>Paragraph 7.6.21 of Chapter 7 (ES) states:</p> <p><i>“The Site supports ground nesting birds, including skylark, which prefer open nesting areas. Within the open buffer areas adjacent to ditches, and in the wildflower meadows the habitats will be improved for this species. This will include delaying grassland cuts until after young are fledged; cut from June onwards and no more than once every seven weeks. These should increase the density of birds supported, and partially replace the areas lost. The details of these habitat enhancements will be included in the OLEMP.”</i></p> | |
| <p>Paragraphs 2.6.30–2.6.32 of the OLEMP (Protected Species Enhancement Measures – Birds) add:</p> <p><i>“Minor sections of hedgerow are proposed to be removed to allow access between fields within the Solar Array Area, Cable Route Corridor and Bespoke Access Corridor, so potential nests could be impacted by the construction works. To avoid this impact, site clearance works will be undertaken where possible outside of the active nesting season (taken to be March to August inclusive). In the event that such timescales cannot be accommodated, a check for</i></p> | |

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| <p><i>the presence of active nests will be undertaken by the ECoW prior to commencement of works. Any active nests recorded would be identified and protected until the nesting attempt is complete.</i></p> <p><i>The woodland margin, scattered trees and the majority of the hedgerows which harbour the potential to support nesting birds will be retained and enhanced. This will increase nesting/foraging suitability across the Site.</i></p> <p><i>Along with the habitats being retained, newly created habitats will provide further nesting and foraging opportunities. With the proposed newly created areas of species-rich grassland, hedgerow and native shrubs with trees, it is anticipated that the Site could support a more varied bird assemblage as these habitats develop over time.”</i></p> | |
| <p>Skylarks require open vistas to breed, meaning small field margins and grassland patches are not sufficient. While we support the retention and enhancement of woodland margins, scattered trees and hedgerows, these measures offer no compensation for the loss of Skylark breeding habitat. We assume that the “newly created areas of species-rich grassland” refer to the proposed lowland meadow and floodplain grazing habitats. Although we support the creation of these areas in principle, they are not adequate to account for the potential loss of 129 Skylark territories.</p> | |
| <p>We therefore request that Skylark Mitigation Plots are incorporated into the Project plans. These plots should be a minimum of 16 m² each and located at least 50 m from field boundaries and margins to reduce predation risk. As Skylarks require open vistas to breed, such plots cannot be placed within the solar panel arrays; they are typically located in nearby arable fields. Calculations should be</p> | |

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| <p>undertaken by the Applicant to determine how many plots are needed to compensate fully for the territories lost, and our position remains that at least as many plots should be created as will be lost due to the development.</p> | |
| <p>Biodiversity Net Gain/Habitat Creation We note that the Applicant has classified post-development habitat beneath the solar panels as modified grassland in moderate condition. The use of modified grassland in this context is supported; however, we caution that research findings conflict regarding the influence of solar panel shading on species composition and survival rates. Although a failure to achieve moderate condition would not drastically alter the projected habitat unit gains, the overall net gain figure of the development remains relatively low compared with other solar NSIP projects in Lincolnshire, where estimated net gains of around 100% per 500 ha have been reported.</p> | <p>The Applicant has approached Biodiversity Net Gain (BNG) based upon enhancement of the Solar Array Area for wildlife and linking up ecological features where possible (such as connection of woodland with new hedgerows). The current BNG strategy (APP-280) gives evidence of how net gain of at least 10% (in line with the Environment Act 2021) will be delivered and further demonstrates net gain of at least 30% for habitats, 10% for hedgerows and 10 % for watercourses can be delivered on-site for 30 years.</p> |
| <p>Given this, and particularly as the predicted uplift depends on achieving moderate condition beneath the panels, we consider that the Applicant could and should do significantly more to enhance local biodiversity. Table 3 of the Biodiversity Net Gain Strategy shows that 0 ha of existing habitat are proposed for enhancement. Table 4 identifies creation of 14.6 ha of lowland meadow, 13.14 ha of other neutral grassland, 2.96 ha of mixed scrub, and 2.78 km of native hedgerow (in addition to 461.07 ha of modified grassland). For a solar array area of 529 ha, these figures are disappointingly low. The Applicant has also not taken forward our pre-examination advice to explore novel approaches to habitat heterogeneity onsite – for example, varied seed mixes along field edges.</p> | <p>Within the BNG methodology, compared to higher diversity to meet moderate condition for modified grassland there is flexibility around bare ground/physical damage which may be caused during operation of the development. For more distinctive (i.e. higher scoring) grasslands such as other neutral grassland it may not be possible to meet moderate condition where there is bare ground or physical damage.</p> <p>The Biodiversity Net Gain Strategy (Document Ref. 7.3), which has been updated and submitted alongside this document at Deadline 2, evidences that the Proposed Development has potential to achieve higher levels (30.23% net gain in habitat units, 10.79% net gain in hedgerow units and 15.95% net gain in watercourse units) however, these do not form the formal commitment. The statutory metric dating from July 2024 has been used and this version will continue to be used by the Applicant. The BNG Strategy</p> |

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| <p>We therefore strongly recommend an increase in the area of land designated for biodiversity enhancement. While we recognise the urgency of addressing the climate crisis, the parallel decline in biodiversity is another global emergency that cannot be overlooked. The UK is one of the most nature-depleted countries on Earth¹. Developments such as Beacon Fen Energy Park are uniquely placed to contribute to both climate and nature recovery, yet the current proposals give insufficient weight to the latter.</p> | <p>will be refined based on changes to priority habitats in Magic Map (Defra 2025) and a further update to the strategy will be submitted at Deadline 3. The Applicant has identified grasslands as being created, not enhanced as the existing habitats belong to the Arable broad habitat group rather than grassland. As noted above the BNG strategy (APP-280) sets out to demonstrate that the targets in the Environment Act 2021 are met, but in the refinement of design further benefits to biodiversity will be sought.</p> |
| <p>We therefore urge the Applicant to prepare a comprehensive Skylark Mitigation Strategy and to increase Biodiversity Net Gain uplifts. This should include the creation of further lowland meadows and the establishment of buffer strips or field margins sown with local provenance mixes, ensuring that biodiversity is given meaningful representation within the final design.</p> | <p>The Applicant will seek a contractor for management of the site and the Contractors will be responsible for the preparation and implementation of the detailed LEMP(s), which must be substantially in accordance with this OLEMP, during the construction, operation and decommissioning periods of the Proposed Development.</p> |
| <p>Lincolnshire Wildlife Trust respectfully requests that the Examining Authority accepts this submission, in light of our ongoing engagement with the project and our clear interest in its ecological outcomes. The Trust remains willing to assist both the Applicant and the Examining Authority in refining mitigation and enhancement proposals to ensure that the Beacon Fen Energy Park can contribute positively to nature recovery in Lincolnshire. Please do not hesitate to contact me if you have any queries or need clarification regarding the comments provided.</p> | |

12. Applicant's Comments on Mandy Karen Goodhand's Written Representation (REP1-048)

Table 12.1 - Applicant's Comments on Mandy Karen Goodhand's Written Representation (REP1-048)

| TEXT | RESPONSE |
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| 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. | The Applicant notes that it appears only part of this Written Representation (REP1-048) has been submitted to the Planning Inspectorate, comprising a screenshot of a single page. The Applicant has responded to the partial submission below, but requests that the full representation is submitted so a complete response can be provided. |
| 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." | The Applicant has negotiated and completed voluntary land agreements with the freehold owners of the land comprising the Solar Array Area, as defined by Plots 2-2, 3-8 and 6-2 on the Land Plans (AS-005) . These option agreements provide certainty of deliverability and so there is no intention to exercise compulsory acquisition powers in relation to this element of the Proposed Development. |
| 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. | Mandy Karen Goodhand is defined in the Land and Rights Negotiations Tracker (PDA-005) as an Occupier because she has the benefit of a right of access over a small portion of Plot 3-8. The Applicant does not anticipate any requirement to interfere with this right, or the right to a water connection, which Mandy Karen Goodhand is also a beneficiary of. Mandy Karen Goodhand will continue to benefit from an unobstructed right of way and water connection during construction and operation of the Proposed Development and as such, there is no requirement to enter into a voluntary land agreement. It is for this reason that Mandy Karen |
| 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 | |

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| <p>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.</p> | <p>Goodhand's entry is marked as 'Complete' in the Land and Rights Negotiations Tracker (PDA-005).</p> |
| <p>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 ... [ENDS; SUBMISSION APPEARS INCOMPLETE]</p> | <p>In accordance with the Compulsory Acquisition ("CA") Guidance related to procedures for the compulsory acquisition of land¹, the Applicant is seeking to acquire all relevant interests in land voluntarily to deliver the Proposed Development. Outside of the Solar Array Area, the Applicant has agreed terms for 97% of the land included in the Bespoke Access Corridor and 56% of the land included in the Cable Route Corridor over which voluntary agreements are considered necessary.</p> |

¹ Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land, Department for Communities and Local Government, 2013.

13. Applicant's Comments on National Grid Electricity Transmission Plc's Written Representation (REP1-049)

Table 13.1 - Applicant's Comments on National Grid Electricity Transmission Plc's Written Representation (REP1-049)

| TEXT | RESPONSE |
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| This written representation is submitted on behalf of National Grid Electricity Transmission Plc ("NGET") in respect of the Project, and in particular NGET's infrastructure and land which is within or in close proximity to the proposed Order Limits. | The Applicant has reviewed the written representation of National Grid Electricity Transmission plc ('NGET') and had regard to its content. |
| NGET will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. | The Applicant agrees to the principle that NGET's existing operational asset will require protections to be secured through protective provisions on the face of the Draft DCO (AS-008) . |
| NGET's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. | The Applicant agrees to the principle of NGET's rights of access to inspect, maintain, renew and repair its operational apparatus being maintained and can secure this through the protective provisions currently under discussion between the Applicant and NGET. |
| Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection and further discussion is required on the impact to its apparatus and rights. | The Applicant is in ongoing discussions with NGET about the impacts of the Proposed Development on NGET's operational apparatus and operational land. |
| In this DCO the Applicant is seeking consent for works for NGET to extend the existing substation and to connect into the existing Transmission Network and accordingly the parties need to reach agreement on respective use of the DCO powers in relation to the NGET works within the DCO and on NGET land. | NGET have the benefit of the Order for delivery of Work No. 5, which relates to the extension works required at the Bicker Fen substation. |

| TEXT | RESPONSE |
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| <p>NGET infrastructure within/in close proximity to the proposed Order Limits:</p> <p>NGET owns or operates the following infrastructure within or in close proximity to the proposed Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. Details of these electricity assets are as follows:</p> <ul style="list-style-type: none"> • Substations Bicker Fen 400kV Substation and associated overhead and underground apparatus including cables • Overhead Lines 4ZM 400kV Overhead Line Bicker Fen – Spalding – North West Burton Bicker Fen – Walpole – West Burton | <p>The Applicant notes the operational assets identified by NGET.</p> |
| <p>Protection of NGET Assets</p> <p>As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p> | <p>The Applicant notes NGET's role as an electricity undertaker and is engaging with NGET to ensure that sufficient provision is included in the Draft DCO (AS-008) to ensure NGET can meet its statutory obligations.</p> |
| <p>As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits.</p> | |
| <p>As noted, NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew, repair and refurbishment such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.</p> | <p>The Applicant considers that sufficient protections in this regard can be facilitated through protective provisions being negotiated between the parties.</p> |
| <p>NGET requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant's works pursuant to the Order (if made) will ensure protection for those NGET assets which will remain in situ, along with facilitating</p> | |

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| <p>all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations.</p> | |
| <p>Protective Provisions (including Compulsory Acquisition Powers) NGET is aware that a form of protective provisions for the benefit of electricity undertakers has been included by the Applicant at Schedule 11 Part 1 to the draft Development Consent Order (the "Order") for the Project [APP-039].</p> | <p>The Applicant has included protective provisions in Part 1 of Schedule 11 for the protection of electricity, gas, water and sewerage undertakers. Whilst this does provide protections for NGET's apparatus, the Applicant also agrees to the principle of bespoke protective provisions for NGET's benefit being included within the Draft DCO (AS-008) and will include such provisions once a more progressed draft is negotiated between the parties.</p> |
| <p>NGET considers the current form of Protective Provisions to be materially deficient. In particular, where the Applicant intends to acquire land or rights held by NGET compulsorily, to take temporary possession of the same, or otherwise interfere with any of NGET's interests in land, any powers authorising such acquisition, temporary possession or interference must only ever be exercised with the prior agreement and consent of NGET. A failure to secure such prior agreement risks compromising the safety and integrity of NGET's operational assets, in addition to inhibiting the proper discharge of NGET's statutory obligations and functions.</p> | |
| <p>This risk is particularly acute in the context of the Project, where the dDCO includes rights to be compulsorily acquired and extinguished by the Applicant across NGET's 400kV Bicker Fen substation site, as set out in outline in Schedule 8 and summarised as follows:</p> <p><i>"The rights to construct, operate, maintain and use Works X (see below) and to construct operate maintain and inspect and access any protective works, utility apparatus or any other ancillary or related development..."</i></p> | <p>The Applicant has been engaging with NGET regarding its concerns over the inclusion of compulsory acquisition powers over its operational assets. Consequently, the Applicant has agreed to update the Land Plans (AS-005) and Book of Reference (AS-015) to remove the areas requested by NGET from the powers of compulsory acquisition being sought (and such land has been greyed out on the Land Plans accordingly). Updated versions have been submitted at Deadline 2.</p> |

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| <p>Plot 18-13 – Work 5D and 5E Plot 18-14 – Work 5E (also Work 10) Plot 18-15 – Work 5E (also Work 10) Plot 18-16 – Work 5D and 5E Plot 18-17 – Work 5C, 5D and 5E Plot 18-18 – Work 5E Plot 18-19 – Work 4A, 5A, 5B, 5C and 5E Plot 18-20 – Work 4A and 10 Plot 18- 54/18-57/18-53 – Access</p> | |
| <p>The land affected, which comprises Plots listed above (as shown on Sheet 18 of the Land Plans [APP-008]), is owned by NGET and also comprises a 400kV substation and overhead line, along with ancillary infrastructure including fibre cables and underground cables. It is essential that proposals do not prevent NGET from being able to fulfil its statutory duties to operate and maintain assets and connect customers at this site. NGET has asked the Applicant to remove the extent of their operational substation which sits predominantly over plot 18-16 and 18-18 from the CA powers shown on the land plans, as there is no need for the Applicant to have CA powers over NGET's existing operational substation, The Applicant has confirmed that they are willing to do this but has not as yet submitted updated land plans to reflect this and therefore NGET's objection in this respect remains until resolved.</p> <p>Any works within the existing substation are governed by the connection agreement.</p> | |
| <p>In relation to all other plots outside the existing operational substation boundary NGET has asked the applicant to submit applications under NGET's use of land process to seek shared rights for access/construction/cabling. These applications have been submitted and are ongoing. Including NGET's standard Protective Provisions will address NGET's main concerns about these land rights as they will provide control to NGET to grant such rights</p> | <p>The Applicant has submitted an application under NGET's use of land process to seek shared rights for access/construction/cabling and is engaging with NGET on an ongoing basis in this regard.</p> |

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| voluntarily and on agreed terms, which is essential to ensure NGET can manage it's statutory duties as the Transmission Network Operator including other future connections and customers. | |
| As currently drafted, the Protective Provisions permit the unfettered exercise by the Applicant of powers of compulsory acquisition and/or temporary possession over NGET land. NGET considers that in the absence of adequate Protective Provisions to protect NGET's statutory undertaking, the inclusion of compulsory powers across NGET land is likely to significantly impact on NGET's ability to discharge its statutory duties at a critical location in the electricity transmission network. | The Applicant is in active negotiations with NGET on agreeing an appropriate form of protective provisions to protect NGET's operational asset and operational land. |
| NGET remains in discussions with the Applicant on the form of Protective Provisions, noting the established line of precedent which supports the position adopted by NGET (and, indeed, other statutory undertakers) as to the need for a restriction on the actual exercise of powers of compulsory acquisition and/or temporary possession across NGET land. | The Applicant is in active negotiations with NGET on the form of protective provisions to be agreed and placed on the face of the Draft DCO (AS-008) . The latest draft of protective provisions was returned to NGET by the Applicant on 16 October 2025 and the Applicant awaits a response whilst this is being considered by NGET. |
| It is therefore essential that the Protective Provisions contain the consent mechanism noted above and, in doing so, enable NGET to continue to deliver planned reinforcements to the electricity transmission network and to accommodate connection requests received from electricity generation customers. The format of Protective Provisions requested by NGET is provided as Appendix 1 to this Written Representation to which paragraph 6 is the consent to use of CA powers clause required to be included by NGET. | |

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| <p>NGET will continue to liaise with the Applicant in relation to the Protective Provisions, along with the supplementary agreements which are required to govern the relationship between the parties under the DCO.</p> | |
| <p>In the absence of an agreed form of Protective Provisions, NGET strongly objects to the compulsory acquisition, temporary possession of, or interference with, its assets, land or rights over its land.</p> | <p>The Applicant notes NGET's position and will continue to engage, seeking to facilitate the withdrawal of NGET's objection.</p> |
| <p>Furthermore, the Applicant is seeking compulsory purchase powers over plot 4-06 which includes NGET's 4ZM 400kV overhead line. Where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land, NGET will require further discussion with the Applicant and NGET will require its standard Protective Provisions to be included within the Order to ensure that NGET's right to retain the overhead infrastructure in this plot is not affected.</p> | |
| <p>Next Steps: NGET will continue to liaise with the Applicant with a view to reaching agreement on the matters documented above as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p> | |
| <p>NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets and land rights and in respect of the Protective Provisions including the right to attend any future hearings if necessary subject to the progression of negotiations</p> | |

14. Applicant's Comments on National Grid Viking Link Limited's Written Representation (REP1-050)

Table 14.1 - Applicant's Comments on National Grid Viking Link Limited's Written Representation (REP1-050)

| TEXT | RESPONSE |
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| <p>Introduction Please refer to Written Representation for full introduction text.</p> | <p>The Applicant has reviewed the written representation of National Grid Viking Link ('NGVL') and had regard to its content.</p> |
| <p>Compulsory Acquisition Powers As stated in the s56 Representation, NGVL is the owner and operator of the UK onshore element of the "Viking Link Interconnector", a sub-sea electricity interconnector between the UK and Denmark. The UK onshore cable is 65km in length and connects into the National Grid at Bicker Fen substation in Lincolnshire. Interconnectors, such as the Viking Link Interconnector, form an integral part of the UK's electricity networks and provide energy reliably whilst ensuring security of supply.</p> | <p>The Applicant notes NGVL's role as an electricity undertaker and the location of the Viking Link Interconnector connection point at the Bicker Fen substation.</p> |
| <p>The Book of Reference and Land Plans submitted for the Project indicate that the Applicant is seeking permanent rights over several plots containing NGVL infrastructure including plots 12-5, 12-6, 12-12, 13-1 in which NGVL have a Category 1 interest and plots 12-8, 12-9, 12-10, 12-11, 12-14, 12-16, 12-17, 12-18, 12-19 in which NGVL have a Category 2 interest.</p> | <p>The Applicant notes the location of NGVL's apparatus and rights.</p> |
| <p>It is important that the Applicant does not have unfettered authority to exercise compulsory acquisition or extinguishment of rights over NGVL's apparatus and operational land. This is not acceptable to NGVL as it would create a serious detriment to the continued safe,</p> | <p>Protective provisions are presently being negotiated between the Applicant and NGVL. The Applicant is confident that a satisfactory solution to protect NGVL's interests in this respect will be agreed and secured through the protective provisions.</p> |

| TEXT | RESPONSE |
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| <p>economic and efficient operation of its infrastructure and NGVL's ability to comply with its statutory duties. NGVL's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew, and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. As such the protection from compulsory acquisition of NGVL's land and interests must be included in the Protective Provisions and NGVL continue to liaise with the Applicant on this point.</p> | <p>Regardless, the protective provisions included within the Draft DCO (AS-008) already secure protections in respect of works to be undertaken in proximity of NGVL's apparatus, allowing for an approval right in respect of works carried out within 15 metres of NGVL's apparatus. This ensures there will be no serious detriment caused to NGVL's undertaking.</p> |
| <p>Protective Provisions As set out in the s56 Relevant Representation NGVL recognises and welcomes the form of Protective Provisions for the protection of NGVL's operations which are included on the face of the draft Order. However, as stated in the s56 Representation, the current form is not presently acceptable as it omits the provisions concerning Acceptable Insurance and Acceptable Security, negotiations between NGVL and the Applicant are continuing and productive on this point. The current form Protective Provisions were sent to NGVL in July 2025, and currently NGVL's comments in return, sent on 12 September are being reviewed and considered by the Applicant. NGVL will continue to keep the Examining Authority updated in relation to these discussions.</p> | <p>The Applicant is in active negotiations with NGVL on the form of protective provisions to be agreed and placed on the face of the Draft DCO (AS-008). The latest draft of protective provisions was returned to NGVL by the Applicant on 8 October 2025 and the Applicant awaits a response whilst this is being considered by NGVL.</p> |
| <p>Side Agreement NGVL require a Side Agreement to be entered into to manage the direct interface that the draft Order has with NGVL's apparatus and land. The first draft of the Side Agreement sent by NGVL on 19 September 2025 is currently being reviewed and considered by the Applicant. The Side Agreement will provide for entry to other related agreements as are necessary.</p> | <p>The Applicant has reviewed the side agreement draft provided by NGVL and returned comments on 8 October 2025. The Applicant awaits a response whilst this is being considered by NGVL.</p> |

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| <p>Summary As stated in the s56 Representation, NGVL does not object in principle to the proposals. However it is imperative that relevant and adequate protections are put in place so not to compromise NGVL's ability to deliver its statutory undertaking.</p> | <p>The Applicant notes that NGVL does not have an in principle objection to the Proposed Development and will continue to work with NGVL to reach an agreed form of protective provisions.</p> |
| <p>NGVL requires the draft Order to include NGVL's standard form of its Protective Provisions for the protection of NGVL and its apparatus and operational land and to manage the interface between the Project and NGVL's infrastructure.</p> | <p>NGVL's standard form of protective provisions is not agreed by the Applicant but the Applicant is working with NGVL to find a suitable position that ensures NGVL's undertaking is suitably protected, whilst ensuring proportionate provisions that would not unduly inhibit the carrying out of the Proposed Development.</p> |
| <p>For the reasons set out above, NGVL considers a Side Agreement to be the most effective way of providing NGVL with the comfort of retaining its existing rights, providing for the recovery of NGVL costs and governing the relationship between the parties.</p> | <p>The Applicant is open to entering into a side agreement with NGVL and has provided comments to NGVL on the draft proposed.</p> |
| <p>Discussions to date with the Applicant are progressing, however as NGVL and the Applicant are still negotiating the Side Agreement and Protective Provisions, NGVL at present must maintain its objection to the Project and reserves the right to make further representations as part of the examination process.</p> | <p>The Applicant notes NGVL's position and will continue to engage, seeking to facilitate the withdrawal of NGVL's objection.</p> |

15. Applicant's Comments on Natural England's Written Representation (REP1-052)

Table 15.1 - Applicant's Comments on Natural England's Written Representation (REP1-052)

| TEXT | RESPONSE |
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| Ongoing engagement between NE & the Applicant: The applicant has engaged with NE since submission of our Relevant Representations, and we have received the first draft of the Applicant's Statement of Common Ground (SoCG). The Applicant's draft Statement of Common Ground (SoCG) should be submitted to your authority at Deadline 1 (D1). The SoCG sets out both where NE and the Applicant have agreed matters, and where matters remain under discussion. NE have not reviewed the SoCG prior to D1, but will continue to work with the applicant to update the SoCG throughout examination. | The Applicant's draft SoCG for Natural England has been shared with Natural England. The Applicant is currently awaiting comments from Natural England on this draft SoCG and aims to submit this SoCG at Deadline 4. |
| NE have attached to this response a Risk and Issues Spreadsheet. This document has been written by NE, and sets out each item raised within our Relevant Representations, with updated comments detailing engagement with the applicant to date, including an updated RAG (red, amber or green) rating. It is our intention that the Risk and Issues Log can continue to be updated and submitted to your authority at relevant deadlines, to maintain a clear record of issues tracking throughout examination. | The Applicant responds to the points raised by Natural England in their Relevant Representation (RR-015) in the Applicant Responses to Relevant Representations (REP1-029) and is committed to working with Natural England towards resolving the identified risk and issues. |
| Summary of Updated Advice: Please see below a brief summary of our updated advice: In our Relevant Representations, NE did not raise any 'Red' fundamental concerns, but did identify eight 'Amber' items. The following provides a summary of progress with regards to these | As above. |

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| Amber items. Further detail can be found within the Risk & Issues Log attached. | |
| There has been no change or updates in our advice with regards to the following items: NE3 - Querying the importance of the site for Lapwing as Functionally Linked Land. | As above. |
| NE6 - Querying the projects considered within the HRA in-combination assessment. | As above. |
| NE13 - Querying the need to carry out detailed ALC survey of the Cable Connection Corridor pre-consent. | As above. |
| NE14 - Querying the omission of ecological enhancement/mitigation areas in Table 14.13 | As above. |
| NE15 - Querying the use of detailed ALC survey results to inform avoidance of Best and Most Versatile Land. | As above. |
| NE16 - Querying the permanent loss of Best and Most Versatile Land. | As above. |
| NE19 - Querying the agricultural land restoration commitment. | As above. |

| TEXT | RESPONSE |
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| <p>There has been an update with regards to the following item:</p> <p>NE10 - Querying the submission of draft species licences to Natural England for GCN. Applicant's updates since RR: A draft licence for GCN was submitted to Natural England in August 2025. Following review, a Letter of No Impediment (LoNI) was issued on 23rd September 2025 (ref: 2024-68077-EPS-AD1) in relation to the draft GCN proposals. NE welcome the draft licence application and an updated 'Green' RAG status has been assigned to this item.</p> | <p>As above.</p> |

16. Applicant's Comments on Network Rail Infrastructure Limited's Written Representation (REP1-053)

Table 16.1 - Applicant's Comments on Network Rail Infrastructure Limited's Written Representation (REP1-053)

| TEXT | RESPONSE |
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| <p>Introduction Please refer to the Written Representation for full Introduction text.</p> | <p>The Applicant has reviewed the written representation of Network Rail Infrastructure Limited ('Network Rail') and had regard to its content.</p> |
| <p>Protective Provisions The Application includes provisions which would, if granted, authorise the Applicant to carry out works on and in close proximity to operational railway land belonging to Network Rail and to acquire permanent rights over such land. Network Rail must accordingly ensure that the Application is granted subject to the Protective Provisions which provide appropriate protection for the safe and efficient operation of the railway.</p> | <p>The Applicant has included a proposed form of protective provisions within the Draft DCO (AS-008), which seeks to provide protections to ensure no serious detriment to Network Rail's statutory undertaking.</p> |
| <p>The protective provisions that are afforded to NR at Schedule 11 of the current draft Order crucially do not contain a restriction on the Applicant's use of compulsory acquisition powers without NR's prior consent (with such consent not being unreasonably withheld). The Applicant's preferred form of protective provisions proposes the deletion of the parts of NR's required form of Protective Provisions shown in red below:</p> <p>4) (1) The undertaker must not exercise the powers conferred by— (a) article 3 (Development consent etc. granted by the Order); (b) article 5 (Maintenance of the authorised development); (c) article 19 (Discharge of water); (d) article 21 (Authority to survey and investigate the land);</p> | <p>The Applicant notes the drafting set out by Network Rail and confirms its position in response to the specific points raised below.</p> |

| TEXT | RESPONSE |
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| <p>(e) article 22 (Compulsory acquisition of land); (f) article 23 (Compulsory acquisition of land—incorporation of the mineral code); (g) article 24 (Statutory authority to override easements and other rights); (h) article 26 (Compulsory acquisition of rights and imposition of restrictive covenants); (i) article 27 (Private Rights); (j) article 29 (Acquisition of subsoil and airspace only); (k) article 31 (Temporary use of land for carrying out the authorised development); (l) article 33 (Temporary use of land for maintaining or decommissioning the authorised development); (m) article 34 (Statutory undertakers); (n) article 36 (Use of airspace within the Order land); (o) article 43 (Felling or lopping of trees and removal of hedgerows); (p) the powers conferred by section 11(3) (power of entry) of the 1965 Act; (q) the powers conferred by section 203 (power to override easements and rights) of the Housing and Planning Act 2016; (r) the powers conferred by section 172 (right to enter and survey land) of the Housing and Planning Act 2016; (s) any powers under in respect of the temporary possession of land under the Neighbourhood Planning Act 2017;</p> <p>in respect of any railway property unless the exercise of such powers is with the consent of Network Rail.</p> | |
| <p>(2) The undertaker must not in the exercise of the powers conferred by this Order prevent pedestrian or vehicular access to any railway</p> | |

| TEXT | RESPONSE |
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| <p>property, unless preventing such access is with the consent of Network Rail.</p> | |
| <p>(3) The undertaker must not exercise the powers conferred by sections 271 or 272 of the 1990 Act, article 34 (Statutory undertakers), article 24 (Statutory authority to override easements and other rights or private rights of way) or article 27 (Private rights), in relation to any right of access of Network Rail to railway property, but such right of access may be diverted with the consent of Network Rail.</p> | |
| <p>(4) The undertaker must not under the powers of this Order acquire or use or acquire new rights over, or seek to impose any restrictive covenants over, any railway property, or extinguish any existing rights of Network Rail in respect of any third party property, except with the consent of Network Rail.</p> | |
| <p>(5) The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway.</p> | |
| <p>(6) Where Network Rail is asked to give its consent pursuant to this paragraph, such consent must not be unreasonably withheld but may be given subject to reasonable conditions but it shall never be unreasonable to withhold consent for reasons of operational or railway safety (such matters to be in Network Rail's absolute discretion).</p> | |
| <p>(7) The undertaker must enter into an asset protection agreement prior to the carrying out of any specified work.</p> | |

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| <p>Of the above provisions, the provisions included within the current draft Order are sub-paragraphs (2), (3), (5) and (6) which are included within Schedule 11 of the draft Order at paragraph 102. NR is unable to agree to the Applicant's proposed omission of the above sub-paragraphs 4(1), (4) and (7) from Schedule 11 of the draft Order for the reasons set out below.</p> | |
| <p>Paragraph 4(1) and 4(4) The Applicant proposes to compulsorily acquire permanent rights over the plot set out at Appendix 1.</p> <p>If NR's consent is not required to be obtained prior to such permanent acquisition of rights, it would give rise to a significant, unacceptable risk that the Applicant could compulsorily acquire a right over railway land which would not be subject to the approvals, conditions, limitations and restrictions necessarily required by NR (including any conditions deemed to be required by NR's engineers through its business and technical clearance process) to facilitate and ensure the safe and efficient operation of the railway. Such processes and protocols are implemented by Network Rail to regulate third party interference with the railway and any such interference must be subject to the requisite approvals in order for Network Rail to be in compliance with its Network Licence (as described in further detail below). It is inconceivable that the Applicant should have the powers to circumvent such protocols to acquire an easement by way of exercising powers of compulsory acquisition.</p> | <p>The Applicant notes that Network Rail's preferred form of protective provisions include wording which would require the Applicant to secure Network Rail's consent before exercising certain DCO powers which might affect Network Rail's undertaking. This includes the use of compulsory acquisition powers. For the reasons set out in the Applicant's response to Network Rail's Relevant Representation (included within Applicant Responses to Relevant Representations (REP1-029)), the Applicant is not able to agree to this position due to the issues relating to 'lift and shift' and 'termination' provisions and the principle of compensation payable to Network Rail, which mean that there is a high potential for such consent provision to hinder the progress of the Proposed Development, because it would fetter the exercise of the Applicant's rights and powers under the DCO and would compromise the Applicant's ability to secure the necessary rights over land required for construction and operation of this critical national priority infrastructure.</p> <p>The Applicant notes that it has prepared a draft Statement of Common Ground ('SoCG') to supplement the information included within the Applicant Responses to Relevant Representations</p> |

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| <p>NR operates under a Network Licence granted by the Office of Rail and Road (ORR) (a copy of which is appended to at Appendix 2 of this submission). Under its Network Licence, NR is obliged to ensure compliance with a wide number of standards imposed by the Rail Safety and Standards Board that pertain to maintaining the safe and efficient running of trains on the railway. In order to regulate its ability to comply with such standards, NR must retain stringent restrictions, controls and procedures over any interferences with the railway by third parties, including by reason of persons exercising rights on or over railway land. NR imposes such restrictions through a requirement to obtain its prior consent before rights are compulsorily acquired and by requiring third parties to enter into an asset protection agreement.</p> | <p>(REP1-029), and to assist with the examination of the Application. This SoCG was shared with Network Rail for comment in June 2025, and the Applicant is yet to receive any form of feedback. The Applicant would welcome Network Rail's comment so that the SoCG can be submitted into the examination at the appropriate deadline.</p> |
| <p>Accordingly, where a right is compulsorily acquired and may be exercised over railway land which is not subject to NR's prior consent, such a right is created outside of NR's control and would not be subject to the necessary restrictions and conditions that NR would regard as sufficient so as to enable it to comply with its Network Licence. For example, NR may require that rights granted to the Applicant are subject to reservations allowing NR to interrupt the exercise of such right in certain circumstances (such as enabling NR to deal with emergencies on the railway or carry out necessary works or the exercise of such rights may not be safe to be exercised at certain times). Where NR's prior consent is not required before exercising these powers over railway land, there is a risk that any such rights would not be subject to the required restrictions and as a result NR's control over its ability to appropriately manage the safety of the railway would be compromised. The consequences of NR not being able to effectively manage the safety of the railway could be catastrophic. Moreover, this could lead to a failure by NR to comply</p> | |

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| <p>with its Network Licence which is not position which can be accepted by NR, nor would it be acceptable to the ORR as NR's regulator.</p> | |
| <p>Network Rail is of course willing to engage with the Applicant to agree the terms of the rights sought and ultimately, NR is required by its proposed Protective Provisions at paragraph 4(6) above to act reasonably in doing so. It cannot however agree to a form of protective provisions which have the effect of removing NR's control over the terms on which rights are being exercised on the railway where the consequences of doing so could be so significantly adverse. Network Rail's prior consent to such an easement being required is therefore a critical requirement to be included in the Order (if granted).</p> | |
| <p>The purpose of this restriction is not to impede the implementation of the Applicant's scheme, but to secure the necessary protection to NR as a statutory undertaker in order that it can properly regulate the rights to be exercised over its railway network.</p> | |
| <p>Paragraph 4(7) An Asset Protection Agreement (APA) is required to be entered into in order to support the review of the design of a specified work and to facilitate access on to railway land. An APA is a contracting agreement between Network Rail and an outside party to allow interaction and to establish roles, responsibilities and liabilities of a project over, under or adjacent to the railway. The APA enables NR's Asset Protection Team to regulate managing access, site safety management, engineering services, and possession arrangements as necessary. Without the inclusion of a requirement to enter into an APA, any access by the Applicant onto the railway would be</p> | <p>The Applicant has no in principle objection to entering into an Asset Protection Agreement and is engaging with Network Rail to agree the terms of protective provisions which will secure this.</p> |

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| <p>unregulated which would give rise to significant and unacceptable risks to users of the railway. The Protective Provisions must therefore include a requirement for the Applicant to enter into an APA in order for NR to fulfil its statutory duty to protect the railway in accordance with the terms of its Network Licence. This an industry standard requirement and is a widely accepted principle where third party works are being carried out in close proximity to the railway.</p> | |
| <p>For these reasons, NR must insist on the inclusion of the form of provision 4 set out in this submission and the DCO should not be granted in its current form.</p> | |
| <p>S.127 of the Planning Act 2008 In addition to the points set out above, without the inclusion of paragraph 4 of Network Rail's standard Protective Provisions, NR must also maintain its objection to the DCO on the basis that the proposed compulsory acquisition of rights over railway property does not satisfy the test in section 127 of the Planning Act 2008 in that:</p> <ul style="list-style-type: none"> a) the right cannot be acquired without serious detriment to the carrying on of the undertaking; and b) such detriment cannot be made good by Network Rail by use of other railway property. | <p>For the reasons set out in the Applicant's response to Network Rail's Relevant Representation (included within Applicant Responses to Relevant Representations (REP1-029)), the Applicant is of the view that the protective provisions to be included in the Draft DCO (AS-008) by the end of the examination will ensure no serious detriment to Network Rail's undertaking is suffered as a result of the Proposed Development, and this is notwithstanding that the Applicant will not agree to Network Rail's requested wording extracted as paragraph 4(1) and 4(4) above.</p> |
| <p>The reasons for which are that:</p> <ul style="list-style-type: none"> 1) the plot over which rights are proposed to be compulsorily acquired comprises an operational railway line – the Grantham to Skegness Line; <p>10-106224450-1\43283-4764</p> <ul style="list-style-type: none"> 2) unless NR has the ability to require its prior consent and require the Applicant to enter into an asset protection agreement prior to the acquisition of such rights in order to | <p>The Applicant has been engaging with Network Rail on the form of protective provisions and shared a copy of its proposed wording with Network Rail on 29 July 2025 and the Applicant awaits a response whilst this is being considered by Network Rail.</p> |

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| <p>ensure any such rights can be carried out in harmony with the operational railway (as is provided for in provision 4), the compulsory acquisition of such rights would be adverse to the operational railway and would cause a serious detriment to the carrying on of NR's undertaking as it could interfere with the operational railway line and the safe running of trains outside of Network Rail's control; and</p> <p>3) as this is an operational railway line such detriment cannot be made good as the line cannot be relocated to other land in the possession of NR (and not least to say requiring NR to relocate its operational railway to facilitate such rights would be entirely disproportionate both in cost and nature).</p> | |
| <p>Accordingly, in order for such proposed compulsory acquisition of rights over the plot referred to at Appendix 1 below to satisfy the test in section 127 Planning Act 2008, paragraph 4 of Network Rail's standard Protective Provisions (and particularly paragraph 4(1) and 4(4) requiring NR's consent to be sought before powers authorising the compulsory acquisition of such rights are exercised and paragraph 4(7) requiring an asset protection agreement to be entered into) must be included in the draft Order. Network Rail's position is that in the absence of paragraph 4, the test in section 127 is not satisfied.</p> <p>Network Rail understands that there is no proposed extinguishment of its rights or restrictions in delivering the proposed development and is therefore satisfied that section 138 of the Planning Act 2008 is not applicable.</p> | |

17. Applicant's Comments on North Kesteven District Council's Written Representation (REP1-056)

Table 17.1 - Applicant's Comments on North Kesteven District Council's Written Representation (REP1-056)

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| <p>Terms of Reference 1.1 This report comprises North Kesteven District Council's Written Representation (WR) in relation to the Beacon Fen Energy Park. The content of the WR is consistent with the themes and overall conclusions set out in the Council's Local Impact Report (LIR).</p> | <p>The Norst Kesteven District Council Local Impact Report (REP1-054) has been assessed and responded to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>2 Scope, Purpose and Structure of the Written Representation 2.1 Following on from the positive, neutral and negative impacts of the development identified in the Council's LIR, this report has been prepared to highlight the ways in which the proposed development either aligns or conflicts with local and national policy based upon the applicant's submissions.</p> | <p>As above.</p> |
| <p>2.2 The Council's LIR contains information relating to the site planning history, the description of the proposals, the characteristics of the surrounding area and the overarching legislative and policy context relevant to the proposals including summaries of the relevant NPSs and relevant policies from the adopted Central Lincolnshire Local Plan (2023). It also sets out applicable local guidance and strategy adopted by the Council.</p> | <p>As above.</p> |
| <p>2.3 Consistent with the Council's LIR, this WR focusses on five specific topic areas where to a greater or lesser degrees in each</p> | <p>As above.</p> |

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| <p>case, there are particularly pronounced policy conflicts and tensions within both national and local policy and guidance or an absence of information (or departure from best practice assessment methodologies), or both; which the Council considers should be brought to the Examining Authority's (ExA) attention.</p> | |
| <p>2.4 As stated at paragraph 27.5 of the Council's LIR, these are:</p> <ul style="list-style-type: none"> • Impacts on Best and Most Versatile (BMV) agricultural land • Landscape and Visual Impact including Residential Visual Amenity • Cultural Heritage Impacts (above ground) • Battery Energy Storage System (BESS) and Fire Safety • Ecology, Biodiversity and Biodiversity Net Gain | <p>As above.</p> |
| <p>2.5 The Council's LIR was debated by its Planning Committee on 2 September 2025 and who endorsed the submission of a WR framed around the above topic areas.</p> | <p>As above.</p> |
| <p>2.6 As set out in paragraph 27.6 of the Council's LIR, while it also identified 'negative' impacts in relation to ES topics relating to landscape and visual, ecology (including Biodiversity Net Gain), cultural heritage, access and traffic, water resources and flood risk, soils and agricultural land, BESS/fire safety and extended period of outage and cumulative effects. The Council does not offer any additional comments here and would refer the ExA to our LIR for further information. The Council also set out 'positive' impacts in relation to climate change and 'neutral' impacts in relation to air quality, noise and vibration, socioeconomics, access and traffic, water resources and flood risk, glint and glare and cumulative effects. In respect of these topics deemed to have a neutral effect, subject to the ExA taking account of statutory and other consultee</p> | <p>As above.</p> |

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| <p>comments where applicable, the Council is satisfied that in principle there are mitigation measures associated with these topic areas which are capable of resolution by the Requirements set out in Schedule 2 of the draft DCO. We will continue to engage with the applicant in relation to the wording of the Requirements.</p> | |
| <p>2.7 The LIR also set out the Council's comments on the wording of the Requirements and Procedure for Discharge of Requirements as set out in Schedule 2 and 16 respectively of the draft DCO.</p> | <p>As above.</p> |
| <p>3</p> | |
| <p>Impacts on Best and Most Versatile (BMV) agricultural land 3.1 The Council's LIR sets out the relevant national and local planning policies. Central Lincolnshire Local Plan (CLLP) policies are summarised in Table 8.1. In respect of BMV agricultural land, the relevant paragraphs of EN-1 are set out in paragraphs 21.1-21.7 and relevant CLLP policies are set out at paragraphs 21.8-21.9. The Written Ministerial Statement (15 May 2024) is referred to at paragraph 21.10 of the Council's LIR.</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |
| <p>3.2 The Council's LIR refers to the local impacts from development on BMV agricultural land at Section 21, paragraphs 21.14-21.33</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |
| <p>3.3 The Council has appointed Landscape agricultural consultants to provide it with specialist advice on soils and agriculture. The full comments by Landscape are attached at Appendix A.</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |
| <p>Agricultural Land Classification: the agricultural land surveyed represents a total of 529ha of Solar Array Area and 45ha of Bespoke Access Route Corridor. Landscape found that a detailed Agricultural Land Classification (ALC) survey has been undertaken by a</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |

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| <p>professional team in agreement with Natural England and the results are considered reliable. The survey has informed the design of the development and the outline Soil Management Plan (oSMP).</p> | |
| <p>3.5 The Cable Route Corridor has not been surveyed but the ES is based on higher grades of agricultural land (predominantly Grade 2 with some Grade 1 and Grade 3 land) and it would be unlikely that the impact would be worse after survey unless all the land is Grade 1 classification.</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |
| <p>3.6 As shown in Table 14.13 of Chapter 14 of the ES, the predicted impact on agricultural land use will be as follows:</p> <ul style="list-style-type: none"> Solar Array Area: this comprises 529ha of agricultural land. The actual area proposed to be under solar arrays for the lifespan of the development will be 395ha. Of this, 191ha will comprise BMV land (ES paragraph 14.6.2) and is considered to be a temporary loss due to the fixed lifespan of the development for 45 years. Part of the land will be under built development (access tracks and roads, construction compounds, BESS, substation and transformer stations). Whilst the proposals have sought to avoid Grade 2 agricultural land in particular, the avoidance of BMV land has not been possible and built development will result in the permanent loss of 14.25ha BMV land due to permanent 'sealing over' for the duration of the solar farm. Bespoke Access Corridor: this comprises 45 ha of agricultural land. The provisional ALC data show that it is comprised entirely of Grade 3 agricultural land i.e. showing a predominantly moderate likelihood of BMV land (ES paragraph 14.5.9). The area that would be utilised during | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |

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| <p>construction will be 18.91ha. Within the Bespoke Access Corridor, there will be a permanent loss of 3.42ha of BMV land and temporary loss of 12.94ha of BMV land during the construction of the access road. During the operational phase, the road together with associated drainage ditches and verges will cover an area of 4.42ha. This land is considered to be permanently 'sealed over' for the duration of the solar farm given that the Bespoke Access Corridor is stated as likely being retained for the operational duration of the development. The remaining land within the Bespoke Access Corridor will be returned to agricultural use and it is assumed there will be no loss of agricultural land quality subject to the recommendations in the Appendix 14.4 Outline Soils Management Plan being adopted.</p> <ul style="list-style-type: none"> • Cable Route Corridor: this comprises 183ha of agricultural land. This land has not yet been surveyed but using provisional ALC data, it shows that 28.18ha would be Grade 1 and 145.73ha would be Grade 2 agricultural land i.e. showing a high and moderate BMV likelihood (ES paragraph 14.4.7). Table 14.13 of the ES estimates that 39ha of land would be utilised for the cable route, 13.71ha for construction compounds, 1.8ha for air insulated switchgear system and 0.90ha for cable sealing end. Of this, a permanent loss of BMV would equate to around 2.70ha using the provisional ALC data approach. | |
| <p>3.7 The amount of BMV land across the whole development likely to be permanently lost due to 'sealing over' as a result of the proposed development would therefore be in the region of 20.37ha. The total permanent loss of agricultural land (in general, across all 5 grades)</p> | <p>This statement is acknowledged and noted by the noted by the Applicant.</p> |

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| <p>would be 56ha. IEMA guidelines say that the permanent sealing of land above 20ha (including temporary development where there would be a reduction in soil quality) is a major adverse environmental impact. This threshold would be reached for the permanent 'sealing over' of land of BMV land assuming that the soil augering/sampling and subsequent ALC gradation has been carried out in line with industry standards, and it would also be reached for agricultural land across all grades. It is noted that paragraph 14.13.18 of the ES concludes that there would be a major and significant environmental effect for the solar array area due to the permanent loss of agricultural land based on a loss of >20ha of Grade 2, 3a and 3b land (23.31ha).</p> | |
| <p>3.8 The ES acknowledges that the broader loss of agricultural land for built development within the proposed development would be a major adverse impact. However, the Council has some concerns over how information about the impact on land use on agricultural land is covered in Table 14.13 as it does not include the amount of agricultural and BMV land, in particular, which would be lost due to new green infrastructure (temporary and permanent) and BNG provision within the solar array area and bespoke access corridor. Other NSIP projects – notably the Springwell solar farm - have assessed that certain elements of green infrastructure (temporary and permanent) and BNG provision should be classed as a 'permanent loss' on the basis that not all of those green infrastructure elements (especially woodland planting) would be reverted to agriculture at the end of the operational period.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to impacts on BMV agricultural land within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>3.9 Overall, Table 14.13 shows that the proposed development would lead to the loss of 493.27ha of agricultural land of which 277.3ha would be BMV land (56%). This can be broken down to</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |

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| 20.37ha permanent loss and 256.93ha temporary loss of BMV land (47%). | |
| <p>3.10 Soil Management: Soil structure can be significantly damaged during the construction phase of the process. There is a lot of trafficking of vehicles on the land to erect panels and if this work is undertaken when soils are wet, there can be significant damage. Much of this damage can be remedied post-construction but not all and it is possible that long term drainage issues occur on the site due to the construction.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to soil management within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>3.11 The oSMP includes the cable route in order to minimise the impact on soil structure, land drainage and ultimately on soil quality. This is covered in ES paragraphs 14.4.19-20 and 14.6.8. Landscape advise that the reality is that contractors are under immense pressure to complete works in accordance with a work programme and will inevitably undertake works in substandard conditions in order to complete their contractual obligations.</p> | <p>This statement has been reviewed and is noted by the Applicant. It is considered that this statement is addressed by the response provided for 3.10, above.</p> |
| <p>3.12 Suitable soil management and restoration clauses would be needed in order to secure the land's quality at the end of the term. Whilst many of the damaging operations can be remedied using agricultural equipment, the layout of the panels and buried cables will often prohibit this during the life of the solar farm and as such remedies can only be completed at the end of term when all infrastructure has been removed. If the soil is in a substandard condition during the operation of the solar farm, carbon sequestration is reduced and infiltration of water can also be reduced, leading to localised standing water and the reduction in soil quality.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to soil management within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>3.13 There is a programme for decommissioning and re-instatement of the land. Whilst this is detailed and can be conditioned as part of a consent, even possibly with a s106 planning obligation, it remains to be seen whether it will be effective in leading to the land being returned to productive agriculture.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to soil management within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>3.14 With reference to cumulative impacts at a District and County Level, the Council considers that the scale of the project and the amount of BMV land impacted, makes the impact significant at both District and County level. The ES argues that the area amounts to only 1% of the farmed area of Lincolnshire, however, the cumulative effect is assessed by the Council as being significant for both the District and across Lincolnshire. There are several other large solar schemes approved or proposed across the wider area that contribute to this impact.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to impacts on BMV land within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>3.15 For a project of this scale, there is an impact as the development will tie up the land for up to 45 years. The loss of such a large area of land would normally be considered significant at District level, even though the majority of the use by area is 'temporary' and reversible. Any permanent loss of land due to construction or through biodiversity enhancements may affect this assessment.</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |
| <p>3.16 The ES acknowledges that the broader loss of agricultural land for built development within the development would be a Major Adverse impact. However, there are some concerns over how information about the impact on land use on agricultural land is covered in Table 14.13 as it does not include the amount of agricultural and BMV land, in particular, which would be lost due to new green infrastructure (temporary and permanent) and BNG</p> | <p>This statement has been reviewed and is noted by the Applicant. It is considered that this statement is addressed by the response provided for 3.8, above.</p> |

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| provision within the Solar Array Area and Bespoke Access Corridor. | |
| 3.17 As above, other NSIP projects (such as the Springwell Solar Farm) have assessed that certain element of green infrastructure (temporary and permanent) and BNG provision should be classed as a permanent loss on the basis that not all of those green infrastructure elements (especially woodland planting) would be reverted to agriculture at the end of the operational period. | This statement has been reviewed and is noted by the Applicant. It is considered that this statement is addressed by the response provided for 3.8, above. |
| 3.18 Across Lincolnshire, the estimated proportion of BMV is 71.2% while across North Kesteven the proportion of BMV is 67%, slightly lower than the Lincolnshire average. This still covers two-thirds of agricultural land and is well above the national average. The table of effects in ES Chapter 14 indicates that on a site specific level there will be a loss of 529ha of agricultural land associated with the Beacon Fen main solar array, of which 250ha will be BMV land – and as above comprised of areas of BMV which are variously classed as either temporary/reversible or where ‘sealing over’ is assumed. | This statement is acknowledged and noted by the Applicant. |
| 3.19 The amount of BMV land lost on a permanent basis to green infrastructure is significant while the loss of BMV land on a temporary basis through ‘sealing’ the land under hardstanding is also considered to be significant in terms of its environmental impact (exceeding the 20ha IEMA guidance threshold) especially given the 45-year lifespan of the solar farm. The site is currently productive farmland which will be removed from mainly arable farming for 40 years at best and a lower intensity grass-based system will replace it. | The Applicant has considered and responded to NKDC’s comments with regards to impacts to BMV land within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7) . |

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| <p>3.20 Finally, as confirmed in the ES there is no current commitment to mitigation by grazing. The ES does not assume that grazing under the solar panels will be provided, instead it takes a worst case scenario where the land is removed from agricultural production during the operational phase (paragraph 14.7.18). The applicant advises that whilst the land within the Solar Array Area may be available for grazing during the operational phase, however, this has not been confirmed at this stage. The applicant therefore confirms that their assessment is 'based on a "worst case" assessment that approximately 529 ha of land within the Solar Array Area remains out of agricultural production for the duration of the operational phase'.</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |
| <p>3.21 The oSMP, however, includes guidance on how grazing could be incorporated into the operational phase to maintain agricultural production whilst also providing biodiversity benefits. The applicant has based the guidance on the BRE (2014) guidance document and the Solar Energy UK (2022) good-practice document.</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |
| <p>3.22 As there is no guarantee of grazing as a means of managing the grassland below the solar panels, there will be a significant loss of agricultural land for 40 years as a result of the solar farm and the contribution that agriculture makes towards economic activity within North Kesteven and more widely across the County. The latter is recognised in paragraph 187(b) of the NPPF. The provision of conservation grazing beneath the solar panels would offer some continuation of agricultural use on the agricultural land including BMV land. The Council's position is that it should be provided in line with best practice guidance by BRE (2014) 'Agricultural Good Practice Guidance for Solar Farms'.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>3.23 The Council considers that a Requirement to ensure that conservation grazing is provided would give more certainty that the land could continue in agricultural use both during operation and at the end of the decommissioning. A further option to enhance the value of the land while not in agricultural production would be planting to help with nitrification (e.g. non-edible legumes such as vetches).</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4</p> <p>4.0 Landscape and Visual Impact (and Residential Visual Amenity)</p> <p>4.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of landscape and visual impact, the relevant paragraphs of EN-1 and EN-3 are set out in paragraphs 13.1-13.4 and relevant CLLP policies are set out at paragraphs 13.5-13.6.</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |
| <p>4.2 Lincolnshire County Council has commissioned specialist advice from AAH consultants on the impacts of the solar farm on landscape and visual impacts in a shared arrangement with the District Council. The Council's written representation on landscape and visual impact is based on their comments.</p> | <p>This statement is acknowledged and noted by the Applicant. The Applicant notes that initial comments from this specialist advice were also submitted as part of NKDCs Relevant Representation (RR-004) and the Applicant's response to these initial comments can be found in the Applicant Response to Relevant Representations (REP1-029).</p> |
| <p>4.3 The Council's LIR refers to the local impacts from development on landscape and visual impact at Section 13, paragraphs 13.14-13.78.</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |
| <p>4.4 AAH comments on Landscape Impact: the Future baseline is covered in paragraphs 6.5.66 to 6.5.68. The author judges that the landscape of the Site and Study Area will remain in its current state in the future. The development of solar farm projects and energy</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>infrastructure (such as overhead lines and pylons, and associated sub stations and converter stations) in the region is not acknowledged to be a factor in the future baseline of the Study Area. This is a landscape undergoing extensive change to land-use, predominantly changing from agriculture to renewable and energy infrastructure development.</p> | |
| <p>4.5 AAH have concerns regarding effects on the national and regional landscape character areas. The mass and scale of these projects combined has the potential to lead to a change in landscape character over an extensive area across these published character assessments. The landscape character of the regional area may be completely altered over the operational period through an extensive area of land use change, and introduction of energy infrastructure in an area that is predominantly agricultural.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.6 To calibrate this change to the landscape, these schemes combined, if built, would clearly require the update of any published landscape character assessment, including at a national level (NCA's), so as to include large scale solar as a defining land use characteristic as well as agriculture. This is a clear and marked change to landscape character, and several schemes have already been approved, with many others in the planning system. It should also be noted that other renewable and energy infrastructure projects (such as solar, BESS, hydrogen, pylons and cables along with associated infrastructure) are planned in the region, including NSIP/DCO schemes as well as Town and Country Planning Act (TCPA) scale projects. These will all combine to change the character of the wider landscape.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>4.7 This baseline process, undertaken by the applicant, resulted in several landscape receptors being identified as likely to be affected by the development identified as “Sensitive Receptors”. These are presented in Table 6.4 and include both landscape elements or features of the Site and Study Area (e.g. vegetation and hedgerows, land use, landscape pattern), as well as Landscape Character, which we have assumed are the published landscape character areas as identified in paragraphs 6.5.3 to 6.5.20 of the LVIA, providing an overview of published character assessments. AAH consider that this identification and list is confusing and used inconsistently in the subsequent assessment, which goes on to assess <i>Landscape Character – Site Level</i>; and <i>Effects on Landscape character – Local landscape character</i>.</p> | <p>The Applicant has considered and responded to NKDC’s comments with regards to landscape impact within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.8 The way section 6.5.64 is written is that these are the receptors that the LVIA will assess the change to, however the actual receptors are the Site and wider character areas. Also confusingly, the construction effects on each of the landscape receptors are then broken down with subheadings into <i>landscape elements</i> and <i>landscape character</i>, but the ‘Operational’ effects are not broken down in the same way, mixing together these two aspects (character and elements). AAH consider that some clarity and re-structuring would assist in clarity of this section, specifically clearly laying out the landscape receptors identified, summarising the likely elements to be affected within these, assessing the list of landscape receptors breaking down into effects on elements and character.</p> | <p>The Applicant has considered and responded to NKDC’s comments with regards to landscape impact within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.9 For clarity, AAH have assumed the following are the landscape baseline receptors:</p> <ul style="list-style-type: none"> • Site level; • Fenland Sub Area; | <p>The Applicant has considered and responded to NKDC’s comments with regards to landscape impact within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |

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| <ul style="list-style-type: none"> • Central Clays and Gravels Sub Area; • Holland Reclaimed Fen LCA; • Bicker to Wyberton Settled Fen LCA; and • South Holland Fen LCA | |
| <p>4.10 The Landscape Assessment is detailed within section 6.6 of the LVIA, referring to <i>Appendix 6.3: Landscape Character Baseline and Sensitivity</i> which includes a clear assessment of 'Value' only, and therefore would suggest Appendix 6.3 is erroneously titled as it does not contain an assessment of 'Susceptibility', or subsequently combine value and susceptibility for a judgement on 'Sensitivity'. Similarly, the statement in paragraph 6.6.7 that <i>"the landscape assessment is based on the determination of relevant landscape sensitivity set out in Appendix 6.3: Landscape Character Baseline and Sensitivity (Document Ref: 6.3 ES Vol. 2, 6.3.15)"</i> is not correct as Appendix 6.3 provides an overall character summary and Value Assessment only. Nowhere within the LVIA have AAH located a detailed assessment of landscape susceptibility, with only a summary (as stated in paragraph 6.6.7: <i>"...summarised in the following section"</i>) provided for the 'susceptibility' and 'sensitivity' of the site and local landscape character areas. The applicant should clarify the process adopted.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.11 In line with the methodology, the assessment of the landscape effects considers the change to the identified landscape receptors at construction, operation (both years 1 and 15) and decommissioning. This includes 'Landscape Character Effects' within the Order Limits (which would be direct) and 'Landscape Effects' within 'Published Landscape Character Areas' (which would be both direct and indirect). However, as identified above, only 'Landscape Elements' are considered at the construction stage, not at operation. This provides an inconsistent approach and AAH request the applicant</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>provide clarity as one of the main landscape effects will be the change in land use of the areas of above ground development from arable fields to a solar development.</p> | |
| <p>4.12 The LVIA identifies 'Significant' landscape effects at the phases of construction, operation (year 0), operation (year 15), and decommissioning phases. The following effects upon identified landscape receptors are identified in the LVIA:</p> <ul style="list-style-type: none"> • At Construction the following receptors were assessed as having the following landscape effects: Site level: Major adverse: Significant • Fenland Sub Area: Moderate adverse (significant) • At Operation (Year 0) the following receptors were assessed as having the following landscape effects: Site level: Major adverse: Significant • Fenland Sub Area: Moderate adverse: Significant • At Operation (Year 15) the following receptors were assessed as having the following landscape effects: Site level: Moderate adverse: Significant • At Decommissioning, effects would be similar to those at the construction phase, however, the Site and local landscape will benefit from established planting associated with the scheme. | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.13 These 'Significant' effects represent direct effects on the landscape of the entirety of the site. At year 15, the Order Limits (the entirety of the site) has been assessed as having a 'Significant Residual effect' even when mitigation planting has established. The landscape character area of the Fenland Sub Area has been judged by the LVIA author as having 'Significant' effects at Construction and</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>Operation Year 1 only, with landscape effects judged as reducing to 'Minor Adverse' through the establishment of mitigation planting.</p> | |
| <p>4.14 While AAH acknowledge the establishing planting as part of the mitigation proposals will add a positive element to this landscape, they consider that the urbanising element of large scale solar on open, agricultural land is a definite and adverse change to the baseline of the Fenland Sub Area. New planting will offset some of the adverse elements of the scheme, however AAH disagree with the applicants' findings that the residual effects on the Fenland Sub Area would subsequently reduce to 'Minor Adverse'; instead AAH judge it would remain as 'Moderate adverse' and therefore 'Significant' (negative).</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.15 Even with mitigation planting in place, the scheme is still a direct, large scale land use change across all fields in which above ground infrastructure is proposed. This would be an addition of new elements that will replace a key characteristic of this landscape, influencing overall character, and being a major addition, albeit affecting a relatively localised area of the LCA. As acknowledged in paragraph 6.6.63 <i>"The openness of the fenland landscape will be altered with some modifications to the field pattern and greater presence of planting introduced to accommodate the Proposed Development"</i>. AAH also have concerns in regards to the mitigation planting itself causing adverse effects by being out of character with this open fenland, e.g. through the introduction of 3.5m high hedgerows.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.16 The proposed localised removal of vegetation is identified in the assessment of landscape effects; however, it is unclear whether this includes vegetation works on the wider highways network, and what</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to landscape impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>this would entail. AAH strongly recommend limiting vegetation loss along the site boundaries for access or sight lines, or along construction access routes, because this has the potential to change the character of the local landscape beyond the limits of the development.</p> | |
| <p>4.17 AAH comments on Visual Impact: The Visual Assessment is provided within section 6.6 of the LVIA and detailed within <i>Appendix 6.4: Visual Assessment</i>. As outlined above, AAH have not located an assessment of value or susceptibility relating to visual receptors, with only a final judgement of 'Sensitivity' of visual receptor provided within Appendix 6.4 with no explanation as to how this judgement has been arrived at.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to visual impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.18 The LVIA chapter does not provide any narrative in regard to the assessment to the value of views experienced by receptors or the susceptibility of receptors to changes in their view. While an assessment of sensitivity is provided within Appendix 6.4 of the baseline panoramas (viewpoints), none is provided for the receptors themselves. This does not fully align with guidance provided within the Landscape Institute's <i>Technical Guidance Note LITGN-2024-01 'Notes and Clarifications on aspects of the 3rd Edition Guidelines on Landscape and Visual Impact Assessment (GLVIA3)'</i>.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to visual impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.19 AAH have also raised concerns about other aspect of the Visual Baseline as set out in paragraphs 5.1 to 5.10 and 5.12 of their comments (Appendix B).</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to visual impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.20 Regarding the significant visual effects at Construction phase, these are typically identified for receptors on the road and PROW network, along with multiple residents in the local area, that are in</p> | <p>This comment has been reviewed and is noted by the Applicant.</p> |

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| close proximity to the Development with limited or absent screening allowing for clear views. | |
| <p>4.21 The significant visual effects at Construction phase are listed in a concise form in paragraph 5.15 of AAH's comments (Appendix B) and below.</p> <p>At Construction: Major Adverse (Significant) visual effects for:</p> <p>Solar Array Area</p> <ul style="list-style-type: none"> Residents of Ewerby Thorpe Farm (R1a); Residents of Ewerby Thorpe Lodge (R1b); Residential receptors at Property Group R2, including; Howell Fen Farmhouse (R2a), Asgarby Barns (R2b) and Westmorelands Farm (R2c); Residential receptors at Gashes Barn (R4); Residential receptors at Property Group R20, including; Crown Cottage (R20a) and Keepers Cottage (R20b); Users of sections of PRoW Ewer/8/2, Ewer/8/1, Ewer/9/1, Ewer/12/1, Skym/8/1 along and adjacent to the River Sleat/Kyme Eau; Users of Bridleway Ewer/1103/1; Users of Black Drove/Ferry Lane/Halfpenny Toll Lane; Users of Howell Fen Drove <p>Cable Route Corridor</p> <ul style="list-style-type: none"> Residential receptors at Property Group R9 including, Crow Lane Farm, White House, Broadhurst Farm; Residents of Property White House Farm (R10); Residents of Property Poplar Tree Farm (R11); Residents of Property Villa Farm (R12). | <p>This comment has been reviewed and is noted by the Applicant. The Applicant notes the provision of this summary which relates to Construction phase significant visual effects.</p> |

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| <ul style="list-style-type: none"> • Residential receptors at Property Group R5 - Star Fen Farm, The Bungalow, Star Fen Cottage, Windward, Berrick Cottage, Decoy Farm; • Residential receptors at Property Group R15 - Meadow View, Dovecote Farm, Cozee Cottage, Highland House, Gauntlet Bridge Farm, Fen Lodge, Crow Hall. • Users of PRow network to the east of Great and Little Hale PRow Nos. GtHa/2/1, LHa/4/1 and GtHa/2/1; • Users of PRow network to north west of Heckington, West of Solar Array Area, including: Heck/12/1, Heck/14/1, Heck/2/4; • Users of PRow Bick/2/1. <p>Bespoke Access Road</p> <ul style="list-style-type: none"> • Users of PRow to the west of Asgarby Lane, including; KkLT/6/1ASHo/2/1, KkLT/4/2 and KkLT/5/1 <p>Moderate Adverse (Significant) visual effects for:</p> <p>Solar Array Area</p> <ul style="list-style-type: none"> • Residential receptors at Property Group R3 Copperhill Kennels Cattery Waithe Farmhouse The Grange, Ferry Farm and Mere House <p>Cable Route Corridor</p> <ul style="list-style-type: none"> • Residential receptors at Property Group R6 - Courtrow Farm, The Paddocks, Winkhill; • Residential receptors at Property Group R13 - Kingtree Lodge, Cowbridge Farm; • Residential receptors at Property Group R14 - Butlers, Acorn Lodge, Milldrain Lodge; | |

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| <p>Residential receptors at Property Group R18 - Garwick Farm, Strawberry Cottage, Bramble Cottage, White House, Fen House. Residential receptors at Property group R7 - Hall Farm, The Farm House, Poplar Farm.</p> <p>Residential Receptors at Great Hale (only identified in Appendix 6.4, Table 1.20 – not identified in the main LVIA assessment section, which we assume is an omission)</p> <p>Residential Receptors at Northorpe Village (only identified in Appendix 6.4, Table 1.20 – not identified in the main LVIA assessment section, which we assume is an omission)</p> <p>Transport receptors from some sections of the A17 (The views will also include the views of temporary access tracks.)</p> <p>Transport receptors using the of local road network adjacent to and crossing the southern extent of the Cable Route Corridor including Tilebarn Lane and Bicker Drove.</p> <p>Bespoke Access Road</p> <ul style="list-style-type: none"> • Users of PRoW to the east of Asgarby Lane, including; ASHo/3/1 and Ewer/1103/1 KkLT/4/2 and KkLT/5/1 • Users of the A153; • Users of Asgarby Lane; and • Users of Heckington Lane/Halfpenny Toll Lane | |
| <p>4.22 These ‘Moderate’ and ‘Major Adverse’ (negative) effects are considered to be ‘Significant’ and would result from the proposed construction activity seen at close range across a wide extent of a</p> | <p>The Applicant has considered and responded to NKDC’s comments with regards to visual impact within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>view. While these receptors are relatively localised, with limited long-range views of the construction activity, AAH disagree with the LVIA that they are low in number, as the list within AAH's full comments (paragraph 5.15 and above) clearly identifies. The construction phase will affect a high number of visual receptors across a wide area.</p> | |
| <p>4.23 The significant visual effects at Operation (Year 1) are listed in a concise form in paragraph 5.15 of AAH's comments (Appendix B) and below.</p> <p>At Operation (Year 1):</p> <ul style="list-style-type: none"> • Major Adverse (Significant) visual effects for: Solar Array Area • Residents of Ewerby Thorpe Farm (R1a); • Residents of Ewerby Thorpe Lodge (R1b); • Residential receptors at Gashes Barn (R4); <p>Moderate Adverse (Significant) visual effects for:</p> <p>Solar Array Area</p> <ul style="list-style-type: none"> • Residential receptors at Property Group R2, including; Howell Fen Farmhouse (R2a), Asgarby Barns (R2b) and Westmorelands Farm (R2c); • Residential receptors at Property Group R3 - Copperhill Kennels Cattery Waithe Farmhouse The Grange, Ferry Farm and Mere House – not identified in the main LVIA assessment section (which is assumed to be an omission) • Residents of Property White House Farm (R10); • Residential receptors at Property Group R20, including; Crown Cottage (R20a) and Keepers Cottage (R20b); | <p>This comment has been reviewed and is noted by the Applicant. The Applicant submits alongside this document at Deadline 2 a PRoW Management Plan (Document Ref. 9.5).</p> |

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| <ul style="list-style-type: none"> • PRow network near the River Sleas, including; PRow Ewer/8/2, Ewer/8/1 and Anwi/2/2; • Users of Bridleway Ewer/1103/1; • Users of Black Drove/Ferry Lane/Halfpenny Toll Lane; • Users of Howell Fen Drove <p>Bespoke Access Road</p> <ul style="list-style-type: none"> • Users of PRow to the west of Asgarby Lane, including; KkLT/6/1ASHo/2/1, KkLT/4/2 and KkLT/5/1 | |
| <p>4.24 These represent a large reduction in receptors experiencing 'Significant' effects and also several receptors have reduced in the level of Significance from 'Major' to 'Moderate' adverse (but which remain 'Significant'). AAH would expect this level of reduction, which is predominantly from the Cable Corridor and Bespoke Access Road having construction effects, but limited adverse effects once completed being either below ground (cable), or through a change in the ground surface (road), which would have limited wider visibility.</p> | <p>This comment has been reviewed and is noted by the Applicant. The Applicant agrees with this summary of the reduction in the number of significant visual effects following establishment of mitigation planting.</p> |
| <p>4.25 While there are still several receptors identified as experiencing 'Significant' adverse visual effects from the development, AAH query as to how views that are temporary in nature (at construction) to those of a long term/permanent change are able to reduce, especially as at this stage, any mitigation planting is yet to establish and is subsequently providing limited screening or integration of the development. This needs to be clarified.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to visual impact within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.26 The significant visual effects at Operation (Year 15) are listed in a concise form in paragraph 5.15 of AAH's comments (Appendix B) and below:</p> | <p>This comment has been reviewed and is noted by the Applicant. The Applicant submits alongside this document at Deadline 2 a PRow Management Plan (Document Ref. 9.5).</p> |

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| <p>At Operation (Year 15): Major Adverse (Significant) visual effects for:</p> <ul style="list-style-type: none"> Residential receptors at Hashes Barn (R4); <p>Moderate Adverse (Significant) visual effects for:</p> <ul style="list-style-type: none"> Residents of Ewerby Thorpe Farm (R1a); Residents of Ewerby Thorpe Lodge (R1b); Users of the PRoW network near the River Slea, including; PRoW Ewer/8/2, Ewer/8/1, Ewer/9/1, Ewer/12/1 and Anwi/2/2 <p>Bespoke Access Road</p> <ul style="list-style-type: none"> Users of PRoW to the west of Asgarby Lane, including; KkLT/6/1ASHo/2/1, KkLT/4/2 and KkLT/5/1 | |
| <p>4.27 These represent a further reduction in receptors experiencing 'Significant' effects through the establishment of mitigation planting over 15 years from planting. The LVIA therefore identifies that several visual receptors will experience 'Significant' adverse effects over the remaining 30 years (45 years in total) of the development.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.28 At decommissioning, effects would be similar to those at the construction phase, however the site and local landscape will benefit from established planting associated with the scheme, which would provide screening and integration in views.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.29 AAH have noted several errors in transcribing 'Significance' of effect from Appendix 6.4 Visual Assessment into the main LVIA text, for example where some effects that are judged as 'Major' in Appendix 6.4 have been described as 'Moderate' in the main narrative, or have not been identified at all. The Council requests</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>this is further reviewed and the main LVIA chapter accurately reflects the assessment carried out in Appendix 6.4 as often 'Significant' effects are underplayed or not identified, leading to a misinterpretation of potential visual effects.</p> | |
| <p>4.30 One example is for Residential receptors at Gashes Barn (receptor R4); the LVIA chapter and subsequent summary Table 6.8 judges this to have a 'Moderate Adverse' Year 15 residual effect, whereas Table 1.21 of Appendix 6.4 judges year 15 residual effects at 'Major Adverse'. Subsequently, the RVAA judges Gashes Barn (R4) in Table 1.1 as a 'Moderate Adverse' Year 15 residual effects. The Council requests that the judgements are reviewed thoroughly and a tracked change LVIA is provided to fully assess the findings of the visual assessment and comment upon individual judgements.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.31 However, notwithstanding this, the development has been identified in the LVIA as resulting in a significant change to a variety of visual receptors during construction and in the early years of operation and maintenance, with significant <i>residual</i> visual effects much reduced in number, which suggests a potential over reliance upon mitigation planting to screen the proposals without full attention to the potential impact of this screening on the landscape. AAH's concern is that mitigation planting must be well considered at any detailed design stage, and not simply put in place to screen views of development at the cost of the existing view.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.32 These residual 'Significant' effects have been identified as arising from sensitive users on the road and PROW network, along with residents that are in close proximity to the development. The identified reduction in several 'Significant' visual effects relies upon the successful establishment of the mitigation planting scheme and</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7). The Applicant submits alongside this document at Deadline 2 a PROW Management Plan (Document Ref. 9.5).</p> |

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| <p>a robust Outline Landscape and Ecological Management Plan (OLEMP) that is carried out for a suitable period of time.</p> | |
| <p>4.33 Subsequently, AAH disagree with several reductions in level of significance of effect at year 15 through the establishment of mitigation planting. The assumption made for several receptors is that by screening views of the scheme with planting, the level magnitude of effect will also reduce. In several instances the view from receptors will be completely altered from that of the existing, baseline view, predominantly from blocking or foreshortening expansive views across an open rural landscape. These are predominantly from residential properties in close proximity to the Solar Arrays, for example:</p> <ul style="list-style-type: none"> • R1 Group Receptor: Ewerby Thorpe Farm and Ewerby Lodge; • R2 Group Receptor: Howell Fen Farmhouse, Asgarby Barns, Westmorelands Farm (potential views of Solar Array Area and Cable Route Corridor); • R3 Group Receptor: Copperhill Kennels Cattery, Waithe Farmhouse, The Grange, Ferry Farm and Mere House; • R4 Gashes Barn; • R20 Group Receptor: (Howell) including Crown Cottage and Keepers Cottage. | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.34 The outlook from residents in these properties will be altered and foreshortened, which is clearly illustrated on the Appendix 6.5 – Residential Visual Amenity Assessment Figure 1a,b,c - Howell Fen Farmhouse; Figure 2a,b,c - Keepers Cottage; and Figure 3a,b,c Crown Cottage.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>4.35 AAH judge that the year 15 effect on all these nearby residential receptors will be at least 'Moderate' and 'Significant'. The solar panels are proposed to be located very close to these receptors and the mitigation planting itself, designed to screen panels, is changing the view detrimentally; completely changing the character and openness of the view, and in AAH's opinion appearing out of character in this location. Even with a larger offset of development, or an increased landscape buffer, the open views would predominantly be foreshortened and changed compared with the existing. The year 15 assessment must be compiled based on changes to the baseline, not on how successfully the development is being screened from view.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.36 Residential Visual Amenity: Residential Visual Amenity has been considered as part of the LVIA. Views from Residential Receptors and Settlements are also considered within the LVIA, however no reference is made within the LVIA to Appendix 6.5, although Figure 6.7 Residential Properties illustrates the location of residential properties and settlements. From this it is unclear as to how the Residential Visual Amenity Assessment (RVAA) and LVIA have been coordinated, relying on the reader cross referencing findings. It would be useful for the LVIA to provide a clear statement in this regard, and also how the RVAA has informed the LVIA assessment of Views from Residential Receptors and Settlements as well as the overall site layout and mitigation.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to impacts to residential visual amenity within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.37 RVAA methodology is included within Section 1.18 of the LVIA methodology within Appendix 6.2. The methodology is considered to be sound and reflects Landscape Institute guidance 'TGN 2/19: Residential Visual Amenity Assessment', however the main LVIA does not state that it has considered this process explicitly, whether</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>the Residential Visual Amenity Threshold (RVAT) has been met by any of the assessed properties. The detailed visual assessment within Appendix 6.4, at Table 1.20, references Appendix 6.5 only once for residents at Ewerby Thorpe Hamlet, however is not mentioned or referenced again for the remainder of the properties, the majority of which appear in both the RVAA and LVIA chapter.</p> | |
| <p>4.38 RVAA is a stage beyond Landscape and Visual Impact Assessment and focuses exclusively on private views and private visual amenity, whereas the LVIA process is typically associated with public views from public areas. The Landscape Institute's Technical Guidance Note 2/19: '<i>Residential Visual Amenity Assessment</i>' provides further detail and that that the RVAT is reached when the change to visual amenity of residents in individual properties identified as "<i>having the greatest magnitude of change</i>".</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.39 The RVAA has utilised a study area of 250m which is reasonable, with TGN 2/19 not being explicit in defining a study area for RVAA. The baseline identified sixteen groups of properties within the 250m study area, which are listed in Table 1.1. Of these, properties where operational phase 'significant' effects have been predicted are as follows</p> <ul style="list-style-type: none"> • R1 Group Receptor: Eweby Thorpe Farm; and Ewerby Lodge • R2 Group Receptor; Howell Fen Farmhouse; Asgarby Barns; and Westmorelands Farm • R4 Gashes Barn • R20 Group Receptor; Crown Cottage; and Keepers Cottage | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.40 On this scheme, due to the scale and extents, as well as height of some elements (e.g. substations) we would anticipate that some residents will experience 'Significant' adverse visual effects from</p> | <p>This statement has been reviewed and noted by the Applicant.</p> |

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| <p>several properties, as laid out in the RVAA. Of particular concern is R4 Gashes Barn which is judged to reach the Residential Amenity Threshold due to the proximity of works and the scheme design and layout, which will surround this property.</p> | |
| <p>4.41 Gashes Barn is an isolated property located within an agricultural landscape, and as set out in the planning history referred to in section 5 it was converted to a residential dwelling by virtue of a 2004 planning permission. It currently has predominantly open boundaries. Gashes Barn would be entirely surrounded by solar arrays at a distance of 150m to the north, 165m to the east, 205m to the south and 185m to the west. The proposed substation and BESS would be approximately 1,030m to the south west. There would be views of the solar arrays from all aspects of the property and its associated access road. The RVAA concludes that this is likely to be perceived as 'overwhelming' but not 'overbearing' in the medium term until Year 10.</p> | <p>This statement has been reviewed and noted by the Applicant.</p> |
| <p>4.42 While it is judged that the degree of effect would reduce with the establishment of planting, this is very much dependent upon the successful implementation of a robust management regime to ensure establishment, and even with established planting the property would remain surrounded by the development, completely changing the current open rural outlook and context for residents, and remains a significant concern. Again, established mitigation planting will aid in screening the development, however the open views will be foreshortened drastically.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.43 However, we agree with the RVAA that while the remaining properties as assessed will experience 'Significant' effects, it is unlikely that these will reach the RVAT through as a result of the</p> | <p>This statement is acknowledged and noted by the Applicant.</p> |

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| development. | |
| <p>4.44 The 'Embedded Mitigation' section of the LVIA (paragraph 6.3.15 onwards) also goes on to explain how the site layout and mitigation has responded to properties, stating "<i>Reduction in the extent of the proposed solar PV panels to provide buffers from nearby residential receptors</i>", which is also stated in Appendix 2.3 'Embedded Mitigation', however it is not explicit as to how adverse effects from properties have been fully considered as part of an iterative process. Offsets and buffers are mentioned throughout the submission, however these predominantly refer to ecological or drainage constraints, or consideration of noise. Section 5.3.2 of the 'Design and Access Approach Document' mentions discussions with the occupiers of Gashes Barn and discussions of buffers.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.45 We have been unable to locate as to what these buffers are, and how they have been established - both in the case of R4 Gashes Barn, but also other properties in close proximity (R1, R2, and R20). Offsets and buffers from sensitive receptors on the whole look minimal, and further clarification on the depth and extent of these and how they have been considered as part of an iterative process would be beneficial. As previously stated in this review, we have concerns regarding the proximity of the development to these properties, and also that the scheme will completely change the baseline views, with panels and subsequently established planting (at year 15) foreshortening views and blocking open and expansive views across this landscape. This is demonstrated on Figure 1a,b,c - Howell Fen Farmhouse; Figure 2a,b,c - Keepers Cottage; and Figure 3a,b,c – Crown Cottage within Appendix 6.5.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>4.46 The success of the landscape mitigation to meet the objectives laid out in the management plan - to integrate and screen proposals, promote conservation and protection of the environment, and encourage ecological and habitat diversity - is highly dependent upon the successful management and maintenance of the new planting, as well as the protection of exiting trees and hedgerows. The maintenance operations provide an initial overview of operations; however, we would expect the management plan to be developed further, well beyond the initial 5-year period, particularly if landscape and visual effects are being assessed at 15 years.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.47 The long-term reduction in landscape and visual effects, presented in the LVIA, are based on the long-term success of the landscape mitigation, and therefore the management plan should cover at least this period, and should be in place and actively managed for the lifetime of the project. Similarly, any early planting (pre-construction) should be included in the maintenance plan as the reduction in effects described in the LVIA are also based on the assumption that this too will have established as planned.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.48 Monitoring of the proposals is a key aspect of the mitigation plan and is something which needs further development to ensure there is sufficient robustness to deal with the challenging climatic conditions when it comes to establishing new planting. The updating of the management plan every 5 years after the initial establishment period will go some way to ensuring that it is kept valid and can respond to issues and trends effectively, such as climate change. Plant replacements should also be considered, and also for a longer period than a "standard" 5 years, and cover for scenarios where there are large areas that have not established, or areas of</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| significant die back beyond a 5 years period. | |
| 4.49 While the submission includes landscape proposals, these are of a high level and it would be expected that if the project proceeds much more detailed plans would to be submitted and subsequently agreed with the appropriate consultee/authority prior to the commencement of any works, which would be secured as a Requirement of the DCO. This would include clear detail of the areas of landscape mitigation, location and types of planting (species), as well as number, density and specification. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.50 We accept that planting can be an effective way to screen development proposals and add valuable landscape and ecological elements into the landscape, however this needs to be carried out in a way that is sensitive to the existing landscape character or meet any aims of a published character assessment to improve or introduce new planting to an area. While residual visual effects have been assessed as reducing at 15 years through mitigation planting, this is completely dependent upon the successful establishment of the planting and it growing in a manner that is anticipated within the LVIA, and illustrated on the accompanying visualisations. This is always going to be a risk that if the planting does not establish as anticipated, the residual effects will likely be higher than initially judged. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.51 This is an open landscape, and planting to simply screen could have detrimental impacts. The PROW and local roads in the study area enjoy an open aspect across most areas of the Study Area, for example from adjacent residential properties with views across the and land beyond. Therefore, care needs to be taken to prevent the loss of this character through an overbearing set of mitigation | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . The Applicant submits alongside this document at Deadline 2 a PRoW Management Plan (Document Ref. 9.5) . |

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| <p>proposals. It is noted that appropriate development offsets, and with careful design, will go some way to address the matter raised.</p> | |
| <p>4.52 Cumulative Landscape and Visual Effects: the ES considers cumulative landscape and visual effects with Heckington Fen Solar Park, Vicarage Drove Solar Farm, Bicker Fen Solar Farm and Little Hale Solar Farm; the latter having recently been granted planning permission on appeal (planning application reference 23/1021/FUL; appeal reference APP/R2520/W/25/3363027).</p> | <p>This statement has been reviewed and noted by the Applicant.</p> |
| <p>4.53 No ‘Significant’ landscape or visual cumulative effects are identified in the LVIA. However, we do not support this and have concerns regarding cumulative effects due to the unprecedented number and extent of renewable energy projects and associated infrastructure in the county and region. The mass and scale of several NSIP scale energy projects, along with planned National Grid projects, combined with Beacon Fen has the potential to lead to adverse effects on landscape character over an extensive area across multiple published character areas.</p> | <p>The Applicant has considered and responded to NKDC’s comments with regards to this matter within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.54 The landscape character of Lincolnshire will be altered over the operational period through an extensive area of land use change, and introduction of energy infrastructure in an area that is predominantly of agricultural character and land use; solar development is not identified within current published character assessments at a local, regional or national scale. While it is not suggested that agriculture will not remain as a defining characteristic, over a short period of time large scale solar and other energy infrastructure will undoubtedly become a widespread characteristic in the county. Subsequently, we judge that solar</p> | <p>The Applicant has considered and responded to NKDC’s comments with regards to this matter within the Applicant’s Comment’s on Local Impact Reports (Document Ref. 9.7).</p> |

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| development would be a key characteristic in any updates to published character assessments from local to national scale. | |
| <p>4.55 However, given the absence of a unified, county-wide landscape character baseline across Lincolnshire, this presents a challenge when assessing cumulative effects over a strategic county-wide scale to consider all of these energy projects. Therefore, an approach we are promoting is to extract common landscape attributes of the area from the multiple character area assessments that cover the region, enabling a reasoned, evidence-led baseline, and subsequently assessment, of cumulative landscape effects across the wider county area.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.56 For example, across Lincolnshire:</p> <ul style="list-style-type: none"> • the 'Land Use' is predominantly arable agriculture; • 'Field Patterns' are predominantly medium to large-scale; • the 'Topography' has a predominantly flat to gently undulating landform; • 'Perceptual Qualities' are predominantly quiet and with a rural character and high levels of tranquillity; • the 'Settlement Pattern' is generally dispersed villages and market towns; • 'Vegetation & Tree patterns' are generally open with sparse or isolated tree cover; and • regarding 'Views & Openness', there is generally a strong sense of openness, big skies, and expansive views. | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.57 Therefore, across the region, based on these shared characteristics large scale solar development and new energy infrastructure would create cumulative change of the landscape character through an extensive land use change, directly affecting</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>the perceived openness, and rural tranquillity. We judge large scale solar, battery and energy infrastructure will subsequently be a distinctive key characteristic across the county/region as a whole.</p> | |
| <p>4.58 This would also be an issue when experienced sequentially for visual receptors travelling through the wider landscape and experiencing these schemes across potentially several kilometres, albeit with gaps between the schemes. However, repeated views and presence of large scale solar would undoubtedly increase the susceptibility of receptors to changes in view through 'visual fatigue' in which viewers experience a diminishing capacity to absorb or tolerate repeated or similar visual stimuli (solar development) along routes, eroding the rural landscape character and increasing a broader perception of landscape industrialisation.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.59 GLVIA3 defines types of cumulative visual effect as either: Combined (in the same view) or Sequential. Table 7.1 of GLVIA3, regarding Sequential Cumulative visual effects states that <i>"Sequential: Occurs when the observer has to move to another viewpoint to see the same or different developments. Sequential effects may be assessed for travel along regularly used routes such as major roads or popular paths"</i>.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.60 We judge that the sequential effects would be felt throughout the area, with PROW users, that are more susceptible to changes in their view, moving slowly and often engaging with the landscape attentively. Travel along these PROW presents successive experience with solar infrastructure, creating a sequential visual effect. PROW users traveling along several rights of way have been identified within the applicants LVIA as having significant adverse</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7). The Applicant submits alongside this document at Deadline 2 a PRoW Management Plan (Document Ref. 9.5).</p> |

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| visual effects at year 15. | |
| 4.61 If users of these routes had previously, or would subsequently, travel on rights of way or other linear routes with views of other solar schemes (as identified in the LVIA's associated with these projects) the implication is that users would likely experience sequential visual effects across two or more schemes, even at Year 15 when mitigation should have matured. Combined with receptors traveling long distances along road corridors in the region with views of the scheme, this can form a coherent visual narrative; a rural area increasingly defined by clustered energy-infrastructure development. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.62 By way of summary and conclusions, AAH state that by virtue of its scale and massing, the development would result in 'Significant' adverse (negative) effects on local landscape character and visual amenity during all key phases (construction, early operation, and at year 15). | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.63 The proposals would fundamentally alter the character of the site and its surroundings, replacing open, agricultural fields with extensive solar infrastructure. This represents a substantial and long-term change to the openness, tranquillity, and rural character of the area. Whilst the LVIA categorises residual effects as partially reversible, we consider that, given the likely operational lifespan and scale, the change should be regarded as effectively permanent in landscape and visual terms. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.64 Significant adverse visual effects are also predicted for a range of receptors, due to the transformation from rural agricultural views to those containing large-scale solar arrays. We have highlighted some issues with the visual assessment within the LVIA and | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |

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| <p>compliance with the recent Landscape Institute <i>Technical Guidance Note LITGN-2024-01</i>, and we also have concerns that the mitigation planting itself could generate adverse visual effects though blocking or foreshortening views and appearing out of context.</p> | |
| <p>4.65 Cumulative landscape and visual effects with other renewable energy and infrastructure projects across the county present a further concern. Whilst the immediate cumulative schemes within the ES are relatively modest, the scale of other NSIP and large-scale energy projects proposed in the wider area raises the potential for extensive alteration of the regional landscape character. The combined effect of these developments could be a marked and enduring change, both directly through a change in land use and introduction of solar as a key element, and also in the perception and experience of the landscape, particularly for visual receptors travelling through the landscape and experiencing sequential effects. This is a clear and marked change to landscape character.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>4.66 Tree and vegetation removal associated with the development, including wider highways improvements and access for construction, must be clarified through the examination process, and subsequently any works (such as lopping or pruning), or removal of trees and hedgerows must be agreed prior to any works commencing. Prior to any construction activities, all tree and hedgerow protection methods associated with that phase of construction should also be clarified and subsequently agreed with the appropriate authority (in this case the local planning authority) - this would need to be in accordance with BS:5837 'Trees in Relation to Construction' and any subsequent arboriculture method statements, again this should be approved by the appropriate</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| authority. | |
| 4.67 In particular, this should ensure that existing trees, and associated root protection areas, are suitably protected throughout the entire construction period. This would also likely include areas within the order limits, but away from construction activity, such as storage areas for materials which may suffer from tracking by plant that would damage tree root protection zones. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 4.68 While the submission includes landscape proposals (as shown on <i>Figure 6.31: Landscape Strategy Plan</i> , secured via Work Order 9 on the Works Plans and DCO), these are of a high level and it would be expected that if the project proceeds much more detailed plans would to be submitted and subsequently agreed with the appropriate authority prior to the commencement of any works and secured through Requirements of the DCO. This would include clear detail of the areas of landscape mitigation, location and types of planting (species), as well as number, density and specification. The mitigation illustrated on the layout plans has been utilised to assess the landscape and visual effects of the scheme; therefore, we would expect any detailed landscape proposals to consist of the area and extent shown on these plans as a minimum. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 5 | |
| 5.0 Cultural Heritage Impacts (above ground) 5.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of cultural heritage, the relevant paragraphs of EN-1 are set out in paragraphs 15.1-15.4, relevant CLLP policies are set out at paragraphs 15.5-15.6 of the Council's LIR. | This statement is acknowledged and noted by the Applicant. |

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| 5.2 The Council's LIR refers to the local impacts from development on cultural heritage in Section 15, paragraphs 15.7-15.15. | This statement is acknowledged and noted by the Applicant. |
| <p>5.3 Above Ground Heritage Assets:</p> <p>5.4 Subject to the comments below, the Council is broadly satisfied with the methodology, analysis and outcomes of the ES chapter on Cultural Heritage in relation to the above ground heritage assets. The key sensitive designated receptors are listed at paragraph 8.6.5 of the ES Chapter on Cultural Heritage while non-designated receptors are listed at paragraph 8.6.6. Embedded mitigation includes creating buffer areas to increase the distance between the site and nearby heritage assets.</p> | This statement is acknowledged and noted by the Applicant. |
| 5.5 The Council agrees that at the construction stage, the Bespoke Access Road would have a Moderate Adverse (significant) effect on Grade I Listed St Andrew's Church, Asgarby (paragraph 8.7.7 and Table 8.8). It considers, however, that there would be a similar impact on Grade II Listed Asgarby Hall whose principal elevations look over the historic parkland where the new road would be in full view. Asgarby Hall is not included in Table 8.8 for assessment during the construction phase despite being listed as a key sensitive designated receptor in paragraph 8.6.5. The Heritage Statement identifies that there is potential for impacts to the hall as a result of the introduction of the access road. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 5.6 During the operational stage, due to the use of the Bespoke Access Route for maintenance purposes, the Council considers that a medium magnitude of impact should be ascribed to Grade I Listed St Andrew's Church leading to a Moderate Adverse (significant) effect. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |

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| <p>5.7 The Bespoke Access Route would also impact on the setting of Grade II Listed Boughton House which is not particularly considered in the ES leading to a slight adverse effect being identified during the Operational Phase only (Table 8.9). Boughton House is not included in Table 8.8 for assessment during the construction phase despite being listed as a key sensitive designated receptor in paragraph 8.6.5. The Council considers that the assessment undertaken in relation to Boughton House is insufficient. The Heritage Statement identifies that there is potential for impacts to the house as a result of the introduction of the access road.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>5.8 Turning to the Solar Array Area, the impact on Howell Hall (Grade II listed) during the operation phase (Table 8.9) should be upgraded to Minor Adverse in the Council's opinion due to its landscape setting and open views towards the solar array. It is recognised that a buffer has been included, however, the setting and views from the curtilage of the property will still be adversely affected.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>5.9 Kyme Tower (Grade I listed and associated 'Remains of medieval monastery, moated manor house, fishponds and post-medieval garden'; a scheduled monument) has been considered under the operational phase (Table 8.9) but not given significant weighting in the ES. The Council disagrees with the conclusion that the existing landscape will remain unchanged especially when considering the cumulative impact with Heckington Fen solar farm. Instead, it considers that the magnitude of impact should be at least 'medium'. The Council notes that the setting of Kyme Tower was given some weight in the Secretary of State's decision for the Heckington Fen solar farm as follows:</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p><i>'4.13 The Secretary of State also agrees that the Proposed Development will contribute to a cumulative adverse effect on Kyme Tower's setting, albeit to a lesser extent than the potential additional harm of the emerging Beacon Fen Energy Park, that amounts to less than substantial harm to the heritage asset's significance. The Secretary of State therefore agrees with the ExA that the cumulative effects on the historic environment contribute to less than substantial harm at the lower end of the scale which should be ascribed moderate negative weight.'</i></p> | |
| <p>5.10 Finally, the Council considers that insufficient weight has been ascribed to non-designated heritage farmsteads. Despite an acknowledgement of a high magnitude of impact on some occasions with the result of a slight adverse impact, there is little bespoke mitigation proposed to each asset with a reliance on embedded mitigation. The farmsteads include:</p> <ul style="list-style-type: none"> • Unnamed Farmstead, Ewerby and Evedon (non-designated HER MLI121913) • Westmorelands, Asgarby Fen Farm (non-designated HER MLI121926) • Gashes Barn (non-designated HER MLI121916) | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>5.11 It is clear that there will be an impact on the setting of designated and non-designated heritage assets and it is positive that, for the most part, this has been recognised in the ES. The significance and special interest of these assets will be affected by the changing landscape conditions arising from the proposed layout of the solar farm. The Council considers that greater weight and bespoke consideration of Kyme Tower, Asgarby Hall, St Andrew's Church, Boughton House and Howell Hall together with non-designated heritage farmsteads is required in order to inform a</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| bespoke mitigation strategy for these heritage assets rather than a reliance on embedded mitigation. | |
| 6 | |
| <p>6.0 Battery Energy Storage System and Fire Safety</p> <p>6.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of battery storage and fire safety, EN-1, EN-3 and EN-5 are silent on this matter, however, there is guidance produced by the Department for Energy Security and Net Zero and the National Fire Chiefs Council as set out in paragraph 24.11 of the Council's LIR. The relevant CLLP policies are set out at paragraphs 24.9-24.10 of the Council's LIR.</p> | This statement is acknowledged and noted by the Applicant. |
| <p>6.2 The Council's LIR refers to the local impacts from the battery energy storage system in Section 24, paragraphs 24.11-24.23.</p> | The Norst Kesteven District Council Local Impact Report (REP1-054) has been reviewed, assessed and responded to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| <p>6.3 In light of the rapidly growing volume of BESS facilities across the country, it has been recognised that appropriate health and safety standards are required and in recent years, new guidance has been emerging. In April 2024, the Department for Energy Security and Net Zero produced Health and Safety in Grid Scale Electrical Energy Storage Systems guidance which is applicable to this application. In addition, the National Fire Chiefs Council has produced Grid Scale Battery Energy Storage System planning – Guidance for Fire and Rescue Services in 2023, with an update (still in draft) that was due in 2024.</p> | This statement is acknowledged and noted by the Applicant. |

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| <p>6.4 Notwithstanding the isolated location of the BESS relative to centres of population and noting a separation distance of over 800m to the closest residential properties at Ewerby Thorpe Farm and Ewerby Lodge, the Council has strong concerns about the potential risk to human health arising from fire related accidents at BESS developments.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>6.5 The ES notes that there are several battery storage technologies available to system designers, and while it is likely that the chosen BESS design at Beacon Fen will be based on a lithium-ion battery cell type, the exact technology and system will be determined at the detailed design stage. The applicant notes though that it has been assumed that Lithium Iron Phosphate (LFP) cells, a popular type of chemistry within the lithium-ion battery type, and used on other sites being developed in the UK market, will be utilised. The applicant suggests that this is a 'reasonable worst-case' scenario for the purposes of evaluating fire risks and outlining safety provisions.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>6.6 The degree to which the Planning Act (2008) can compel what is essentially and ultimately a matter of customer choice is unclear. However, research suggests that LFP cells have an advantage over other lithium-ion chemistries in relation to thermal and chemical stability, which improves battery safety, as well as having a higher charge/discharge cycle life. The Council's view is that the ExA should consider this matter through the Examination.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>6.7 Section 105 of the Planning Act (2008) requires SoS decisions to have regard both to 'any local impact report' and 'any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision'. The scope of material planning considerations is wide and must have a planning purpose that</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| relates to the character and use of the land, and it must fairly and reasonably relate to the proposed development under consideration. | |
| 6.8 In that regard the Council's view is that the 'perception of harm' to public amenity, safety and wellbeing associated with an incident at the BESS is capable of being a material planning consideration and we note that DEFRA planned to open a consultation on integrating grid-scale battery energy storage systems into the Environmental Permitting Regulations by June this year, in order to determine whether more robust regulatory and operational oversight is required. As such the Council consider that there is a need to agree the battery type proposed within the BESS as part of the requirement to agree the BSMP in view of the changing market trends and the need to minimise the impact on human health following any major accident or disaster, and the 'perception of harm' to public amenity, safety and wellbeing as a material planning consideration. | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 6.9 Table 17.3 of the ES briefly explains that the main potential hazard of BESS failure is thermal runaway and, if not controlled, fire. The Council notes that Lincolnshire Fire and Rescue Service have been consulted and the relevant legislation has influenced the proposal design. ES paragraph 17.5.6 also describes the fire safety precautions that will be taken and makes reference to the outline Battery Safety Management Plan (oBSMP) | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |
| 6.10 As above the Council notes from the outline Battery Safety Management Plan (oBSMP) that it has been assumed the BESS would utilise Lithium Iron Phosphate (LFP) lithium-ion battery technology. The oBSMP includes at Appendix 1, an Assessment of Unplanned Atmospheric Emissions from BESSs which concludes | The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7) . |

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| <p>that the overall impact of unplanned emissions on existing sensitive human receptors would not be significant. The Appendix, Table 4.2 'Modelled Human Health Sensitive Receptor Locations' considers 14 sensitive receptor locations, meteorological and land topography data, and assesses the location and size/composition of the proposed BESS as shown on the submitted site layout plan.</p> | |
| <p>6.11 Dispersion modelling was undertaken and for the purposes of assessing impacts on sensitive human receptors, short term emissions from nitrogen dioxide, carbon monoxide, hydrogen fluoride and methane were included in the dispersion modelling. The modelling states that the concentrations of these substances associated with an unplanned atmospheric emission from a potential fire at the BESS are less than 10% of the relevant National Air Quality Objectives and Workplace Exposure Limits.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>6.12 The oBSMP describes the proposed BESS layout, fire service access and provision of firefighting water and equipment. Further fire risk-focussed studies will be undertaken to inform the overall design solution at detailed design stage in consultation with the Lincolnshire Fire and Rescue Service (LFRS) and in accordance with the National Fire Chiefs Council guidance. It is not clear whether a further Assessment of Unplanned Atmospheric Emissions will be undertaken at detailed design stage.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>6.13 Notwithstanding the isolated location of the BESS relative to centres of population and noting a separation distance of over 800m to the closest residential property, the Council still maintains concerns about the potential risk to human health arising from fire related accidents at BESS developments.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| 6.14 The Council will defer to comments from LFRS to be provided as part of LCC's LIR and also advise the ExA to have regard to advice from the UK Health Security Agency (UKHSA). | This statement is acknowledged and noted by the Applicant. |
| 6.15 In that regard the Council's view is that the 'perception of harm' to public amenity, safety and wellbeing associated with an incident at the BESS is capable of being a material planning consideration. As such the Council consider that there is a need to agree the battery type proposed within the BESS as part of the requirement to agree the BSMP in view of the changing market trends and the need to minimise the impact on human health following any major accident or disaster, and the 'perception of harm' to public amenity, safety and wellbeing as a material planning consideration. | The Applicant's position on this matter is set out in the Applicant Responses to Relevant Representation (REP1-039) ,. |
| 7 | |
| 7.0 Ecology, Biodiversity and Biodiversity Net Gain 7.1 The Council's LIR sets out the relevant national and local planning policies. CLLP policies are summarised in Table 8.1. In respect of ecology, biodiversity and biodiversity net gain, the relevant paragraphs of EN-1 and EN-3 are set out in paragraphs 14.1-14.3, relevant CLLP policies are set out at paragraphs 14.4-14.10 of the Council's LIR. | This statement is acknowledged and noted by the Applicant. |
| 7.2 The Council's LIR refers to the local impacts from development on cultural heritage in Section 14, paragraphs 14.12-14.16. | This statement is acknowledged and noted by the Applicant. |
| 7.3 The Council has commission specialist advice from AECOM on the topic of ecology. AECOM's full detailed comments are attached at Appendix C and D. | This statement is acknowledged and noted by the Applicant. |

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| <p>7.4 Overall, AECOM's assessment is that the ecological information and assessments accompanying the application contain a significant number of omissions and/or lack clarity on relevant points. These include matters relating to how prior advice (at EIA Scoping or Preliminary Environmental Impact Report stages) has been addressed, clarity on the methods used and the data underpinning the conclusions reached. The Council would welcome the opportunity to discuss with the applicant how to resolve these issues, however, as currently submitted the ES chapter on ecology is not considered sufficiently robust to accurately assess the likely impacts on ecological interests across the site.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>7.5 In summary, omissions highlighted include:</p> <ul style="list-style-type: none"> • Insufficient discussion and evidence relating to aquatic surveys and whether impacts on aquatic plants were considered • The survey effort for quail (a Schedule 1 bird species) notes only four phases of survey in the period mid-May to the end of July as opposed to the required six surveys as set out in prior advice • There is an inconsistent approach to the assessment of impact on wintering birds whereby the solar array has been aggregated with the Cable Route and Bespoke Access whereas the latter are two geographically discrete areas • No attempt appears to have been made to update the survey baseline on Schedule 1 birds (barn owl, quail and other species that could occur) since the 2022 survey of the solar array area. While the consequences of development for skylark is covered, the consequences for the long term suitability of the site for wintering birds of open farmland is not | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>clearly assessed. This includes further consideration of cumulative impacts.</p> <ul style="list-style-type: none"> • Supplementary data should be provided to verify the status and value of individual hedgerows. If hedgerows are assessed as being of Local Wildlife Site quality they would have a 'county' nature conservation value, not 'local' as stated. This data is also required to support agreement of the BNG baseline. • A number of significant adverse effects on the conservation status of ecological receptors are predicted during construction, however the mitigation for these impacts is not confirmed or demonstrated to be adequate so 'significant residual effects' cannot be discounted. This includes significant effects on: <ul style="list-style-type: none"> i. Qualifying bird species of The Wash SPA and Ramsar site; ii. The qualifying otter population of The Wash and North Norfolk Coast SAC; iii. Great crested newt – a European Protected Species; iv. Barbastelle bat – a protected and threatened species; and v. Water vole – a protected and threatened species | |
| <p>7.6 The BNG Strategy cannot be agreed until the applicant provides the full BNG Metric for examination and the good practice requirements for evidence are met. The Metric is one of the primary documents necessary for agreement of the BNG Strategy. At present, the Council is not satisfied that the currently BNG Strategy is robust as the evidence is weak and some of the assumptions seem unrealistic.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>7.7 AECOM's comments on the BNG Metric are attached at Appendix D. Examples of specific concerns include that the baseline information provided with the report does not account for all habitats, certain habitats have been mistranslated, and the habitat mapping does not appear sufficiently accurate. The 'proposed' habitat plan does not account for all land within the Order Limits; for example, the bespoke access road is not accounted for. Furthermore there does not appear to be any consideration of, and compensation for, impacts on woodland and trees within the submitted BNG information.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>7.8 On BNG, the Council notes a current commitment to delivering 30% habitat units, 10% hedgerows and 10% watercourses. However, we note that the Examining Authority assigned 'great weight' (positive) in the overall planning balance in relation to EN010123 (Heckington Fen solar park) where a minimum of 65% BNG was committed to by Requirement. In addition to providing a robust approach to BNG calculations, as mentioned above, we would expect the applicant to be able to significantly exceed a minimum of 10% BNG across all three habitat types within the Beacon Fen development, consistent with policy S14 'Renewable Energy' of the CLLP which requires proposals for ground-based photovoltaics to be 'accompanied by evidence demonstrating how opportunities for delivering biodiversity net gain will be maximised'.</p> | <p>The Applicant has considered and responded to NKDC's comments with regards to this matter within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>8.0 Conclusion</p> | |
| <p>8.1 In conclusion, as per the Council's Planning Committee Report and Local Impact Report, the Council raises overall support for solar development in the context of the CLLP policies S14 'Renewable Energy' and S16 'Wider Energy Infrastructure' where ground based solar photovoltaic and association infrastructure / battery energy</p> | <p>The Applicant notes this comment.</p> |

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| <p>storage, including commercial large scale proposals are under a 'presumption in favour' of approval unless, amongst other things clear and demonstrable harm arises. However, given the concerns raised in relation to the five specific areas described above comprising loss of BMV agricultural land, landscape and visual impact, cultural heritage, the battery energy storage system and fire safety and ecology, biodiversity and biodiversity net gain; the Council wish to raise an objection to the Beacon Fen Energy Park on those matters for the reasons set out in this representation.</p> | |

18. Applicant's Comments on Philip V Humberstone's Written Representation (REP1-057)

Table 18.1 - Applicant's Comments on Philip V Humberstone's Written Representation (REP1-057)

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| For the purposes of the Beacon Fen application our home designates us as a 'sensitive landscape receptor'. We are both very concerned about the impact of the proposed solar farm on us and our home. | <p>The Affected Person has been identified as holding a Category 3 interest in the Proposed Development, as defined under Section 57(4) of the Planning Act 2008. This interest is set out in Part 2 of the Book of Reference (Document Ref. 4.1), the latest version of which is submitted into Examination alongside this document at Deadline 2.</p> <p>The Applicant pro-actively engaged with the stakeholder throughout the preapplication consultation stage. A meeting was requested by the stakeholder and held in May 2023, during the early (non-statutory) engagement phase. A further meeting was held in February 2024 to discuss the preferred visual screening measures at the stakeholder's property in further detail which were accommodated where possible. Open communication with the stakeholder was maintained throughout pre-application consultation, and they were sent regular updates regarding the Proposed Development.</p> <p>Changes were subsequently made to the scheme layout and landscaping proposals. Landscaping and buffers are shown in Landscape Strategy Plan (Document Refs.6.4.42a – 6.4.42b), the latest versions of which are submitted alongside this document at Deadline 3.</p> |

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| <p>Having previously informed the applicant of our concerns regarding the close proximity of the panels to our home we have noticed their most recent plans still deploy panels within a short distance of our home. Whilst it appears there is no prescribed minimum distance in legislation, our admittedly simplistic research identifies recommendations ranging from 500metres to 2 kilometres, considerably farther away than is the case in relation to our home in We are 15m from the order limits, 65metres from the solar array and 1500m away from the substation and BSS.</p> | <p>While there is no minimum distance between receptors and solar infrastructure set out in guidance, as set out in the Design and Access Approach Document (AS-019), the Applicant has carried out extensive engagement with local residents including attending the homes of a number of residents that border the Solar Array Area, in line with Design Objectives C1 and C2. The Applicant has worked with these near neighbours to better understand their concerns and re-design residential setbacks and taking aboard their preferences with regard to mitigation.</p> <p>Impacts on sensitive receptors were taken into account in the design of the Proposed Development and have been assessed and mitigated, as set out in the ES (APP-052 – APP-070) and its Appendices.</p> |
| <p>The applicant does appear to recognise the negative impact their activity will have on those unfortunate ‘receptors’ that overlook the site and have included screening areas close to people’s homes in their plans. We feel the size of the area in front of our home to be far too small. The planting in these areas intended to hide the expanse of panels and other infrastructure from view will take many years to mature, leaving us with an unobscured view of the site for many years to come. We are aware NKDC Planning Department also has concerns regarding the applicant’s 15-year planting growth projections. In the meantime, we feel the only thing that can mitigate the negative visual impact on us for the circa 15 years until the planting matures is distance.</p> | <p>Landscape and Visual Impacts on sensitive receptors are considered within ES Chapter 6 Landscape and Visual (APP-057) and its Appendices.</p> <p>The existing field pattern and associated perimeter vegetation, consisting of hedgerows with trees alongside hedgerows forming the field boundaries, will largely be retained. As set out in ES Chapter 6 Landscape and Visual (APP-057), proposed native hedge plants will be between 0.6m and 0.8m in height, with tree planting between 1m and 3.5m in height on completion (year 0), and all proposed planting will be implemented and managed in accordance with the Outline Landscape and Ecological Management Plan (oLEMP) (APP-089). By year 15, the tree planting will have grown by an assumed 3m in height (equating to</p> |

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| | <p>20 centimetres per year) and will, therefore, range between 4m and 6.5m in height. New and existing hedgerows will be managed and maintained at a height of up to 3.5m. The oLEMP is secured pursuant to Requirement 7 of Schedule 2 to the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2.</p> |
| <p>The addition of the bespoke road route to the North and West of our home (with the panels to the East) will create noise disturbance and unwanted visual impact on three sides of our home. Whilst the applicant considers the overall noise impact as not significant, the assessment made at ML3 (which was approximately 50metres further way from the bespoke road than our home) identified an existing daytime level of 37dB with a predicted construction phase level of 64Db categorising noise disturbance of 'negligible effect'. Thus being only 1Db below the 65Db category that constitutes 'significant effect'. The assessment of our exposure (R11) to disturbance from vibration during construction has been estimated at 0.5mm/s-1. Although this constitutes a 'negligible change', these factors combined with the visual impact give us a cumulative cause for concern.</p> | <p>All likely significant impacts in terms of noise and vibration, along with any mitigation measures required, are considered within ES Chapter 10 Noise and Vibration (APP-061). The Assessment concludes that no construction, operation or decommissioning impact will result in a residual effect of noise or vibration greater than minor adverse, which is not significant in Environmental Impact Assessment terms.</p> <p>Construction has been considered within the ES and mitigation measures are documented within and secured by the Appendix 9.3 Outline Construction Traffic Management Plan (oCTMP) (APP-159) and Appendix 2.4 Outline Construction Environmental Management Plan (oCEMP) (REP1-009), which have been prepared to support the application and are secured by requirements in Schedule 2 to Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2. These documents include measures relating to traffic, noise and dust, amongst other things.</p> |
| <p>Rather than compensate those people identified as 'receptors' and by definition most likely to be adversely affected by the</p> | <p>See below response regarding community benefits and ongoing work to develop proposals for this. The Applicant can confirm</p> |

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| <p>development, Low Carbon have suggested vague community benefits that lack any detail. This approach risks benefitting individuals that have suffered little or no detrimental effect from the development whilst offering no desirable change to those that will. In our case, one suggestion has been allowing public access to the planting area directly opposite our home. The applicant has suggested there will be little or no detrimental effect on property values associated with large scale solar arrays. However it is easy to find evidence to the contrary, particularly when a property is within close proximity to the site or the site is deployed in what was previously a rural landscape, both of which are applicable in our case.</p> <p>The applicants proposals have brought us to the conclusion that we no longer wish to live in our home but we fear achieving a sale on the open market is unlikely as few would choose to live in a house that overlooks an industrialized landscape of 1000 acres of solar panels and associated structures.</p> | <p>no public access will be allowed to any area of the Solar Array Area besides the permissive pathway created on site, which is approximately 400m from this stakeholder's property.</p> <p>Regarding compensation, for properties outside of the Order Limits, rights to statutory compensation are provided for through the application of Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973, and Section 152(3) of the Planning Act (2008). Compensation is payable where loss or damages are suffered due to construction, or where there is a loss in property value due to physical factors (such as noise, dust or light pollution) arising from the operation of the Proposed Development.</p> <p>The above is distinct from any community benefits package that councils or government may seek from the Proposed Development.</p> |
| <p>Mindful that selling it would be unlikely in the current circumstances, we offered our home to the applicant for purchase.</p> <p>Their representatives declined our request stating that this was not something they would consider. Anecdotally, we are aware that others in the village have had difficulty selling their homes due to the prospect of the solar farm, with a recent sale the other end of the village, with no visual contact with the site being negotiated down on the basis of the solar farm application.</p> | <p>As this property is outside of the Order Limits, there is no statutory obligation for the Applicant to purchase the property.</p> <p>As detailed above, properties outside of the Order Limits may be able to claim compensation under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973, and Section 152(3) of the Planning Act (2008).</p> |

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| <p>Although the Department for Energy Security and Net Zero has stated: 'Where communities live near clean energy infrastructure, they should benefit directly from it', we have not seen any evidence of this. The applicant did engage with us, but this largely involved their informing us of their intentions. We were given the opportunity to express our concerns but we have seen little or no evidence of these concerns being handled sympathetically.</p> | <p>The Applicant has read and considered all the feedback received at every phase of consultation, and has attempted to engage directly with those stakeholders most affected by the project in order to build a personal relationship and allow them to communicate their concerns directly.</p> <p>The Consultation Report (APP-046) demonstrates that the Applicant has complied with the relevant sections of the Act relating to pre-submission consultation about Beacon Fen Energy Park and has taken account of applicable guidance, PINS advice and other best practice.</p> |
| <p>Rather than compensate those people identified as receptors and by definition most likely to be adversely affected by the development, Low Carbon have suggested vague community benefits that lack any detail. This approach risks benefitting individuals that have suffered little or no detrimental effect from the development whilst offering no desirable change to those that will. In our case, one suggestion has been allowing public access to the planting area directly opposite our home. Whilst this suggestion may provide an inexpensive means of providing 'community benefit', allowing public access to this area risks increased disturbance to us and leave the area subject to potentially antisocial behaviour in the area adjacent to our home, serving only to compound the already negative impact on us. We are concerned any public access permissions or visitor encouragement will introduce further disturbance of the quiet rural lifestyle we once enjoyed. We feel this reveals the general lack of care or consideration for the people most affected by their plans.</p> | <p>As a result of the community feedback received during pre-application consultation and discussions with North Kesteven District Council, a permissive path, including several footbridges over ditches, is proposed within the Solar Array Area during the operational phase of the Project. This path will connect the existing Public Right of Way Ewer/12/1 to a wider network. This is secured by Requirement 15 in Schedule 2 of the Draft DCO (Document Ref. 3.1), the latest of version of which is submitted into examination alongside this document at Deadline 2, and represents an enhancement of the existing situation. The Applicant can reassure the stakeholder that this permissive path is the only public access point proposed within the Solar Array Area.</p> <p>The Applicant is considering the requests around additional community benefits, taking account of local sentiments, and appreciates the sharing of these views as its proposals</p> |

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| | develop. |
| <p>We do not believe there are any benefits to those ‘receptors’ that overlook the site, there are only negatives.</p> <p>We will have to endure noise pollution from construction and increased traffic during the up to 5-year construction. We will have to live overlooking a large scale industrialized landscape that we did not want for the remainder of our time living in the area. Whilst the applicant is required to provide factors to mitigate the negative impacts of their activity, these impacts will still exist. We expect to suffer a detrimental effect on the value of our home, loss of amenity, noise disturbance, traffic disruption and the effects of stress and anxiety associated with these factors. The effects of stress on mental and physical health are well known. Indeed, the development of the site has not even started yet. In imposing these changes to our lifestyle, the applicant is posing a risk to our mental and physical health. We believe the applicant should have a duty of care to those negatively affected by their activity and accept a moral obligation to compensate those that are most negatively affected. When questioned on the subject of compensation, the applicant’s representatives advised us that this was not something they would consider.</p> | <p>See above regarding noise, traffic and visual impact.</p> <p>In terms of mental health, a health screening exercise was undertaken in accordance with the Central Lincolnshire Healthy Planning Checklist and, included within Appendix 1.1 Scoping Report (APP-071), mental health was not scoped in. Chapter 15 Socio-Economics (APP-066) of the Environmental Statement (ES) provides baseline data on community health and wellbeing, and further considers related impacts including restricted access to recreation (including visual effects). Table 15.3 Social Receptor Sensitivity Scale confirms that the potential impact on the wellbeing of people has been considered when defining the magnitude of change. The potential socio-economic effects of the Proposed Development in terms of human health are assessed to be minor and Not Significant, with no adverse impacts on human health or wellbeing (including mental health).</p> <p>As set out in the oCEMP (APP-077), As secured through a requirement in Schedule 2 to the Draft DCO, a Community Liaison Officer (CLO) will be appointed prior to construction commencing (and will continue in this role through until the date of final commissioning of the Proposed Development) as a formal forum for local issues to be raised. The CLO will be appointed to lead communication with local communities and act as the primary point of contact should there be any queries or complaints.</p> |

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| We would like to see significant increase in size to the 'set-back' area in-front our home and we would like to be compensated for our losses and the potential effects of stress and anxiety on our mental and potentially physical health. | <p>The Applicant notes this comment.</p> <p>As detailed in this response, properties outside of the Order Limits may be able to claim compensation under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973, and Section 152(3) of the Planning Act (2008).</p> <p>The Applicant does not take matters regarding the mental health of affected parties lightly. NHS mental health support services in Lincolnshire are sign-posted here: https://www.lpft.nhs.uk/contact-us/need-help-now</p> |

19. Applicant's Comments on SGN's Written Representation (REP1-058)

Table 19.1 - Applicant's Comments on SGN's Written Representation (REP1-058)

| TEXT | RESPONSE |
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| It would appear these works will be happening in an area Cadents network is on so you would need to make them aware if you haven't already. | The Applicant notes this comment. The Applicant is in active engagement with Cadent on the interface between the Proposed Development and Cadent's apparatus. |

20. Applicant's Comments on Boston Borough Council's Written Representation (REP1-060)

Table 20.1 - Applicant's Comments on Boston Borough Council's Written Representation (REP1-060)

| TEXT | RESPONSE |
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| <p>Introduction</p> <p>This Written Representation confirms the position of Boston Borough Council in respect of the proposed development and should be read in conjunction with the Council's Local Impact Report. The Local Impact Report sets out in more detail the Council's assessment of what it considers to be some of the key issues insofar as they impact upon Boston Borough.</p> <p>The ES determines Significant Adverse Effects that directly affect the Borough as follows:</p> <ul style="list-style-type: none"> • Loss of Best and Most Versatile Agricultural Land • Landscape effects upon the Holland Reclaimed Fen Landscape Character Area • Visual Effects upon residential receptors R10, R11, R12, R13, R14 & R15. • Visual Effects upon recreational receptors PROW Bick 2/1 and the highway network from the A17 and Bicker Drove. <p>Overall, Boston Borough Council supports the principle of the proposed development which is to make a significant contribution towards the generation of clean sustainable energy supplies. However, these positive aspects must be balanced against environmental effects which may result in some negative impacts.</p> | <p>The Boston Borough Council Local Impact Report (REP1-059) has been assessed and responded to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7). Specific responses to BBC's key points are addressed through the remainder of this document.</p> |

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| <p>There are a number of issues raised in the Local Impact Report that were attributed a potentially negative effect and need to be satisfactorily addressed by the Applicant as follows:</p> <ul style="list-style-type: none"> • The loss of agricultural land, including high quality Best and Most Versatile Agricultural Land. • The scale and significance of the impact on the landscape and visual amenity of the area including the impacts on Landscape Character Area, nearby residential properties and Public Rights of Way. Biodiversity Net Gain and impact upon LWS South Forty Foot Drain. • The significance of disruption to the community during the construction phase | |
| <p>Potentially Negative Effects The next section takes each of the potential negative effect identified within the Local Impact Report in turn.</p> | <p>The Boston Borough Council Local Impact Report has been assessed and responded to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7). Specific responses to BBC's key points are addressed through the remainder of this document.</p> |
| <p>Loss of Best and Most Versatile Agricultural Land Loss of high grade BMVAL is a concern to BBC. The ES identifies the loss of BMVAL as significant adverse effect which the Borough agree with. ES Chapter 14 (APP-065) confirms at paragraph 14.4.7 no detailed soil survey of the cable corridor of the Bicker Fen Substation extension site has been carried out. Albeit paragraph 14.6.8 of the same ES chapter confirms a detailed soil survey of the cable corridor will be carried out pre-construction. BBC questions how the use of BMVAL has been minimised in relation to the Substation extension site and the southern extent of the cable corridor without detailed soil surveys. Reinstatement of BMVAL should be to the same Agricultural Grade as the land was prior to</p> | <p>The Applicant has considered and responded to BBC's comments with regards to Loss of Best and Most Versatile Agricultural Land within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>commencement. BBC supports NE advice that the 'Applicant to update the Outline Soil Management Plan to make clear commitment to restoring the original ALC grade of all restored agricultural land and that 'this reinstatement commitment should specify that all agricultural land to be restored will be returned to its original ALC grade, informed by the pre-development ALC surveys.'</p> | |
| <p>Visual Effect of the extension to the Bicker Fen Substation and the construction of the cable corridor.</p> <p>BBC are concerned regarding the landscape and visual effect of the extension to the Bicker Fen Substation. Both the AIS and GIS Design options are 15 metres high as is the cable sealing end. Plantation Removal Plan ST 19595-381 REV1 shows the removal of the vegetation.</p> <p>The embedded mitigation is Design, OLEMP, OCEMP and ODEMP. There is no additional mitigation or a Landscape Strategy Plan for the extension to the Substation. The OLEMP mentions no mitigation just summarises the removal, the retention of a line of trees and what the effect is.</p> <p>The authorised works show work number 5E as further works in connection with the extension to the existing substation including—</p> <ol style="list-style-type: none"> I. landscaping and biodiversity mitigation and enhancement measures including planting; and II. the laying and construction of drainage infrastructure. <p>The Work Plans show 5E to the north west and north east but there is no detail of which element falls where or indeed any detail of the individual elements even if detail was indicative at this stage.</p> | <p>Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>There is therefore currently no mitigation for the landscape and visual effects of the extension to the Substation. The Applicant should clarify what Wok No 5E consists of and provide indicative details. In addition, mitigation measures should be included either through site specific measures or via contributions secured via S106 Agreement.</p> | |
| <p>Visual Effects to sensitive receptors Residential Properties (R10, 11, 12, 13.14 & 15) and PROW (Bick 2/1) Mitigation is in the form of retention of existing vegetation and replacement within 2 years of vegetation removed within the cable corridor is proposed for sensitive receptors such as Residential Properties. Such Properties are outside of the Order Limits and the Borough Council questions how such mitigation is to be controlled. Vegetation Removal Plan 6.4.43c Fig 6.32 doesn't clearly show the same vegetation removed as above it is difficult to distinguish between removal and retention with the potential for all vegetation to be removed.</p> <p>The Applicant should provide clarification on Vegetation Removal Plans for the extension to Bicker Fen Substation and the review the mitigation proposed to sensitive Receptors such as Residential Properties and how this is secured in the draft DCO.</p> | <p>The Applicant has considered and responded to BBC's comments with regards to the visual effects to sensitive receptors within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |
| <p>Vegetation Removal at South Forty Foot Drain a LWS Vegetation Removal Plan 6.4.43c Fig 6.32 (APP-237) appears to show the potential removal of all vegetation within the LWS South Forty Foot Drain. The Borough do not understand why this is necessary, when the Applicant has committed too HDD crossing method (paragraph 2.8.3 of the Outline CEMP (APP-077). The Applicant should provide Clarification on the Vegetation Removal</p> | <p>The Applicant has considered and responded to BBC's comments with regards to vegetation removal at South Forty Foot Drain within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

| TEXT | RESPONSE |
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| <p>Plans for South Forty Foot Drain and the commitment to use HDD trenchless crossing method at this location and how it is secured within the draft DCO.</p> | |
| <p>BNG BBC welcomes the Applicants commitment to BNG, in the Biodiversity Net Gain Strategy (APP-280) particularly as BNG is not yet a mandatory requirement for NSIPs. However, none of that BNG benefits the Borough as all of the measures are outside of its administrative area. The Applicant should provide BNG measures that benefit the Borough either through site specific measures or via contributions secured via S106 Agreement.</p> | <p>The Applicant has considered and responded to BBC's comments with regards BNG to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> <p>The Biodiversity Net Gain (BNG) Strategy (APP-280) sets out the Applicant's approach to successfully delivering its BNG commitments in relation to the Proposed Development. This is secured via Requirement 8 in Schedule 2 of the Draft DCO (Document Ref: 3.1).</p> <p>The BNG strategy was built from the principles of linking up habitats on and off site to enhance the populations of protected species at a landscape scale not defined by administrative boundaries. For example, hedgerow enhancements will be of benefit to commuting bats, watercourse enhancements should benefit riparian mammals, of which otters are a qualifying feature of the Wash and Nort Norfolk Coast Special Area of Conservation (SAC) east of Boston.</p> <p>The Applicant acknowledges this request and will continue to engage constructively with BBC in relation to the approach to achieve BNG which benefits wildlife across Lincolnshire. The Applicant has reached out to BBC to set up a meeting to discuss site specific measures at the extension of the substation and does not believe a s106 agreement will be required.</p> |

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| <p>Socio Economics BBC welcomes the OESP but are uncertain about how the overarching positive impacts will benefit members of the local community within the BBC area. BBC are also concerned regarding the impact upon the agricultural sector in terms of the impact on agriculture and soils that will result in the temporary loss of agricultural production. The Applicant should provide a Employment Skills and Education Contribution secured via S106 Agreement.</p> | <p>The Applicant has considered and responded to BBC's comments with regards to socio-economics within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> <p>The Applicant's view on the use of a s106 is outlined in the response to question GCT.1.11 in Applicant's Responses to the ExAs ExQ1 (Document Ref. 9.6).</p> |
| <p>Impact of Construction Activities BBC are concerned about the significant disruption that will be caused to the community during the construction phase taking account of construction timelines being for the extension works to Bicker Fen Substation are proposed to take 60 weeks and generally 2.5 to 5 years.</p> <p>BBC are also concerned over the potential for Cumulative Impact of Construction Activities from a number of NSIP Projects within the area. Cumulative Impacts with consented DCO such as Heckington Fen in particular, but also other NSIP development within the vicinity in regard to construction Impacts including construction traffic routing. For context HGV traffic and construction routes for HGV's is a concern locally with all the development in and around the Bicker Fen Substation.</p> <p>BBC seeks clarification and reassurance from the Applicant that all has been done that is possible to ensure that adequate construction impact management and mitigation is in place and secured within the Requirements of the draft DCO.</p> | <p>The Applicant has considered and responded to BBC's comments with regards to the impact of construction activities within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> |

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| <p>Requirements of the draft DCO</p> <p>The WR also sets out the Borough's comments on the wording of the Requirements as set out in Schedule 2 Part 1 of the draft DCO as follows:</p> <ul style="list-style-type: none"> Throughout the wording of the Requirements the phrase '<i>no part of</i>' or '<i>that part</i>' are used without definition. The Borough Council assumes that the Applicant means 'part of' as a 'phase of development'. If this is the case, its suggested that an additional Requirement is inserted to require the submission of a Phasing Plan so that there is clarity in the Discharge of Requirements as to what phase is being discharged at any particular time. Throughout the wording of the Requirements the Phrase '<i>substantially in accordance with</i>' is used in respect of those Requirements that submissions to discharge the requirement are to be in accordance with the outline control documents. The Borough Council understand the Applicant desire for flexibility but is concerned that documents will not be adhered too. Requirements 7, 8 and 12 require the submission of Control Documents and there is no direction as to what should be included in this document within the Requirement itself i.e. what the key components that should be included within the LEMP and Biodiversity Net Gain Strategy are. With the use of 'substantially in accordance with' as above the Borough Council is concerned that important matters may not be included as part of the discharge of requirements on the basis that the submission is still substantially in accordance with the outline control document even though a commitment maybe missing. | <p>Phasing:</p> <p>The Applicant notes BBC's comments, but disagrees that there is a need for an additional requirement relating to approval of a phasing plan. Any documents submitted in order to discharge a requirement will make clear which "part" of the authorised development they relate to (for example, the Cable Route or the Solar Array Area). The Applicant also notes that Section 2.14 of ES Chapter 2: Proposed Development (APP-053) describes the Applicant's proposed approach to the programme for the construction of the authorised development but this will depend on progress with third party licences, agreements, requirement discharge and procurement of materials. It is not considered that any further controls on phasing are required.</p> <p><u>"substantially in accordance with":</u></p> <p>Use of the phrase "substantially in accordance with" is widely preceded in DCO requirements relating to outline control documents which are subject to secondary approvals in the post-consent phase; for example, please refer to the Tillbridge Solar Order 2025 and the Heckington Fen Solar Park Order 2025. This wording is included in the requirements because it is necessary for the Applicant to retain a degree of flexibility at the detailed design stage to account for unforeseen changes and circumstances. The term "substantially in accordance with" has an established legal meaning in DCOs, this being that that the plan or detail to be submitted should in the main accord with the outline document and where it varies from the outline document should not give rise to any new or any materially different environmental effects in comparison with those reported in the Environmental Statement. If the Applicant were to make an application to discharge a requirement and was not able to evidence that the information</p> |

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| <ul style="list-style-type: none"> • Query why Requirement 5 doesn't refer to Work Nos and that whether the reference to outline design principles includes plan no's 2.29 GIS building drawing (APP-032), 2.28 substation section drawing (APP-034), 2.27 substation layout (APP-033), 2.26 land take options (APP-032) for the Bicker Fen Substation extension as there are no design principles listed in the Design and Access Approach Document Appendix 1 Outline Design Principles (AS-019). • Query why Requirement 14 only relates to work numbers 1, 2 and 3 in respect of operational noise and not Work Nos 5A and 5B that relate to the Extension of the Bicker Fen Substation. • Requirement 16 should be amended to reflect Natural England's comments upon reinstatement to the original ALC grade of land which the Borough Council supports. | <p>being submitted was "substantially in accordance" with the outline version of that plan, the discharging authority (being either Lincolnshire County Council, North Kesteven District Council or BBC) would be able to refuse the application and request that the Applicant revise the plan so as not to be in breach of the DCO. Breach of a requirement of a DCO is a criminal offence pursuant to section 161 of the Planning Act 2008. This is considered to be a sufficient deterrence to ensure compliance.</p> <p><u>Requirement 5 (detailed design approval):</u> Requirement 5 does not refer to work numbers as it relates to all aspects of the authorised development where the detailed design of the elements listed in sub-paragraph (1)(a) to (l) needs to be approved. The drawings referred to are all indicative only, and so are not secured through the requirement. Requirement 5 will be for approval of the local authority hence when the substation design is for approval a submission under Requirement 5 will be made to Boston Borough Council.</p> <p><u>Requirement 14 (operational noise):</u> This requirement stipulates that Work Nos. 1, 2 and 3 may not commence until an operational noise assessment (containing details of how the design has incorporated mitigation set out in the Environmental Statement (Document Ref: 6.1 – 6.4) in respect of operational noise rating levels has been complied with) has been submitted to and approved by the relevant planning authority. The design in the operational noise assessment must be implemented as approved and maintained throughout the operation of the relevant part of the authorised development to which the plan relates. The fact that the requirement only relates to Work Nos. 1-3 reflects the mitigation identified in Chapter 10: Noise and</p> |

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| | <p>Vibration (APP-061). Across the Proposed Development more generally, noise is further controlled via the mitigation secured in the Outline Construction Environmental Management Plan (Document Ref: 6.3.7) and the Outline Decommissioning Environmental Management Plan (REP1-011). In addition, a Statutory Nuisance Statement (APP-275) has been prepared and submitted as part of the Application.</p> <p>The Applicant also notes that this form of drafting has precedent in requirement 15 of the Gate Burton Energy Park Order 2024 and requirement 18 of the Tillbridge Solar Order 2025.</p> <p><u>Requirement 16 (soils management):</u> Please refer to the Applicant's response to Natural England in the Applicant's Responses to Relevant Representations [REP1-029] which states <i>"Following decommissioning, the soils will be reinstated to match the baseline soil profile characteristics of soil type, horizon depth and soil structure. The resulting ALC grade is dependent on future climatic conditions. Returning to the previous ALC grade is only possible if the climatic data set for ALC grade calculations remains constant, and climatic interactions such as soil water regime and flooding are also the same as the baseline conditions. Both are external factors that cannot be controlled by the Applicant. External management from the local drainage boards is also a key requirement for the soils within the order limits retaining their ALC grade. Returning soils to their previous ALC grade would therefore also require the drainage boards maintaining the required water table levels. For these reasons, it is not possible for the Applicant to take on responsibility for attaining a specific ALC grade some years in the future, but instead can take on</i></p> |

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| | <i>responsibility for a particular good practice process of soil management."</i> |
| <p>Articles</p> <p>Part 6 Miscellaneous and general Article 43 provides a blanket approval for the felling or lopping trees or removal of hedgerows without the need to notify the relevant planning authority. There doesn't seem to be a requirement under this article for those trees felled or hedgerows to be removed to be replaced either. The Borough Council recommends that this article is amended as it appears to conflict with design principles and the contents of the OLEMP.</p> | <p>The Applicant disagrees that Article 43 (note in the latest Draft DCO (Document Ref: 3.1) this is now Article 44) provides the undertaker with a "blanket approval to remove hedgerows and protected trees without the need to notify the relevant authority or provide replacement planting". This is because the exercise of the power in Article 43 can and must only be exercised in accordance with the requirements set out in Schedule 2 to the Draft DCO (Document Ref: 3.1) (see Article 3(1) of the Draft DCO), particularly requirements 7, 8 and 12. The drafting of Article 44 has been updated to clarify the relationship between the powers in the article and the relevant management plans.</p> |
| <p>Discharge of Requirement Fees</p> <p>The Council is of the view that the proposed fee structure at article 23 (2) (a) to (c) would not adequately cover the Council's reasonable costs in fulfilling its obligations and would welcome further discussion with then Applicant on this matter. The Council is of the view that the proposed fee structure at article 23 (2) (a) to (c) would not adequately cover the Council's reasonable costs in fulfilling its obligations and would welcome further discussion with then Applicant on this matter.</p> | <p>The Applicant has updated fees since the submission of the original draft DCO. The Applicant has since proposed to include higher costs, which comprise £2,578 for the first application, £588 for subsequent application to discharge the complex requirements. Fees payable for applications for the discharge requirements not listed above would be £298. This is included within the updated Draft DCO (Document Ref. 3.1) as submitted into examination alongside this document at Deadline 2. This reflects the equivalent drafting in the latest version of the Springwell draft DCO. The Applicant also notes for the avoidance of doubt that this is now paragraph 24, not 23.</p> |

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| <p>Community Benefit Fund</p> <p>There is no legal requirement for community benefit funds, nor is there a mechanism to secure them through the DCO process. Therefore, it cannot be considered a relevant and important matter and is outside the formal DCO process. No community benefit fund is currently secured for this development. However, the Borough Council are open to engage with the applicant regarding the community benefit fund in the future.</p> | <p>A Community Benefit Scheme does not form part of the DCO Application, and this funding is not required to mitigate the effects of the project, and this is not a planning consideration that the Secretary of State would as a matter of law take into account when deciding whether to grant development consent. Notwithstanding this, a community benefit fund will be provided alongside the development.</p> |
| <p>Conclusions</p> <p>This Written Representation confirms the position of Boston Borough Council in respect of the Beacon Fen Energy Park and should be read in conjunction with the Council's Local Impact Report. It also provides initial comments upon the draft DCO in respect of the Requirements and Articles 43 and 23.</p> <p>The Borough's Local Impact Report identifies a number of effects that are attributed a potential negative effect. The WR attempts to provide for areas of that the Applicant may provide clarification upon and suggests amendments and/or additions that would go some way to address the majority of the Borough Council concerns on the Beacon Fen Energy Park.</p> <p>The Borough Council will work with the Applicant through the Statement of Common Ground process to move towards resolution of the matters that are identified as resolvable during the Examination.</p> | <p>The Boston Borough Council Local Impact Report has been assessed and responded to within the Applicant's Comment's on Local Impact Reports (Document Ref. 9.7).</p> <p>Specific clarification has been provided above to respond to BBC's concerns on:</p> <ul style="list-style-type: none"> • The loss of agricultural land, including high quality Best and Most Versatile Agricultural Land. • The scale and significance of the impact on the landscape and visual amenity of the area including the impacts on Landscape Character Area, nearby residential properties and Public Rights of Way. • Biodiversity Net Gain and impact upon LWS South Forty Foot Drain. • The significance of disruption to the community during the construction phase. <p>The Statement of Common Ground ('SoCG') with Boston Borough Council ('BBC') (REP1-020) is being updated throughout the examination process, with an updated SoCG to be included at a future deadline.</p> |

21. Applicant's Comments on Vicarage Drove Energy Centre Limited's Written Representation (REP1-061)

Table 21.1 - Applicant's Comments on Vicarage Drove Energy Centre Limited's Written Representation (REP1-061)

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| <p>1.This firm acts for Vicarage Drove Energy Centre Limited ("VDECL") and is instructed to submit this written representation in respect of the application for a Development Consent Order ("DCO") submitted by Beacon Fen Energy Park Limited ("the Applicant"), as accepted by the Planning Inspectorate on 1 May 2025 for examination under reference EN010151.</p> | <p>The Applicant has reviewed the relevant representation and written representation of Vicarage Drove Energy Centre Limited ('VDEC') and had regard to their content.</p> |
| <p>2. We refer to VDECL's relevant representation reference RR-034. For completeness those representations are restated here to the extent VDECL's position remains the same, and where appropriate updated to reflect the current status of engagement with the Applicant and/or updates to the examination documents or submission of new documents into the examination by the Applicant or other parties.</p> | |
| <p>3. VDECL has leasehold interests in land to the south of Bicker Drove and to the north of Vicarage Drove, Boston PE20 3BQ ("the VDECL Land"). Pursuant to a planning permission granted by Boston Borough Council reference B/21/0443 granted on 17 February 2022 VDECL is currently constructing the solar farm known as Vicarage Drove Solar Farm on the VDECL Land. In RR-034 it was stated the anticipated date for energisation of the solar farm was 5th September 2025. Energisation has yet to take place and is now expected by early November 2025.</p> | <p>The Applicant notes this comment and is aware of the status of VDEC's project.</p> |

4. The proposed development for which Beacon Fen Energy Park Limited is seeking a DCO ("the Proposed Development") includes compulsory acquisition powers to permanently acquire rights over part of the VDECL Land, being plots reference 18-52 and 18-56 as detailed in the Book of Reference (document reference PDA-002) and on sheet 18 of the Land Plans (document reference AS-005). We note the Applicant's Book of Reference – Schedule of Changes (document reference PDA-004) refers to removal of reference to VDECL's interest in plot 18-6. We confirm this change is appropriate and that VDECL's representations in respect of its land interests relate to the rights sought by the Applicant in respect of plots 18-52 and 18-56 only. As stated in the draft Order (document reference AS-008) the rights are sought to construct, operate, maintain and use Work No. 4A and to construct, operate, maintain, use, inspect and alter any protective works, access works, utility apparatus or other ancillary or related development (as set out in Schedule 1 (authorised development)) in connection therewith. Work 4A, as detailed in Schedule 1 of the draft Order, involves amongst other things works to lay electrical cables including open cut trenching, tunnelling, boring and drilling works for trenchless crossings.

5. Whilst VDECL does not object to the principle of the Proposed Development, the extent of the VDECL Land over which rights are sought is excessive. It is acknowledged that the applicant has adopted a precautionary approach to the land required for its cable run, including optionality as to the route of entry into the Bicker Fen substation to the east of the VDECL Land. Nevertheless, as proposed the draft Order seeks permanent new rights over land which will, from the imminent date of energisation of VDECL's solar farm, include the assets of an operational solar farm. The land parcels within the Order limits accommodate various apparatus including photovoltaic panels and inverters (together with

The Applicant's preferred Cable Route to the Bicker Fen substation would avoid the VDEC occupied land entirely. However, this may not be possible if National Grid Electricity Transmission plc's detailed design for the substation layout confirms the cable needs to be routed across the relevant land. The position will not be confirmed until NGET has undertaken this detailed design process which is likely to follow any grant of development consent and any subsequent design work related to other grid connections at the substation site. At which point the Applicant will be able to determine the Cable Route and whether it needs to cross land occupied by the VDEC project.

Due to the potential cable routeing that may be required depending on the Bicker Fen substation detailed design, the Applicant needs to retain the ability to place the cable anywhere within the area of VDEC occupied land within the Order Limits to ensure the deliverability of the Proposed Development.

However, in the event that the Applicant does need to route the cable over VDEC occupied land, the Applicant proposes a tiered approach to ensure the VDEC project is sufficiently protected. The Applicant will engage with VDEC on the specific terms of such protections offered.

underground/overground cables) along with on-site access tracks.

6. In light of the potential for disruption or damage to this critical energy infrastructure, VDECL wishes to retain its holding objection to the Proposed Development first stated in its relevant representation (reference RR-034) until such time as appropriate protective measures and/or private agreement is reached.

7. We note that subsequent to the submission of VDECL's relevant representation the Applicant has an updated Detailed Land and Rights Negotiations Tracker (document reference PDA-005). The entry for VDECL states "Discussions on the draft protective provisions are ongoing between the Affected Person's solicitors and the Applicant's solicitors". This is broadly correct though please note no further discussion regarding protective provisions and/or a side agreement have taken place since VDECL submitted its relevant representation. At the Applicant's request discussions have been paused whilst it undertook Ground Penetrating Radar (GPR) surveys on the VDECL Land in August 2025. The Applicant has explained the survey results are being considered in respect of implications for the proposed cable route. It remains the case that VDECL requires bespoke protective provisions (which remain with the Applicant for approval). Further VDECL continues to seek further information from the Applicant on when it expects to enter into negotiations to secure the rights being sought under the draft Order by voluntary agreement.

8. VDECL has also sought from the Applicant further details on the interaction between the Proposed Development and the rights secured by Ecotricity under the Heckington Fen Solar Park Order (including rights over the same parts of the VDECL Land). The Applicant's Electricity Grid Connection Statement (document

The Heckington Fen project promoted by Ecotricity follows a different Cable Route into the substation and so the arrangements agreed with Heckington Fen are not relevant to the interaction and approach required for the Proposed Development.

reference APP-285) explains that NGET proposes to carry out the substation extension works for the Heckington Fen Solar Park Order and the Proposed Development as a single construction programme. VDECL must retain its objection until such time as appropriate protective provisions are agreed and it is satisfied there is agreement as to the coordination of works between the two DCOs.

9. In addition to the powers of compulsory acquisition sought by the Applicant, until protective provisions are agreed VDECL objects to the inclusion of the two means of access to Vicarage Drove Solar Farm under Work 10 of the draft Order and as per the Works Plan (document reference AS-006), namely the points of access along Vicarage Drove to the south and Bicker Drove to the north of the VDECL Land. In light of the broad powers sought under Part 3 of the draft Order, VDECL must have assurance that it will continue to have suitable access to Vicarage Drove Solar Farm throughout the course of construction of the Proposed Development and at all times during which Vicarage Drove Solar Farm remains operational, as is critical for its ongoing safe operation and maintenance.

10. VDECL reserves the right to make further representations as part of the Examination of the Proposed Development. VDECL is committed to positive engagement with the Applicant with a view to reaching agreement and will provide further updates to the Examining Authority as necessary.

The Applicant will engage with VDEC on the form of protective provisions required, which it trusts will enable the withdrawal of VDEC's objection.