

ISH3 – Item 4: Land Use – LCJM Oral Submission

Sir, Matthew Mountain for LCJ Mountain Farms Limited, LCJM. I am focusing on four Land Use points at the Bicker end of the scheme.

Point 1

First, a simple framing point: the key cable route difference you are being asked to consider lies almost entirely on LCJM's land -

Under the Applicant's "Option 1", the cable corridor:

1. runs broadly east-west across our rectangular block for around 3.2 kilometres; and
2. does so at right angles to the north-south field layout and drainage pattern. With drains at every 21 yards, that east-west route severs up to 166 field drains, whereas our north-south hybrid offer significantly reduces the number of drains that need to be cut and reinstated.

On LCJM's evidence—drawing on thirty years of cropping records and the agricultural land classification outcome for the nearby AGR3 solar site already in the Examination—the alternative alignment we have shown to the Applicant sits predominantly on Grade 3 agricultural land, rather than higher-grade land.

On the point made by applicant's technical colleague on soils earlier – when he said the cable corridor is 15% Grade 1, 79.6% Grade 2 and 5% Grade 3 – based on ALC desktop survey data alone - alongside the claim that detailed surveys would "not change the assessment". This cannot be relied on as shown by AGR3's 96% Grade 3a assessment of 200 acres. This local assessment was shown in my D1 submissions Rep1-043 Exhibit 3 and Exhibit 5 which is in the cable corridor where the desktop survey says it is Grade 1 when it is actually Grade 3.

We are not asking the Panel to reopen the Applicant's entire agricultural land classification exercise across the whole scheme. Our request is simply that, for this relatively short but locally important section:

1. the Panel either accepts LCJM's Grade-3 evidence as sufficiently reliable; or
 2. if the Applicant wishes to maintain a different position, any further agricultural land classification work is targeted only on the LCJM sections, rather than opening up extensive new survey elsewhere.
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Point 2

on fragmentation, minimisation and alternatives as they relate to land use

LCJM has consistently put forward an alternative north / south route, which is already in the Examination as the yellow dotted line in REP2-051, page 15 (ExD2.11). For today, may I refer to that as the "LCJM Hybrid route".

LCJM has today, at Deadline 4, submitted a short 12-metric comparison table to help structure the like-for-like matrix you requested after the first compulsory acquisition hearing. That table simply compares Option 1 with the LCJM Hybrid route

The LCJM Hybrid route is not an arbitrary line on a plan. It was drawn to:

1. run wholly within the LCJM land blocks shown and fixed approximately 581 metres east of Car Dyke;
2. directly collect the 618 acres LCJM offered to the project in August 2023 for solar generation and co-located BESS infrastructure, when Beacon Fen South fell away
3. leaves only a short residual distance at the eastern end which LCJM has always said could be bridged by a narrow row of solar panels, so that the offered land functions as a single, continuous area suitable for development within our 1,337-acre holding, directly answering the Applicant's earlier concern about "non-contiguous" land being harder to develop.

In other words, the LCJM Hybrid route is the deliverable expression of LCJM's August 2023 offer: it is the alignment that actually collects the offered acres into a continuous area suitable for solar and BESS development, while still taking the cable efficiently to Bicker Fen

From a land-use and soils perspective, the LCJM Hybrid route also:

1. keeps the new corridor aligned with field edges, rather than cutting across the middle of the holding;
2. avoids the 1.2 km longitudinal construction and operation alongside LWS 4722 that Option 1 entails on LCJM's land; and
3. follows the north-south drainage pattern, significantly reducing the number of field drains that need to be cut and reinstated compared with a 3.2-kilometre east-west strip.

At yesterday's hearing the Panel explored with the Applicant the rationale for taking a 600-megawatt import and export grid connection, but only building around 400 megawatts of solar generation, leaving roughly 200 megawatts of spare headroom at the battery.

From LCJM's perspective, that spare headroom appears most logically to be there for one or both of:

1. additional generation in future; and
2. proximate final demand, such as behind-the-meter or private-wire uses.

We are not asking the Panel to consent any solar development on LCJM land through this Examination. However, we do respectfully point out that, on the Applicant's own Environmental Statement and works-plan, there are assumptions of 0.32 megawatts of solar generation per acre, our 618-acre offer equates to roughly 198 megawatts of solar generation—almost exactly the 200 megawatts of "other uses" headroom that has been discussed.

So the LCJM Hybrid route and the August 2023 offer are not speculative add-ons at the edge of the scheme. They align numerically, spatially and in EN1 and EN3 policy terms with:

1. the Applicant's oversized battery

2. Grade 3 land already under LCJM’s control in very close proximity to the point of connection.

We recognise that our clarification of the LCJM Hybrid route is formally lodged at Deadline 4 and you are not determining matters today. Our request is simply that, when the Applicant produces the like-for-like matrix you have requested:

1. it uses the LCJM Hybrid route—the yellow dotted line in ExD2.11—as the LCJM comparator, because that is the clearly defined alignment now relied on by LCJM and shown wholly on LCJM’s titles; and
2. that comparison is made using at the very least the 12 objective, map-based metrics set out in LCJM’s Deadline 4 matrix table, which draws only on the existing environmental assessment, mapping and Book of Reference, plus any targeted agricultural land classification you consider necessary on LCJM land.

In that context, LCJM also notes that the Applicant’s representatives have asserted that the LCJM alternatives “would not have achieved the connection-date element”, but has not provided any underlying construction programme, critical path or grid programme to support that assertion.

If the Panel is minded to pursue that line, LCJM would respectfully invite a targeted request under Rule 17 asking the Applicant to:

1. disclose the relevant programme and critical path material relied upon for that claim; and
2. set out, in the same like-for-like format, how Option 1 performs against LCJM’s August 2023 offer plus the LCJM Hybrid cable route in programme terms.

That would allow you to test, on a consistent evidential footing, whether there is any genuine programme impediment to using the LCJM Hybrid route instead of Option 1 on our land.

Point 3

a very short point about process.

It has been mentioned on several occasions that the Applicant “does not have to consider” LCJM’s offers or routing suggestions.

LCJM does not suggest that the Applicant is obliged to accept our configuration, or to redesign the project around every idea put to them. We accept that is not how the Development Consent Order regime works.

However, this project did not start from a blank map:

1. Low Carbon first approached LCJM in 2021;
2. LCJM then made two structured offers of land – in 2021 and again in August 2023 when Beacon Fen South fell away – together with a mapped alignment that is now on the record as the LCJM Hybrid route; and

3. those offers sit almost entirely on Grade 3 land, and align with the Applicant's own 200-megawatt headroom at the battery.

From LCJM's point of view, the key issue is not whether the Applicant likes our offer, but whether a credible, deliverable alternative has been properly and transparently assessed – one which, on the evidence, appears to better respect existing field boundaries, drainage and Local Wildlife Sites, and to use lower-grade land at this end of the scheme.

So our respectful request is that, rather than simply accepting the proposition that the Applicant “does not have to consider” LCJM's offers, the Panel uses the like-for-like matrix, and any targeted request under Rule 17, to test whether the Applicant has in fact engaged with those alternatives in the way that the compulsory-acquisition and good-design tests envisage.

Finally Point 4

which considers cumulative land use and how this actually gets resolved on LCJM's plots.

LCJM already hosts the Viking Link high-voltage interconnector through this part of the farm. We therefore experience Beacon Fen not as a standalone scheme, but as an additional major power corridor layered onto the same block of land.

For that reason, our focus has been on two things:

1. getting the routing right at this end of the scheme; and
2. making sure that any operational rights on LCJM's land are time-limited and no wider than necessary, so the land is not sterilised more than is required to operate and maintain the cable safely.

To that end, LCJM has, after the Compulsory Acquisition Hearing One, tabled a voluntary, least-rights package with the Applicant. That has been put forward through our agent, who is also part of the Land Interest Group, so it has been calibrated in the context of how other land interests on the scheme are being treated. Our aim is a proportionate, programme-neutral settlement, not to delay or frustrate delivery.

Closing asks

So, under this land-use agenda item, LCJM respectfully invites the Panel to:

1. note that LCJM's Deadline 1 representations, together with the AGR3 agricultural land classification survey on our farm (involving 75 soil pits), show that the Applicant's desk-based agricultural land classification for this area is materially inaccurate in key respects – a point we first raised with them in 2021. We therefore ask that any further work on soils and best and most versatile land at this end of the scheme is tested against LCJM's farm-specific evidence,

with any new detailed agricultural land classification survey limited to LCJM's land if you consider it necessary.

2. Direct that the Applicant's like-for-like matrix uses the LCJM Hybrid route as the LCJM comparator, as this is the alignment already on the Examination record as LCJM's suggested alternative at the Bicker Fen end of the scheme. That would allow you to see clearly whether Option 1 truly minimises land-take and fragmentation on our holding
3. Consider issuing a targeted request under Rule 17 asking the Applicant to –
 - (1) provide the construction programme and critical path that sit behind their claim that LCJM's alternative "would not have achieved the connection date"; and
 - (2) show, in simple side-by-side form, how the timetable for Option 1 compares with the timetable for using LCJM's August 2023 offer plus the LCJM Hybrid route.
4. **And finally, please note, when you come to your compulsory acquisition conclusions, that LCJM has offered a voluntary, time-limited, least-rights solution for our plots, consistent with the national energy policy tests on good design and proportionality, such that compulsory powers are not necessary here if the Applicant is prepared to take that path.**

Thank you, Sir